

## **Minutes of the Independence City Commission's June 14, 2018 Meeting**

The Independence City Commission met for a regular meeting on June 14, 2018 at 5:30 P.M. in the Veterans Room at the Memorial Hall. Mayor Leonhard Cafilisch, Commissioner Louis Ysusi, and Commissioner Gary Hogsett were present. Others present included:

### **City Staff**

Craig Whitehead, City Manager  
Kelly Passauer, Assistant City Manager  
Jeff Chubb, City Attorney  
David Cowan, Director of Public Safety  
Shawn Wallis, Fire Chief  
April Nutt, Director of Housing Authority  
Jerry Harrison, Police Chief  
Terry Lybarger, Utilities Director  
Abbey Hebbert, Planning Intern  
Mike Passauer, Public Works Director

### **Visitors**

Larry McHugh  
Jerry Bright  
Dave Corp, KDOT  
Jennifer Haugh, AAA  
Robert Meadows  
Michael Conway  
Tom Richardson  
Ned Stichman  
Jeri Hopkins  
Betty Carnes  
Linda Sayers  
Liz Moore  
Judy Ysusi  
Jean Barnett  
Dorcas Sutton  
Michelle Anderson  
Tom Sewell  
Dean Hayse  
Amanda Williams

### **Call to Order**

**Mayor Cafilisch called the meeting order at 5:30 p.m.**

### **Pledge of Allegiance to the United States of America**

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### Adoption of Agenda

#### Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the Commission adopted the agenda with the following modifications; removed items "D" relating to restricting parking in the area of Veterans Freedom Square and "G" related to bids received for utility trucks from the consent agenda, and added item "C" related to a cereal malt beverage license for Mariachi Grill, LLC under Items for Commission action.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

### Adoption of the Consent Agenda

#### A. Appropriations

1. A-1816

2. P-1785

**SUGGESTED MOTION:** I move to approve Appropriation Ordinances A-1816 and P-1785.

#### B. Consider minutes of the May 10 and 24, 2018 City Commission meetings.

**SUGGESTED MOTION:** I move to approve the May 10 and 24, City Commission Meeting minutes as presented.

#### C. Consider a request from the Housing Authority to submit the Tenant Based Rental Assistance (TBRA) Grant.

**SUGGESTED MOTION:** I move to authorize the Independence Housing Authority submit the 2018 Tenant Based Rental Assistance Grant.

#### D. Consider a request to restrict on-street parking in the area of the new Veterans Freedom Square.

Removed from Consent Agenda.

#### E. Consider a request to remove the "No Parking" sign around the former Washington School.

**SUGGESTED MOTION:** I move to authorize the removal of "No Parking" signs and curb striping and authorize parking on the 300 Block of E. Myrtle for westbound traffic, the 200 block of N. 4th for southbound traffic, and the 200 Block of N. 5th for northbound traffic.

#### F. Consider awarding contract to McConnell & Associates Corp. in the amount of \$138,510.73 to clean and seal joints and cracks, sealcoat, and remark runway 4/22 and Taxiway C subject to FAA approval.

**SUGGESTED MOTION:** I move to award the low bid to McConnell & Associates Corp. in the amount of \$138,510.73 to clean and seal joints

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and cracks, sealcoat, and remark runway 4/22 and Taxiway C subject to FAA approval; and authorize the City Manager to sign any related documentation.

- G. Consider bids received for utility trucks.

Removed from Consent Agenda.

- H. Consider a request from Eclectix Art Gallery to set up booths along the sidewalk on the west side of the 300 block of North Penn on June 23, 2018 from 8 AM to 6 PM.

**SUGGESTED MOTION:** I move to authorize Eclectix Art Gallery to set up booths along the sidewalk on the west side of the 300 block of North Penn on June 23rd.

- I. Consider a request to raise the speed limit from 20 MPH to 30 MPH on West Laurel from 10th to 14th.

**SUGGESTED MOTION:** I move to authorize city staff to raise the speed limit from 20 miles per hour to 30 miles per hour on West Laurel from 10th Street west to 14th Street and install a cross walk and appropriate signage on the west side of the intersection at 15th & Laurel.

### Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the Commission adopted the consent agenda with the exception of items "D" relating to restricting parking in the area of Veterans Freedom Square and "G" related to bids received for utility trucks. Those items were removed from the consent agenda when the agenda was adopted.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

### Presentation

- A. Presentation of AAA Traffic Safety Award to Officer Townley and the IPD Traffic Safety Committee.

Jennifer Haugh, AAA and David Corp, KDOT Traffic Safety Liaison presented the AAA Traffic Safety Award to Officer Townley and the IPD Traffic Safety Committee. Police Chief Jerry Harrison also praised the recipients of the award and thanked the presenters. Mayor Cafilisch also praised the recipients and Police Chief Harrison.

### Items for Commission Action

- A. Consider 2019 budget request from the Library.

Tom Sewell and Jeri Hopkins presented the 2019 Library budget request. They are requesting an additional \$60,000 for improvements to the

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children's library section. Jeri Hopkins indicated that they need to publish their budget either by July 10<sup>th</sup> or 12<sup>th</sup>. The Mayor indicated that it would be best to program such an expense into a future year budget, such as 2020 as the Commission hadn't had an opportunity to review other capital needs of the City for 2019. Jeri Hopkins indicating that they were working on a ten-year plan for the library. There was also discussion of maintenance items at the library, such as resetting window seals every 10-15 years, air handlers, etc. The Mayor also mentioned separating out the costs of the proposed children's library section improvement project into fixtures and construction. The Mayor further suggested soliciting donations or grants to help fund the project. The Commission indicated that they were generally in favor of the project, however, they could not commit funding for it until they review other needs of the City. Mayor Cafilisch stated that he would like the library to provide the dollar amount for construction and fixtures to the City Manager and he can bring their budget request back for further discussion the first meeting in July.

**B. Consider receipt of property donation located at 309 Cypress.**

Housing Authority Director April Nutt apologized for not being able to be present at the previous meeting when this item was discussed. She indicated that she is representing First Oak Bank, the property proposed to be donated is close to the school, recreation center and park and it fits the Housing Authority's mission for infill housing. She indicated that they are proposing a two bedroom, two bath home to be placed on the 85' by 150' vacant lot that First Oak Bank wishes to donate to the City as part of their community reinvestment act. The Housing Director further indicated that the property would be managed, cleaned up and mowed by the Housing Authority staff. Mayor Cafilisch indicated that housing was an issue and there were a lot of needs and empty lots all over town. He further indicated that he reviewed the Housing Authority's mission by state statute and it was a broad task the Housing Authority was trying to achieve. Commissioner Hogsett agreed with Mayor Cafilisch that there was a lot of empty lots all over the City. Commissioner Hogsett further stated that he felt if you put a \$120,000 house on some of those lots you would be lucky to get \$60,000. Some further discussion followed on the trickle up effect from improving housing. Mayor Cafilisch expressed his concern in regard to those that want new homes and those that can't afford to rehabilitate their existing homes and how you address everyone. Housing Director Nutt indicated that they just finished up a rehabilitation project and that they are serving that need as well.

**Motion:**

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the Commission approved accepting the lot at 309 Cypress on behalf of the Independence Housing Authority.

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**Aye: Ysusi, Hogsett**

**Nay: Caflich**

- C. Consider a Cereal Malt Beverage License for Mariachi Grill, LLC at 1901 W. Main Street.**

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett, the Commission approved a Cereal Malt Beverage License for Mariachi Grill, LLC at 1901 W. Main Street**

**Aye: Caflich, Ysusi, Hogsett**

**Nay: None**

**Items Removed from Consent Agenda**

- D. Consider a request to restrict on-street parking in the area of the new Veterans Freedom Square.**

**Mayor Caflich indicated that he was at the area earlier in the day and the vehicles parked on the south side of Micky Mantle Way create an issue as well. Police Chief Harrison stated that he agreed, and that point was brought up at a staff meeting earlier today as well. Mayor Caflich further indicated that it would be difficult for a bus to navigate and there are children running out, therefore he felt parking should be restricted on both the north and south side of Micky Mantle Way.**

**Motion:**

**On the motion of Mayor Caflich, seconded by Commissioner Hogsett, the Commission approved the following parking restrictions in Riverside Park:**

- No parking on the east side of Depot Drive (northbound traffic) from where the parking spaces end in front of the playground area, north to the intersection of Depot Drive and Mickey Mantle Way.**
- No parking on the north side of Mickey Mantle Way (westbound traffic) from the intersection of Depot Drive and Mickey Mantle Way west to where the curb ends on the east end of the park's office building.**
- No parking on the south side of Mickey Mantle Way, north of the miniature train.**

**Aye: Caflich, Ysusi, Hogsett**

**Nay: None**

- G. Consider bids received for utility trucks.**

**Mayor Caflich asked the City Manager about the encumbered funds from 2017 and how they affected coming up short \$500,000. The City Manager**

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indicated that he didn't have final numbers, however, he was not aware that the City was short any money. The City Manager further indicated that he thought the encumbrances from 2017 to 2018 were around \$100,000 and that funds were specifically carried over for one of the vehicles since it was not purchased last year. Mayor Cafilisch indicated that it was not clear from the audit and treasurer reports where the numbers were off. The City Manager replied it was all from capital improvements. Mayor Cafilisch asked if the trucks were being funded from the enterprise fund, rather than affecting capital improvements. City Manager Whitehead stated that the vehicles were being funded by the utility fund in the utility fund capital line items, and the \$500,000 [previously mentioned by Mayor Cafilisch] related to the general fund. Mayor Cafilisch indicated that that is where he was confused, as he was reading it as capital improvement money, the enterprise fund; "We should be charging from that fund for vehicle replacement fund, that shouldn't have had any problems with encumbrances". City Manager Whitehead stated it wasn't a problem, it was programmed last year, the money was there, and it was encumbered. Mayor Cafilisch asked for confirmation that it was out of the enterprise fund. Utilities Director Terry Lybarger confirmed it was. The Mayor asked about automatic start, and Utilities Director Lybarger indicated that that would be nice, but it is not included on the truck they propose to purchase.

### Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett, the Commission approved the purchase of the Water Treatment Plant and Meter Reader trucks to Romans Chevrolet in the amount of \$51,800, and the purchase of the Wastewater Treatment Plant truck to Quality Toyota in the amount of \$30,926.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

### Reports

#### A. Audit Update.

City Manager Whitehead passed out a written audit update report. Mayor Cafilisch stated that they would read it and ask any questions at the next meeting. A brief discussion occurred between the Mayor and City Manager acknowledging many other area or similar sized cities utilize Incode, specifically mentioning Chanute.

#### B. City Board Minutes.

The Commission acknowledged the following City Board minutes:

1. May 16, 2018 Independence Recreation Commission

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### 2. April 3, 2018 Planning Commission/Board of Zoning Appeals

#### City Manager's Report

The City Manager reported that the annual amusement ride inspections were completed today by a certified inspector and they passed with flying colors. He further stated the inspector noted the major work on the carousel and the inspector was very impressed. The City Manager reported that there are 116 downtown trees to maintain and acknowledged complaints that some were growing in the wrong direction. He stated that trees were no cost to replace, just the labor. He stated park staff had completed watering of the trees, which is 20 gallons per tree, some of the trees were leaning the wrong direction so wires were installed to correct this, however, some of the wires had either pulled out or had been cut. The Park Director indicated that the tree in front of Uncle Jack's was scheduled to be replaced by TLC according to their employee Twila. The City Manager stated that the park staff was doing a great job. The City Manager also acknowledged Jim Hogan, who is a "super volunteer" who has also assisted with the downtown trees. The Park Director stated that her staff and volunteers will continue to work on the downtown trees.

#### Commissioner's Comments

Commission Ysusi asked about nuisance abatement and the procedures staff follows. He noted that the area south of Main has excessive overgrown grass and trees, however, he could understand the reason they are behind when we went from a cold month to summer. He requested that an overview be given in regard to the City's policy, so people could understand how we address it with limited staff and that we are overwhelmed right now. He suggested that David Cowan make a presentation. Safety Coordinator David Cowan stated that we are trying to go paperless and pretty much have that system in place, the guys are out right now and getting it implemented, however, the grass got ahead of us and we are behind. Safety Coordinator Cowan asked if there were specific details on the process that Commission Ysusi would like to know about. Commissioner Ysusi asked Safety Coordinator Cowan to go over what he had previously sent him. Safety Coordinator David Cowan stated that when a Captain goes out and reviews the neighborhoods or we get a complaint, then we get a picture, that is sent via certified mail, that process allows us to collect the money through the property taxes, a lot of people live out of state that have vacant property, there is a 10 day waiting period, the fire department goes back out, observes the grass, identifies it is tall, a work order is sent out and the street department mows it, the street department takes a picture, it routes to Lydia in the Clerk's Office who generates a bill, if that bill is not paid it goes to you guys. Safety Coordinator Cowan further stated that for a nuisance it is received via complaint or via the fire or police department, we go out and take a picture of it, they are given 15 days to correct it. If they make no effort after 15 days it is sent to Municipal Court, the City Attorney can tell you the process there, Cowan believed it was a long form that has to be served by the police officer, and noted that some citizens avoid getting served, stating that it sometimes takes six months to serve a summons to court, they go before the Judge and

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there is a fine and penalty per day, the Judge works with the Fire Department.

Safety Coordinator David Cowan further stated that if we have a health situation where it is a danger to the public we can take immediate action, we send a letter, and we will go in and the City will abate it and bill the owner back. The City Attorney helps us through those. Commissioner Ysusi asked if that would be raw sewage. Safety Coordinator Cowan stated yes, or a severe infestation. Cowan stated that we make contact with the owner of what is going on and if the City abates it that cost is assessed back to the property. Commissioner Ysusi asked for clarification and asked "10 days certified notice, then recheck the property in ten more days, then a work order is generated, so looking at a month or thirty days later?" Safety Coordinator Cowan indicated that the initial check takes ten days, then once we are done with notification the first time we no longer have to do the ten-day notice that season. Then any nuisance costs are assessed back on the property by the Commission.

Commissioner Ysusi stated that we are picking up a lot of brush and asked if the work orders were being generated by waiting for someone to call in. Public Works Director Mike Passauer stated that work orders are taken care of first, otherwise the people that took the time to call in [and generated workorders] are being pushed back. Commissioner Ysusi stated that he was concerned if they are already in process, and where he worked at they kept track and generated orders and they got credit, if they saw it and it was next door they could address it because they were already on site. Commissioner Hogsett asked if there was a significant cost for brush clean up due to the storm and Public Works Director Passauer indicated it was minimal.

Commissioner Hogsett asked if the animals were being affected by the fireworks being shot off at the zoo. Park and Zoo Director Barb Beurskens indicated that she had a huge concern regarding the location the fireworks were being shot from. She indicated that she had observed the animals last year when the fireworks were shot and felt it was very dramatic for the animals. She stated that they do as much as they can, however, the female elk was running around. She stated she wished we had a better location to shoot them off, although nothing has happened it is concerning. She stated that she mentioned her concerns to the Park Board and Jim Kelly, however, she received a lot of opposition to changing the location, so she let it go, however, she does have a concern. She suggested perhaps the soccer fields at the high school has too many homes nearby and the baseball field is too low. She further stated she would love some positive input as she doesn't want to wait for something to happen. Commissioner Hogsett thanked her for her comments.

Commissioner Hogsett asked for an update on the demolition of condemned houses. Safety Coordinator Cowan indicated that they were ready as the asbestos has been removed, and demolition is estimated at another two weeks.



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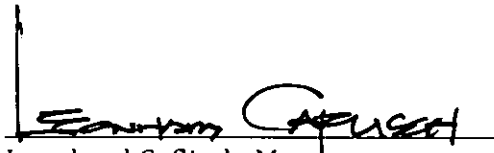
Commissioner Hogsett stated that he noticed in the appropriations \$400,000 for insurance and wondered if everything was being done to minimize that cost. City Manager Whitehead indicated that he was meeting with the City's liability insurance carrier and that we needed to add cybersecurity. He stated the City of Atlanta was attacked and they had to approve another \$9,000,000 to fix their system. The City Manager further stated it was something we need to do and upgrade our software system [Incode] not only to be more user friendly, but also for more cyber security. The City Manager further stated he would check into the \$400,000 insurance payment.

Public Concerns

Ned Stichman spoke regarding building inspections downtown and a request to modify the ordinance. He also had written a request to speak about damage to dumpsters but ran out of time.

Adjournment

Mayor Cafilisch adjourned the meeting.

  
Leonhard Cafilisch, Mayor

  
Louis Ysusi, Commissioner

  
Gary Hogsett, Commissioner

Attest:

  
Kelly C. Passauer  
Assistant City Manager