

Minutes of the Independence City Commission's March 17, 2016 Meeting.

The Independence City Commission met on March 17, 2016 at 5:30pm in the Veterans Room at Memorial Hall. Mayor Gary Hogsett, Commissioner Leonhard Caflich, and Commissioner Fred Meier were present. Others present included:

**City Staff**

Micky Webb, City Manager  
Dan Reynolds, City Attorney  
Kelly Passauer, Assistant City Manager  
Jennifer Rutledge, Director of Finance/City Clerk  
Mark Vining, Officer In Charge  
Dave Cowan, Public Safety Director  
Mike Passauer, Public Works Director  
April Nutt, Housing Director  
Rusty Baker, Fire Chief  
Barb Beurskens, Park and Zoo Director

**Visitors**

Larry McHugh	Debbie Miller
Jerry Bright	Ryan Goad
Steve McBride	R J Osborne
Mike Flood	Ron Osborn
Daniel Turn	Drew Demo
Mark Metcalf	Ginger Kanza
Chuck Goad	Timothy Haynes
Amanda Williams	Jason Wright
Madison Fraley	Michael Ysusi
Rick Fraley	Skyler Estes
Jean Barnett	Liz Moore
Erin Bunn	Ned Stichman
Charlotte Caflich	Philip Chappuie

**Call to Order**

The meeting was called to order by Mayor Gary Hogsett.

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

**Adoption of the Consent Agenda**

a. Appropriations

1. A-1762

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission approved A-1762 for \$1,133,922.38.**

**Aye: Caflich, Meier, Hogsett**

**Nay: None**

2. P-1724

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission approved P-1724 for \$116,536.23.**

**Aye: Caflich, Meier, Hogsett**

**Nay: None**

3. P-1725

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission approved P-1725 for \$122,773.28.**

**Aye: Caflich, Meier, Hogsett**

**Nay: None**

b. Consider approving the minutes of February 16, 24, 25 and March 1, 2016 Commission meetings [CITIZENS].

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission approved the minutes of the February 16, 24, 25 and March 1, 2016 Commission meetings.**

**Aye: Caflich, Meier, Hogsett**

**Nay: None**

- c. Consider setting the date of May 26, 2016 at 5:30 PM for a public hearing to consider condemnation of a fire damaged structure at 2905 Regency as dangerous and unsafe [CITIZENS].

This structure was involved in a fire on February 27, 2016. It is the City's policy to proceed with condemnation action on fire damaged structures that sustain substantial damage. City staff recommends adopting the attached resolution setting a public hearing for 5:30 PM on May 26, 2016 to consider condemnation of 2905 Regency as dangerous and unsafe.

**This item was moved to items for Commission Action.**

- d. Consider recommendation from the Planning Commission to zone a tract of land to M-1, light industrial district at 524 W. Railroad Street [CITIZENS/BUSINESS & INDUSTRY].

Attached is a copy of the report presented to the Planning Commission regarding the zoning of a tract of land to M-1, light industrial. This property was former railroad right-of-way that is being sold to Beachner Grain. The Planning Commission at their March 1, 2016 meeting recommended on an 8-0 vote to approve the zoning as requested. City staff recommends approval.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission adopted Ordinance 4217 providing for the re-zoning of a tract of land to M-1, light industrial district at 524 W. Railroad.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- e. Consider recommendation from the Planning Commission to approve a conditional use permit to exceed the height limits for a grain elevator in an M-1 zone at 524 W. Railroad [CITIZENS/BUSINESS & INDUSTRY].

Attached is a copy of the report presented to the Planning Commission regarding a conditional use to exceed the maximum height in an M-1 zoned district for the construction of a new grain elevator. The Planning Commission at their March 1, 2016 meeting recommended on a 7-1 vote to approve the conditional use permit to exceed the height for a grain elevator as requested. City staff recommends approval.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission adopted Resolution 2016-005 authorizing a conditional use permit to exceed the height limits for a grain elevator in an M-1 zone at approximately 524 W. Railroad.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- f. Consider a request from Kansas Aviation to utilize the field north of Kansas Aviation on March 19, 2016 for an Easter Egg Hunt [CITIZENS].

The City has received the attached request from Kansas Aviation to hold an Easter Egg Hunt on the property owned by the City north of their facility at 401 Freedom Drive at the Independence Municipal Airport. City staff recommends approval.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission approved a request from Kansas Aviation to utilize the field north of Kansas Aviation on March 19, 2016 for an Easter Egg Hunt.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- g. Consider a request from the Kansas Children's Service League to proclaim April, 2016 as Child Abuse Prevention Month [CITIZENS].

Attached is a request from the Kansas Children's Service League to declare April as Child Abuse Prevention Month. City staff recommends authorizing the Mayor to sign the attached proclamation.

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

- h. Consider Treasurer's financial statement for January 31, 2016 [CITIZENS].

The City Clerk/Finance Director has reviewed and recommended approving the Treasurer's financial statement for January 31, 2016.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission approved the Treasurer's Financial Statement for January 31, 2016.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- i. Consider a request from Four County to donate a scale for weighing wheelchair bound patients [CITIZENS].

Susan Denney with Four County Mental Health Center has requested in the attached letter that the City donate the scale shown in the attached photo so that they can utilize it for their wheelchair patients. The City contacted St. John's/Jane Phillips to ensure that this was not equipment that had been previously pledged to them and they indicated that it was not. City staff

recommends donating this equipment to Four County Mental Health as requested.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission donated a scale for weighing wheelchair bound patients to Four County Mental Health.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- j. Consider authorizing the purchase of a used backhoe for the cemetery department [CITIZENS].

City staff located a used backhoe at Victor L. Phillips. Cemetery Sexton Jim Bennett and Public Works Director Mike Passauer traveled to Joplin, Missouri on March 3, 2016 and reviewed the backhoe and are recommending purchasing it. The backhoe is a used 2012 580SN Case Loader/Extend-a-hoe in the amount of \$54,500, less \$4,500 trade in value for a 1979 Case 580C for a total of \$50,000. City staff recommends approval of this purchase which is included in the 2016 cemetery budget.

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

**Items for Commission Action**

- k. Consider setting the date of May 26, 2016 at 5:30 PM for a public hearing to consider condemnation of a fire damaged structure at 2905 Regency as dangerous and unsafe.

This structure was involved in a fire on February 27, 2016. It is the City's policy to proceed with condemnation action on fire damaged structures that sustain substantial damage. City staff recommends adopting the attached resolution setting a public hearing for 5:30 PM on May 26, 2016 to consider condemnation of 2905 Regency as dangerous and unsafe.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Cafilisch, the Commission adopted resolution 2016-003, setting a public hearing for 5:30pm on May 26, 2016 to consider condemnation of 2905 Regency as dangerous and unsafe.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- l. Consider a request from the Kansas Children's Service League to proclaim April, 2016 as Child Abuse Prevention Month.

Attached is a request from the Kansas Children's Service League to declare April as Child Abuse Prevention Month. City staff recommends authorizing the Mayor to sign the attached proclamation.

Erin Bunn addressed the Commission and presented a handout regarding Child Abuse Prevention Month.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Cafilisch, the Commission authorized the request from the Kansas Children's Service League to proclaim April, 2016 as Child Abuse Prevention Month.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- m. Consider authorizing the purchase of a used backhoe for the cemetery department.

City staff located a used backhoe at Victor L. Phillips. Cemetery Sexton Jim Bennett and Public Works Director Mike Passauer traveled to Joplin, Missouri on March 3, 2016 and reviewed the backhoe and are recommending purchasing it. The backhoe is a used 2012 580SN Case Loader/Extend-a-hoe in the amount of \$54,500, less \$4,500 trade in value for a 1979 Case 580C for a total of \$50,000. City staff recommends approval of this purchase which is included in the 2016 cemetery budget.

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Mayor Hogsett, the Commission authorized the purchase of a used backhoe for the cemetery department with a final price of \$50,000.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- n. Consider a request from USD 446 Superintendent Rusty Arnold to discuss whether the stadium should be renamed [CITIZENS].

Attached is an email from Rusty Arnold, USD #446 Superintendent requesting whether or not the City Commission is interested in changing the name of the stadium from Shulthis Stadium.

**No action was taken on this item.**

- o. Consider a request from R-Turn to install a dog park at 704 N. Park Blvd [CITIZENS/QUALITY OF LIFE SYSTEM].

Attached is an email from Michael Ysusi from R-Turn for permission to proceed on their dog park project at 704 N. Park Blvd. A copy of the rendering is attached for your information. The Park Board has approved the concept. City staff recommends approval.

**Ryan Goad, Skyler Estes, and Michael Ysusi presented the concept for a dog park at 704 N Park Blvd, as well as a budget for the project to the Commission.**

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Meier, the Commission gave preliminary approval to the concept of a dog park at 704 N Park Blvd, and asked that this be brought back to the Commission when plans are more final.**

**Aye: Caflich, Meier, Hogsett**

**Nay: None**

- p. Consider acquisition of property [CITIZENS].

Staff will provide additional information regarding this possible acquisition of property at the meeting.

**Ray Rothgeb addressed the Commission regarding the planned donation of 401 N Penn to the Museum who would then like to donate the property to the City of Independence.**

**Debbie Miller asked to address the Commission now that the property had been named. Mayor Hogsett agreed to Debbie Miller's request.**

**Debbie Miller explained that the business on that property closed because a gas tank spilled into the ground. She understands that there could be a lot of remediation to be done and asked that the Commission check to see what the cost would be to clean up the property. She believes that RSI helped with the initial cleanup.**

**The Mayor confirmed that he has seen reports from KDHE.**

**The City Manager confirmed that he has contacted KDHE regarding the property. He has talked to KDHE extensively and the remediation of the property is the responsibility of the party who owned it at the time of the leak. He explained that the City may have to deal with some nuisance issues, such as unpleasant smells, but that remediation is not the City's responsibility.**

**Commissioner Caflich told everyone that in 1998 KDOT did a geometric project and found material to be remediated. They aerated**

**the soil at that time. There is potential for more hydrocarbons to remain in the soil and may require aerating and backfilling. There is also the possibility for contamination under the building. He would like to know if the City could provide projections for costs to remove the building.**

**The City Manager explained that he believed that Mike Passauer's department can handle the removal of the building. He is planning to get rid of the illegal car lot on the property, but the City has no plans for development at this time.**

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission accepted the property at 401 N. Penn as a gift to the City.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- q. Consider an ordinance establishing minimum maintenance standards for commercial property in the central business district [CITIZENS/QUALITY OF LIFE SYSTEM].

The City Commission held a work session with commercial building owners on March 1, 2016 regarding adoption of an ordinance establishing minimum maintenance standards for commercial property in the central business district. The attached ordinance reflects modifications made as a result of that work session.

**Mayor Hogsett expressed that he is ready to move forward with this, but felt that the effective date of the Ordinance needed to allow time for property owners to meet the requirements of the ordinance.**

**Commissioner Cafilisch expressed his concern about the enforcement of this policy with annual inspections and the possibility of fines up to \$500 per day of non-compliance.**

**Commissioner Meier agreed with a delayed effective date for property owners.**

**All Commissioners expressed the desire to get contacts and recommendations in place for property owners that need to make repairs to buildings.**

**City staff was directed to come back with a recommendation to use some Economic Development funds to assist downtown business owners.**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission adopted Ordinance #4218 establishing minimum maintenance standards for commercial property in the central business district with an amended effective date of January 1, 2017.**

**Aye: Meier, Hogsett**

**Nay: Cafilisch**

r. Consider items requested by Commissioner Cafilisch:

1. *Review of the status regarding completion of items outlined in the contract for corrective action of ADA non-compliant issues indicated in the DOJ ADA Settlement Agreement.*

**A review will be provided in April.**

2. *The initial Preliminary Operational Budget for the Mercy Hospital building did not cover all aspects relating to the operation of the facility. Could an updated, more complete budget be presented that would include expenses incurred to date?*

**The City Manager told the Commission that the budget will be updated and resubmitted to the Commission periodically.**

3. *Are there going to be costs to the City to modify the tenant space for construction or providing mechanical or electrical services? If there are what are they.*

**For the current lease, the City is responsible for the mechanical and electrical services, and St. John's is responsible for the construction/modifications necessary.**

Staff received the attached email from Commissioner Cafilisch on Friday along with an RFP that was sent out in 2011 for architectural services for the ADA settlement agreement. Since the packets must be finalized and sent out on Monday staff has not had adequate time to research and report on the items as requested.

Reports

s. Sales tax report [CITIZENS].

Attached is the updated sales tax history report which includes the second payment for 2016.

t. Report on City Board Minutes [CITIZENS].

1. December 1, 2015 Planning Commission/Board of Zoning Appeals Minutes
2. February 17, 2016 Recreation Commission Minutes

u. Report on thank you note for City newsletter [CITIZENS]

Attached is a letter from Beverly Zimmerman thanking the City for the recent attached newsletter. We also received several phone calls from residents with positive comments.

v. Discussion on bond refinancing and project financing for 2016 [CITIZENS].

The City Manager would like to discuss possible refinancing of current debt and new debt for 2016 projects due to historically low interest rates for possible action at your March 24, 2016 meeting.

**Commission Comments**

- **Commissioner Meier requested that City Staff pursue a "Commission 101" type of workshop through the league of Kansas Municipalities. He is looking to have a session on what the Commission does and does not do for a 2<sup>nd</sup> class city with a city manager form of government.**

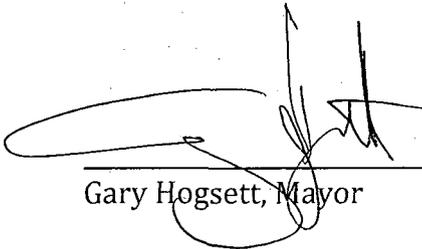
**Adjournment**

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the Commission adjourned the meeting.**

**Aye: Meier, Hogsett, Caflisch**

**Nay: None**



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Gary Hogsett, Mayor



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Leonhard Caflisch, Commissioner



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Fred Meier, Commissioner

Attest:



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Jennifer D. Rutledge  
Director of Finance/City Clerk

# Attendance Sheet

## Independence City Commission Meeting

March 17, 2016

**PLEASE PRINT**

Name	Address
1 Larry McHugh	3625 CR 4300 Indeg-
2 MIKE FLOOD	2713 Country Club Circle
3 Jerry Bright	201 South 13 <sup>th</sup>
4 Patrick Turner	102 S 8 <sup>th</sup>
5 Steve McNeil	
6 Mark Metcalf	1891 Brookside, Ind
7 Chuck Good	2509 Shady Lane
8 Amanda Williams	Reporter
9 Madison Foley	620 North 5 <sup>th</sup> Street
10 Rick Foley	622 N 5 <sup>th</sup>
11 Jean Parnell	
12 Evin Bunn	201 N Penn St 417
13 Charlotte Cafilisch	600 S. 5 <sup>th</sup>
14 Debbie Miller	Box 571
15 Ryan Good	800 W Beech
16 G. J. Osho.	1633 Bismarck
17 Ron Allen	2003 Regus Dr
18 Brent Demos	209 N. 20 <sup>th</sup>

- 19 Gringer Kanza
- 20 TIMOTHY D. HAYNES
- 21 Jason Wright
- 22 Michael Kusul
- 23 Stacy ESTES
- 24 Liz Moore
- 25 Phillip
- 26 John Chappelle
- 27 NED STECHMAN
- 28 \_\_\_\_\_
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- 805 S. 5<sup>th</sup> St
- 1013 W. Beech St.
- 1608 Irving St.
- 121 Hoover Rd
- 818 W. Beech
- 216 S. 5<sup>th</sup>
- 202 N. 5<sup>th</sup>