

Minutes of the Independence City Commission's January 28, 2016 Meeting.

The Independence City Commission met on January 28, 2016 at 5:30pm in the Veterans Room at Memorial Hall. Mayor Leonhard Caflisch, Commissioner Gary Hogsett, and Commissioner Fred Meier were present. Others present included:

**City Staff**

Micky Webb, City Manager  
Jennifer Rutledge, Director of Finance/City Clerk  
Jeff Chubb, City Attorney  
Mark Vining, Officer in Charge – Police Department  
Dave Cowan, Public Safety Director  
Terry Lybarger, Utilities Director  
Mike Passauer, Public Works Director  
April Nutt, Housing Director  
Barb Buerskens, Park and Zoo Director

**Visitors**

Jerry Bright	Don Farthing
Renee Woollard	Dorcas Sutton
Troy Bogle	Ned Stichman
Larry McHugh	Jon Risner
Steve McBride	Dean Hayse
Charlotte Caflisch	Katie Southworth
Chuck Schmidt	Kassie Sanderson
Mary Schmidt	David Torbett
Robert Montgomery	Chris Mitchell
Debbie Miller	Liz Moore

**Call to Order**

The meeting was called to order by Mayor Leonhard Caflisch.

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

**Adoption of the Agenda**

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission adopted the agenda with the following additions and changes:**

- **Item d. Consider a proclamation declaring January 31 – February 6, 2016 as National Catholic Schools Week.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

**Citizen's Concerns and Petitions:**

Pastor Robert Montgomery addressed the Commission regarding damage his church received during the 100 year flood the City experienced in 2007. He contacted Paul Sasse who recommended he submit a claim. He submitted a copy of the claim that he filed in 2007 to the Commission (attached to these minutes). The claim was denied. 2 years later, the according to Mr. Montgomery, the City did an extensive sewer replacement. He also worked with Micky Webb who looked at the incident and explained that the claim was closed. His understanding is that sewer money goes to the general fund. He is requesting that the City make payment on the damage to the Church property.

The Commission thanked Pastor Montgomery for bringing this to them.

**Adoption of the Consent Agenda**

a. Appropriations

1. A-1759

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission approved A-1759 for \$819,988.91.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

2. P-1721

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission approved P-1721 for \$21,591.25.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

b. Consider approving the minutes of the January 21, 2016 Commission meeting [CITIZENS].

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission approved the minutes of the January 21, 2016 Commission meeting.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- c. Consider adopting an amended agreement with the Board of County Commission of Montgomery County for updating aerial imagery [CITIZENS].

Attached is an amended agreement with the Board of County Commission of Montgomery County for updating aerial imagery. After the previous agreement was approved staff attended an informational session with Pictometry and learned that portions of the wastewater plant and airport were not included in the higher density pixel imagery. Staff has worked with Pictometry and the County to include five additional sectors. The amended agreement incorporates these sectors as well as the original sectors included in the agreement. City staff recommends approval.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission approved the amended agreement with the Board of County Commission of Montgomery County for updating aerial imagery.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- d. Consider a proclamation declaring January 31 - February 6, 2016 as National Catholic Schools Week [CITIZENS].

Attached is a proclamation prepared by St. Andrew's Catholic School to declare January 31 - February 6, 2016 as National Catholic Schools Week. City staff recommends approval.

**This item was moved to Items for Commission Action. See item g.**

- e. Consider the following Treasurer's statements:

1. Treasurer's Financial Statement for December 31, 2015
2. Treasurer's Quarterly Financial Statement for Quarter Ending December 31, 2015.

Attached are the two Treasurer's statements as indicated above. The City Clerk/Finance Director has reviewed the documents and recommends approval.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission approved the Treasurer's Financial Statement for December 31, 2015 and the Treasurer's Quarterly Financial Statement for Quarter Ending December 31, 2015.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

**Public Hearing**

- f. Public hearing to consider deannexation of a 38.5 acre tract located at 730 Peter Pan Road [CITIZENS].

The City has received a request to deannex a 38.5 acre tract located at 730 Peter Pan. A public hearing is required prior to deannexation. The City Attorney will review the deannexation process at the Commission meeting.

**The Mayor Opened the Public Hearing.**

**The City Attorney explained the history of the property and that the reason for requesting deannexation is to allow drilling for oil.**

**Debbie Miller spoke out asking if we had the amount of taxes that would be lost on this property.**

**After no further comments from the public, the Commission closed the hearing.**

**Commissioner Hogsett stated that he was uncomfortable taking action on the deannexation without more information.**

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Meier, the commission tabled action for a later meeting.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

Items for Commission Action

- g. Consider a proclamation declaring January 31 – February 6, 2016 as National Catholic Schools Week [CITIZENS].

Attached is a proclamation prepared by St. Andrew's Catholic School to declare January 31 - February 6, 2016 as National Catholic Schools Week.  
City staff recommends approval.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission approved the proclamation declaring January 31 - February 6, 2016 as National Catholic Schools Week.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- h. Consider an agreement with Mercy regarding demolition of portions of property donated at 800 W. Myrtle [CITIZENS].

The City Attorney will review the current status of this agenda item.

**The Mayor invited Chuck Schmidt to address the Commission. Mr. Schmidt said that it is time to put this issue to rest. Jobs of people in Independence depend on St. John's. Mr. Schmidt spoke to Mayor Cafilisch and understands that the Mayor is hesitant to approve the agreement because of his desire to protect the City. Mr. Schmidt pointed out that Independence has 2 commissioners interested in protecting the City that believe this is the right thing to do. The City also has a City Manager who has all the facts and believes that this is the right thing to do. The City Attorney knows the implications of the contract and believes that this agreement should be adopted. Heckman and Associates has looked at the contract and believes that we should accept this agreement. Stop delaying this deal. If Mercy gets fed up with this process, they could pull out and the City loses \$500,000 and will have to pay for the demo. It is time to move forward on the decisions that have already been made.**

**The Mayor invited Don Farthing to address the Commission. Mr. Farthing told the Commission that Chuck Schmidt stole his thunder, and they hadn't spoken before tonight's meeting. He is a frustrated citizen. Please, approve the deal and move on to get our community healed. Listen to your attorney or get rid of him and hire one that you will listen to. The City needs to move forward. Please adopt this agreement so that we can move forward.**

**\*\*Commissioner Hogsett left the Commission table due to a conflict of interest on this item.**

**The Mayor explained that he has concerns that we don't have the plans and specs, and that the HVAC will work properly. If Mercy intends to do it, then they should put it in the contract. It's not too much to ask. Their buildings are now on our property. The contract should have come**

**from our attorney to them. We need to be able to point at a contract and say, "this was not done." How is this contract holding up Jane Phillips? The two contracts are not tied together. Mercy can't come take the property back.**

**The City Manager informed the commission that Mercy may say we are taking too long and walk away from the agreement.**

**The City Attorney feel like it is semantics. He feels that the City is protected almost as if the City is a third party beneficiary.**

**City Attorney Jeff Chubb was directed to set up a conference call with Mercy's attorneys, the City Attorney, and the Mayor to try to come to an agreement.**

i. Consider items requested by Mayor Caflich:

1. Review Commissioner's requirements when conflict of interest occurs relating to an agenda item.

**The Mayor expressed that the City Clerk had previously spoken with the League of Kansas Municipalities and they recommended that Commissioners leave the table any time that a conflict of interest arises for a Commissioner.**

**The City Clerk stated that the discussion that took place with the League of Kansas Municipalities was related to a specific incident where a Commissioner was at the Commission table and also addressed the Commission as a representative of the party coming before the Commission. The League recommended that in such a situation, the Commissioner that is representing the party before the Commission should leave the Commission table and address the Commission from the audience podium to be completely transparent about the conflict of interest. At no time was a discussion had about the situation where a Commission has a conflict of interest, but is not representing a party before the Commission. In her previous discussion with the Mayor, they discussed whether it might not be a good idea to have any Commissioner with a conflict of interest leave the table, and in her opinion that seemed reasonable, and would help the transparency of a commissioner with a conflict of interest.**

**The City Clerk asked what policy would be going forward for enforcement. The City Attorney explained that this is not an enforcement issue, it is up to each Commissioner how to handle the situation when a conflict of interest arises.**

2. Review Executive Session guidelines.

**The Mayor requested that when it is known what the executive sessions will be for a meeting, to please include them on the agenda. The Assistant City Manager asked how to handle situations where an executive session comes up at the last minute, and she was given permission to 'wing it' when necessary.**

3. Discussion regarding statements regarding removal of restrictions and also the fact that restrictions were placed on the property donation from Mercy Hospital.

**Mayor Caflisch addressed his concerns that it has been unclear whether or not restrictions exist or existed on the transactions/donations from Mercy Hospital to the City of Independence.**

**The City Attorney clarified that he felt something he said had been misconstrued during conversations about the transactions. The Deed presented to the Commission at the December 17<sup>th</sup>, 2015 meeting, at which the donation of property was discussed, included a copy of a deed with no details of the specific property and no restrictions listed on the deed. When Mercy filed the deeds to transfer the property they did so with restrictions added to the deed for those properties. The City Attorney offered to work with the Mercy attorney to have the restrictions removed, but he then explained that Mercy will still file restrictions in another form.**

City staff received the attached emails and attachments from Mayor Caflisch on 1/25/2016 requesting the above items be added to the agenda.

- j. Consider direction relating to adoption of an ordinance to comply with new statutes concerning election and reorganization of the governing body [CITIZENS].

The City Attorney has advised us that due to some changes in State Statute that a new ordinance will be needed regarding election and reorganization of the Governing Body. The City Attorney will review this item with the Commission at the meeting.

**The City Attorney explained to the Commission that he just submitted drafts to City Staff for review and is recommending changing the reorganization of the Commission from April to February.**

- k. Report on grants recently submitted [CITIZENS/CITY EMPLOYEES].

The following grants were recently submitted:

- Purchase of a ladder truck for the Fire/EMS Department. The application was for a basic ladder truck in the amount of \$750,000. If awarded the federal share would be \$714,286 and the City's share would be \$35,714.
- Purchase of 18 SCBA's and one accountability system for use in the Fire/EMS Department. The application was for \$127,200. If awarded the federal share would be \$121,143 and the City's share would be \$6,057.
- Purchase of mobile forensics software for the Police Department. The application was for \$7,094. If awarded the grant would fund \$3,900 and the City's share would be \$3,194. If awarded the City's share would be funded from Law Enforcement Trust Funds, not the general fund.

**The City Manager explained the grants that the City has applied for. The Commission asked if the match portions listed for the Fire/EMS grants had been budgeted. She explained that the budget included \$195,000.00 for SCBA's and should the grant be received, this amount would then be available for grant matches.**

**The City Clerk also announced that the mobile forensics software grant has already been awarded to the City of Independence.**

l. 2015 Accomplishments [CITIZENS/CITY EMPLOYEES].

The 2015 accomplishments will be presented by City staff at the meeting.

m. Report on City Board Minutes [CITIZENS].

Attached are the minutes of the January 13, 2016 Recreation Commission minutes.

**Executive Session**

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Meier, the commission called a 15 minute Executive Session according to Kansas Statute 75-4319 (b) (1) for the purpose of discussing personnel matters of non-elected personnel to end at 7:30pm. The Executive Session included Mayor Caflich, Commissioner Meier, and Commissioner Hogsett and Micky Webb.**

**Aye: Caflich, Hogsett, Meier**

**Nay: None**

**The Mayor called the meeting back to order at 7:30 pm.**

**Adjournment**

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the meeting was adjourned.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

  
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Leonhard Caflisch, Mayor

Attest:

  
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Gary Hogsett, Commissioner

  
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Fred Meier, Commissioner

  
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Jennifer D. Rutledge  
Director of Finance/City Clerk

# Attendance Sheet

## Independence City Commission Meeting

### January 28, 2016

**PLEASE PRINT**

Name	Address
1 Jerry Bright	201 S 13 <sup>th</sup> Indy
2 Renee Woodard	
3 Tracy Beale	
4 Larry McHugh	3625 CR 4300 Indep.
5 Steve Bond	
6 Charlotte Caffrich	600 S. 5 <sup>th</sup>
7 Chuck Schmidt	
8 Mary M. M. M.	
9 Debbie Miller	P.O. Box 571, Indep.
10 Robert E. Montgomery	412 E. Poplar Indep.
11 Don Martin	3015 N 8 <sup>th</sup> INDEPENDENCE
12 Angus Smith	1201 W 8 <sup>th</sup> Indep.
13 Ned Stichman	INDEPENDENCE
14 Tom Russo	1230 Main
15 Dean Hayes	2625 Rolling Green
16 Katie Southworth	
17 Cassie Sanderson	
18 David Toft	2616 N. 8 <sup>th</sup>
Chris M. M.	916 EAST Ed. SOA
Liz Moose	216 S 5 <sup>th</sup>