

Minutes of the Independence City Commission's August 25, 2016 Meeting.

The Independence City Commission met on August 25, 2016 at 5:30pm in the Veterans Room at Memorial Hall. Mayor Gary Hogsett, Commissioner Leonhard Caflisch, and Commissioner Fred Meier were present. Others present included:

**City Staff**

Micky Webb, City Manager  
Jeff Chubb, City Attorney  
Kelly Passauer, Assistant City Manager  
Jennifer Rutledge, Director of Finance/City Clerk  
Jerry Harrison, Police Chief  
Dave Cowan, Public Safety Director  
Terry Lybarger, Director of Utilities  
Barb Beurskens, Park and Zoo Director  
Mike Passauer, Public Works Director  
Rusty Baker, Fire Chief  
April Nutt, Housing Director

**Visitors**

Paul Reeves	Ned Stichman
Debbie Miller	Duane Small
Jon Risner	Charlotte Caflisch
Jerry Bright	Zach Webb
Megan Royse	Chuck Schmidt
Anthony Royse	Lisa Wilson
Barry Beurskens	Vic Wible
Susan Galemore	Shaun Turner
Dorcas Sutton	John Heckman
Kassie Sanderson	Sean Clapp
Clay Markle	Larry McHugh
Marvin Kebert	

**Call to Order**

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

**Appointments**

Plumbing Board – 4 terms expire 08/15/2016

The current members Paul Lemon, Doug Rinck, Wayne Sundquist and Pat Howe have all agreed to serve an additional three year term. These terms will expire on August 15, 2019.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission reappointed Paul Lemon, Doug Rinck, Wayne Sundquist, and Pat Howe to the Plumbing Board.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

Eric Grant has agreed to serve as the Atmos representative to fill the unexpired term of Doug Bower who is no longer with Atmos. That term will expire on August 15, 2017.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission appointed Eric Grant.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

**Mayor Hogsett addressed the meeting regarding Resolution 2010-18, Public Participation at City Commission Meetings. Mayor Hogsett explained that previous meetings had been out of order, and he intended to restore order at this meeting. This included no personal attacks or inflammatory comments. If citizens make such comments, they will be asked to return to their seats, and if the activity continues, they may be escorted from the meeting.**

**Citizens' Concerns and Petitions**

**Debbie Miller - Ms. Miller questioned the credibility of Micky Webb. Recently Webb has stated that he had brought City Hall to multiple Commission Meetings. Debbie has attended the majority of those meetings and only recalls a few times the subject was addressed with no recommendations. Late last year, Ms. Miller asked to see the top floor of City Hall. Instead of going to the top floor, she was taken to the basement boiler room. At that time, she was shown no evidence, but was told that City Staff suspected there was a collapsed pipe in the basement floor. She also noticed that leaves were covering a drainage grate, and she doesn't understand why that would be allowed if drainage was a problem. Ms. Miller stated that it appears Micky's claim of a collapsed pipe was suspicion and not a fact. For six years, Micky has been responsible for the condition of City Hall and she feels that it is time to set aside Micky Webb.**

**Vic Wible – Mr. Wible recently moved back to Independence. He questioned how much the temporary relocation of the Fire Department will cost the city after its usage. What happens next? He feels that he and other residents are tired of being blindsided with the costs that keep coming up. Mr. Wible also feels that the City seems to be in a crisis management situation. Is there a 3 year, 5 year, or 10 year capital expenditure plan?**

**Adoption of the Consent Agenda**

**a. Appropriations**

**1. A-1773**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Cafilich, the commission approved A-1773 for \$477,616.01.**

**Aye: Cafilich, Meier, Hogsett**

**Nay: None**

**2. P-1736**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Cafilich, the commission approved P-1736 for \$127,623.53.**

**Aye: Cafilich, Meier, Hogsett**

**Nay: None**

**b. Consider approving the minutes of the August 11, 2016 and August 23, 2016 Commission meetings [CITIZENS].**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Cafilich, the commission approved the minutes of the August 11, 2016, and August 23, 2016.**

**Aye: Cafilich, Meier, Hogsett**

**Nay: None**

**c. Consider authorizing closing the zoo at noon the 2nd Saturday in October each year to allow setup for the annual Zoollooween [CITIZENS].**

Attached is an email requesting to close the zoo the 2<sup>nd</sup> Saturday in October each year for setup for the annual Zoolloween. City staff recommends approval.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Cafilisch, the commission authorized closing the zoo at noon the 2<sup>nd</sup> Saturday in October each year to allow setup for the annual Zoolloween.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

**Public Hearings**

- d. Public hearings to consider condemnation of the following structures as dangerous and unsafe:**

- 1. 316 E. Cedar/729 S. 4<sup>th</sup>**

**The Mayor opened the public hearing.**

**The Building Inspector explained that little work has been done on the property and he considers this to be dangerous and unsafe.**

**After no comments from the public, the Mayor closed the public hearing.**

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Commissioner Meier, the commission adopted resolution 2016-048 declaring 316 E. Cedar as dangerous and unsafe, allowing the owner 30 days to commence repair or removal.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Commissioner Meier, the commission adopted resolution 2016-046 declaring 729 S. 4<sup>th</sup> as dangerous and unsafe, allowing the owner 30 days to commence repair or removal.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

**2. 712 E. Maple**

**The Mayor opened the public hearing.**

**The Building Inspector explained this property has debris in several places, and that the front porch is falling in.**

**After no comments from the public, the Mayor closed the public hearing.**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted resolution 2016-047 declaring 712 E. Maple as dangerous and unsafe, allowing the owner 30 days to commence repair or removal.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

**3. 524 N. Penn, Apartment #114**

**The Mayor opened the public hearing.**

**The Building Inspector explained this property was damaged by fire. Work has begun on the property and the owner is moving forward with repairs.**

**Duane Small, owner, explained to the Commission that he is expecting the property to be complete in approximately 60 days.**

**The City Clerk explained that the City was not holding any fire insurance proceeds for this property due to the damage being less than 75% of the value of the property**

**The Mayor closed the public hearing.**

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adjourned the public hearing for 60 days.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

City staff will review each structure and make recommendations at the meeting. After closing each public hearing the Commission will need to determine whether they wish to proceed with condemnation of each property; if they wish to adjourn the hearing to a date and time certain; or if they wish to take no action in which case the condemnation proceedings would be dropped.

**e. Public hearing to close out the grant for Phase III CDBG ADA Curb Ramps [CITIZENS].**

Attached is the documentation that will need to be executed after the public hearing is closed.

**The Mayor opened the public hearing.**

**Susan Galemore, SEKRPC, addressed the Commission regarding the grant results. The City completed \$767,479.64 of work, and the grant paid for half of that. Over the three phases of the ADA Curb amp, the City installed over 1,000 ramps totaling \$2.4 million, of which \$1.179 million was paid for by grants.**

**Debbie Miller noted that in these projects, the City performed work on ramps/streets that we didn't have to do. It seems like we did a lot of work on ramps that we didn't have to do. Has the City Manager looked at a phase IV and if so, will this be considered in the work being proposed?**

**The Mayor closed the public hearing.**

**Items for Commission Action**

**f. Consider awarding the agricultural bid for Tract "B" [CITIZENS].**

The City received one bid for Tract "B" in the amount of \$10,111.50 annually for three years from Jimmy Greer. Three years ago when this was bid out the same bidder was awarded this lease in the amount of \$23,544.44 annually. The bid received this year equals \$13,432.94 less per year, or \$40,298.82 less over the three year lease. City staff would like to discuss rejecting this bid and looking at other options.

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Mayor Hogsett, the commission rejected the agricultural bid for Tract 'B'.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

**g. Consider a request for stop signs at 8th and Cypress from Clay Markle [CITIZENS].**

Attached is a report from David Cowan, Public Safety Director regarding a request from Clay Markle for stop signs at 8<sup>th</sup> and Cypress. The Police Chief and Public Safety Director recommend placing stop signs at the intersection of 8<sup>th</sup> and Cypress stopping the east and west bound traffic.

**Mr. Markle addressed the Commission regarding the multiple wrecks that he had witnessed. On Saturday, his neighbor was driving a small**

vehicle and was broadsided by an SUV coming from the East. Thankfully, the neighbor's wife and daughter were not in the car. The City has recommended stop signs from the East and West. He commends them for that. He would like to know, does someone have to get killed before the traffic is slowed down? He is still concerned about 8<sup>th</sup> street being a race track. Sometimes cars go as fast as 50-60 miles an hour, especially the race bikes. What stops that race track from the north and south? He is very concerned.

Chief Harrison addressed the Commission and he looked at the traffic flow from Penn to 10<sup>th</sup> street, he discussed with the School Resource Officer, and based his knowledge of traffic management, he recommends taking this uncontrolled intersection and adding stop signs on the East and West bound streets.

Commissioner Caflich suggested increased patrol in the area because of the schools.

**Motion:**

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission authorized the staff recommendation to place stop signs at the intersection of 8<sup>th</sup> and Cypress.

Aye: Caflich, Meier, Hogsett

Nay: None

- h. Consider review of previously condemned properties [CITIZENS]:
1. 400 W. Maple/121 S. 10<sup>th</sup> – this property will be reviewed in 60 days.
  2. 505 S. 2<sup>nd</sup>

**Motion:**

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission authorized staff to set a date for removal of 505 S. 2<sup>nd</sup> Street.

Aye: Caflich, Meier, Hogsett

Nay: None

- i. Consider authorizing the Mayor to sign a Federal-Aid Fund Exchange Master Agreement [OTHER GOVERNMENTAL ENTITIES].

The City of Independence needs to update our master agreement with the State of Kansas to continue participating in the Federal Exchange Fund Program. Although we had an agreement in place in the past, they are updating records and asking for us to execute the updated master agreement.

We anticipate more funds being available in the future and would ask the Commission to approve this agreement. City staff recommends authorizing the Mayor to sign the attached agreement.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission authorized the Mayor to sign the Federal-Aid Fund Exchange Master Agreement.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- j. Consider a request from Sarah Coen with the intern program at Cessna for approval to place playground equipment at Pride Park on South 10th Street [CITIZENS].**

Attached is a request from Barb Beurskens, Park & Zoo Director to add a request from Sarah Coen with the intern program at Cessna to the agenda regarding placement of playground equipment at Pride Park. The information provided to the Park Board has been attached for your information.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Cafilisch, the commission approved the placement of playground equipment at Pride Park on South 10<sup>th</sup> Street.**

**Aye: Cafilisch, Meier, Hogsett**

**Nay: None**

- k. Consider discussion regarding applying for KDHE loans for improvements to the water treatment facility and the sanitary sewer system [CITIZENS/CITY EMPLOYEES].**

Shawn Turner with TranSystems will be available to discuss applying for KDHE loans for upgrades to the water treatment plant, sewer rehabilitation work and lift station improvements. If the Commission wishes to pursue the authority for loan funds for these improvements, it is recommended that the date of October 13, 2016 at 5:30 PM be set for two public hearings regarding an application for the improvements to the water treatment plant; and another application for the sewer improvements.

**No action taken.**

- l. Consider the June 30, 2016 Treasurer's Financial Statement [CITIZENS].**

Attached is a copy of the June 30, 2016 Treasurer's Financial Statement. City staff recommends approval.

**Commissioner Cafilisch questioned balances on various lines. The City Clerk will research and get back to the Commission on the questions posed.**

- m. Consider an agreement with the South Kansas and Oklahoma Railroad and the Kansas Department of Transportation regarding installation of crossing signals and gates on West Maple Street [CITIZENS/BUSINESS & INDUSTRY].**

Attached is an agreement for improvements to the SKO West Maple Street crossing relating to crossing signals and gates. The City Attorney has reviewed the agreement. City staff recommends approval.

**This item was tabled to the September meeting.**

- n. Consider discussion concerning facilitator interviews [CITIZENS].**

Interviews have been scheduled for five firms for facilitation of the citizens committee. If all interviews are conducted as scheduled, the interviews will be completed prior to this Commission meeting. Now is the time to discuss the next steps to secure a facilitator.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Cafilisch, the commission agreed to enter into preliminary discussions with Burns & McDonnell to define a scope for the project.**

**Aye: Cafilisch, Meier**

**Nay: Hogsett**

**Reports**

- o. Report on City board minutes [CITIZENS].**

Attached are City board minutes from the April 4th, May 2nd and June 6th Park Board meetings; and the August 16th Tree Board Meeting.

**Commission Comments**

**None**

**Executive Session(s)**

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission called a 15 minute executive session according to Kansas Statue 75-4319 (b) () for the purpose of confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships, to end at 7:11pm. The executive session included Micky Webb, Kelly Passauer, Jeff Chubb,**

**Commissioner Meier, Mayor Hogsett, and Commissioner Caflich, and Keith Yonick.**

**Aye: Caflich, Meier, Hogsett**

**Nay: None**

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission called a 30 minute executive session according to Kansas Statue 75-4319 (b) (2) for the purpose of consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship, to end at 7:42pm. The executive session included Micky Webb, Kelly Passauer, Jeff Chubb, Commissioner Meier, Mayor Hogsett, and Commissioner Caflich, and Barb Beurskens.**

**Aye: Caflich, Meier, Hogsett**

**Nay: None**

**Adjournment**

**Motion:**

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

**Aye: Caflich, Meier, Hogsett**

**Nay: None**

  
\_\_\_\_\_  
Gary Hogsett, Mayor

  
\_\_\_\_\_  
Leonhard Caflich, Commissioner

  
\_\_\_\_\_  
Fred Meier, Commissioner

Attest:

  
\_\_\_\_\_  
Jennifer D. Rutledge  
Director of Finance/City Clerk

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## Request to Address the City Commission



Name:

*Debbie Miller*

Agenda item you wish to address: Letter: \_\_\_\_\_; or

Public concern you wish to address:

*Fire Micky Webb*

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No \_\_\_\_\_

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# Request to Address the City Commission



Name: Vic Wible

Agenda item you wish to address: Letter: \_\_\_\_\_; or 1) Cost of "Temporary" FIRE Dept. Building Relocation Repurpose.

Public concern you wish to address: \_\_\_\_\_ 2) Does the city have a 3/5/10

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No \_\_\_\_\_

YEAR  
Business/  
operations/  
OR  
Capital  
Exp. plan?

# Attendance Sheet

## Independence City Commission Meeting

August 25, 2016

PLEASE PRINT

Name	Address
1 Paul Reeves	704 N. 10 <sup>th</sup> Indy
2 Debbie Mullen	P.O. Box 571, City
3 JON RISNER	123 W Main #301 Indy
4 Jerry Bright	201 S 13 <sup>th</sup>
5 Megan Royse	132 Huckberry
6 Anthony Royse	208 S 4 <sup>th</sup>
7 Barry Bensken	4357 CR 5800
8 Susan Calmore	
9 Dances Sutton	1201 N 5 <sup>th</sup> Indy
10 Kassie Sanderson	Reporter
11 Clay Marble	1328 N <u>5<sup>th</sup></u>
12 Marvin Kebert	707 S 6 <sup>th</sup>
13 Ned Strydom	
14 Duane Small	1472 N. 24 <sup>th</sup>
15 Charlotte Caphusck	600 S. 5 <sup>th</sup>
16 Sarah	Indy, KS
17 Chuck Schmidt	
18 Arlene	Indef

19 Vic Wible

122 N. 8th Jvdup

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