

Minutes of the Independence City Commission's December 8, 2016 Meeting.

The Independence City Commission met on December 8, 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
Jennifer Rutledge, Director of Finance/City Clerk
Dave Cowan, Public Safety Director
Jerry Harrison, Police Chief
Don Cushing, Building Inspector
Mike Passauer, Public Works Director
Terry Lybarger, Utilities Director
April Nutt, Director of Housing
Jeff Chubb, City Attorney

Visitors

Danny Turr	Paula Schabel
Jon Risner	Joslyn Kusiak
Charlotte Caflisch	Larry Werner
Ned Stichman	Lonnie Gorman
Dorcas Sutton	Howard Schades
Jerry Bright	Vic Wible
Lisa Hugo	Don Farthing
Corey Hugo	Chris Mitchell
Tabatha Snodgrass	Steve McBride
Louis Ysusi	Josh Umholtz
Judy Ysusi	Sean Clapp
Kim Bell	

Call to Order

Pledge of Allegiance to the United States of America

Appointments

Planning Commission/Board of Zoning Appeals – Applications due December 15, 2016

Independence Historic Preservation and Resource Commission – Applications Due December 15, 2016

Adoption of the Consent Agenda

- a. Appropriations

1. A-1780

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved A-1780 for \$616,203.00.

Aye: Caflisch, Hogsett, Meier

Nay: None

2. P-1744

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved P-1744 for \$131,498.53.

Aye: Caflisch, Hogsett, Meier

Nay: None

- b. Consider minutes of the November 10, 22, 23 (2) and 25, 2016 City Commission meetings [CITIZENS].

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved the minutes of the November 10, 22, 23 (2), and 25, 2016 City Commission meetings.

Aye: Caflisch, Hogsett, Meier

Nay: None

- c. Consider awarding chemical bids for use at the water treatment plant in 2017 [CITIZENS/CITY EMPLOYEES].

Bids were received on December 1, 2016 at 2 PM for chemicals to be purchased in 2017 for use at the water treatment plant. The attached bid tab shows the bids received with the low bids highlighted. City staff recommends accepting the low bid for each chemical.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission accepted the low bid for each chemical.

Aye: Caflisch, Hogsett, Meier

Nay: None

- d. Consider authorizing donating bicycles to fix up for children [CITIZENS].

The Police Chief has received two requests for donation of bicycles from two different groups, the Home Sweet Home shelter and Montgomery County Department of Corrections. The purpose of both requests is to refurbish the bicycles and provide them to children without functioning bicycles. City

staff recommends authorizing the Police Chief to donate unclaimed bicycles to these groups for the purpose of donating them back to children in the community that do not have functioning bicycles.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission authorized the Police Chief to donate unclaimed bicycles to these groups for the purpose of donating them back to children in the community that do not have functioning bicycles.

Aye: Caflisch, Hogsett, Meier

Nay: None

- e. Consider an ordinance assessing special assessments for abating nuisances [CITIZENS].

Attached is an ordinance levying a special tax for abating nuisances on certain properties. The nuisance costs being assessed are expenses related to the condemnation process paid by the City for publication, asbestos abatement, removal, etc. City staff recommends adopting the attached ordinance.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Ordinance 4231 assessing special assessments for abating nuisances..

Aye: Caflisch, Hogsett, Meier

Nay: None

- f. Consider approving a change order with South Roofing & Contracting to remove the Ash Youth Center roof from their contract for roof repairs [CITIZENS].

At your November 10, 2016 meeting the Commission packet included the attached change order with South Roofing, in addition to an agreement with Wray Roofing to replace the roof at the Ash Youth Center. The agreement with Wray roofing was approved contingent on approval of the USD and Recreation Commission, however, the change order removing the roof repair from South Roofing's contract was not specifically mentioned in the motion. Therefore, City staff recommends approving the attached change order removing the Ash Youth Center from South Roofing & Contracting's contract for roof repairs due to hail damage.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved the change order removing the Ash Youth Center from South Roofing & Contracting's contract for roof repairs due to hail damage.

Aye: Caflisch, Hogsett, Meier

Nay: None

- g. Consider an agreement with Aviation Support and Maintenance Services for maintenance of the AWOS and Navaid Systems at the Independence Municipal Airport [CITIZENS/BUSINESS & INDUSTRY].

Attached is an agreement for maintenance of the AWOS and Navaid Systems at the Independence Municipal Airport. City staff recommends approval pending the City Attorney's review and any recommended modifications.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved the agreement with Aviation Support and Maintenance Services pending review and any recommended modifications by the City Attorney.

Aye: Caflisch, Hogsett, Meier

Nay: None

Public Hearing

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

1. 519 N. 6th Street

The Mayor opened the public hearing.

The Building Inspector recommended condemning the building as dangerous and unsafe.

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

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Resolution 2016-067 condemning 519 N 6th Street as dangerous and unsafe, and allowing the owner 30 days to commence repair or removal.

Aye: Caflisch, Hogsett, Meier

Nay: None

2. 832 S. 18th Street

The Mayor opened the public hearing.

The Building Inspector explained that the property owner has already taken steps to remediate this property.

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

No action was taken on this property

3. 1005 W. Pine Street

The Mayor opened the public hearing.

The Building Inspector recommended condemning the building as dangerous and unsafe.

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

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Resolution 2016-069 condemning 1005 W Pine Street as dangerous and unsafe, and allowing the owner 30 days to commence repair or removal.

Aye: Caflisch, Hogsett, Meier

Nay: None

4. 1300 W. Locust Street

The Mayor opened the public hearing.

The Building Inspector recommended condemning the building as dangerous and unsafe.

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

Motion:

On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the commission adopted Resolution 2016-070 condemning 1300 W Locust Street as dangerous and unsafe, and allowing the owner 30 days to commence repair or removal.

Aye: Caflisch, Hogsett, Meier

Nay: None

5. 1304 W. Locust Street

The Mayor opened the public hearing.

The Building Inspector recommended condemning the building as dangerous and unsafe.

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 2016-071 condemning 1304 W Locust Street as dangerous and unsafe, and allowing the owner 30 days to commence repair or removal.

Aye: Caflisch, Hogsett, Meier

Nay: None

The Building Inspector will review the condition of the above properties at the public hearings. After each public hearing, the Commission will need to determine if they wish to adopt a resolution condemning the property as dangerous and unsafe.

Items for Commission Action

- i. Consider an ordinance adjusting the solid waste rates as budgeted effective January 1, 2017 [CITIZENS].

Attached is an ordinance increasing the solid waste rates 5% as approved in the 2017 budget. City staff recommends adopting the attached ordinance implementing the increase for solid waste rates as approved in the 2017 budget.

This item was tabled to the December 19th meeting.

- j. Consider an ordinance adjusting the utility rates as budgeted effective January 1, 2017 [CITIZENS].

Attached is an ordinance increasing the water/sewer rates 5% as approved in the 2017 budget. As the Commission is aware, Lochner is currently conducting a utility rate study. As of November 30, 2016 when City staff checked the status the rate study is still not complete. Since the 2017 utility revenue included in the approved budget was dependent on the 5% increase in water/sewer rates by delaying adoption of the attached ordinance in time for the new rate to go into effect on January 1, 2017 will result in a utility budget revenue shortfall. Approving this ordinance for the water/sewer rate increase as included in the 2017 budget does not preclude the City Commission from adopting additional ordinances in 2017 if the Commission wishes based on the utility rate study results. City staff recommends adopting the attached ordinance implementing the increase for utility rates as approved in the 2017 budget.

This item has been tabled until the rate study results are available.

- k. Consider a request from Montgomery County Public Works to extend the timeframe for a conditional use permit for a supplementary parking lot at the Southwest Corner of Wald Avenue and Myrtle Street [OTHER GOVERNMENTAL ENTITIES].

Attached is a request from Jim Wright, Montgomery County Public Works Assistant Coordinator requesting that the timeframe in Resolution No. 2010-06 for a conditional use permit for construction of a supplemental parking lot at the southwest corner of Wald Avenue and Myrtle be extended. Item No. 11 indicating that; *"Parking lot construction and all requirements of the conditional use permit shall be completed within one year of the approval of the conditional use permit, or the conditional use permit will be void, unless such delay is approved by the City."*

The conditional use permit was approved on February 4, 2010. Staff checked with the City Attorney who indicated that the City Commission could extend this deadline rather than requiring Montgomery County to start over with a new conditional use permit request with the Planning Commission.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission approved the request to extend the timeframe for a conditional use permit at the Southwest Corner of Wald Avenue and Myrtle Street to December 31, 2017.

Aye: Caflisch, Hogsett, Meier

Nay: None

- l. Consider an ordinance authorizing the City to issue taxable IRB's for the purpose of purchasing, acquiring, constructing, installing and equipping certain modifications and additions to an existing aircraft manufacturing facility; authorizing certain other documents and actions in connection therewith; and authorizing the release of certain documents in connection with related taxable industrial revenue bonds which are no longer outstanding [BUSINESS & INDUSTRY].

Attached are documents relating to the issuance of taxable IRB's for the purpose of purchasing, acquiring, constructing, installing and equipping certain modifications and additions to an existing aircraft manufacturing facility; authorizing certain other documents and actions in connection therewith; and authorizing the release of certain documents in connection with related taxable industrial revenue bonds which are no longer outstanding. A representative of the bond counselor will be available to answer any questions.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Ordinance 4234 authorizing the City to issue \$420,000 of taxable IRB's for Textron.

Aye: Caflisch, Hogsett, Meier

Nay: None

- m. Consider an ordinance authorizing the issuance of taxable industrial revenue bonds, Series 2016 (Hugo's Industrial Supply Project) for the purpose of paying the costs of the acquisition and improvement of an existing commercial facility; and authorizing certain other documents and actions in connection therewith [CITIZENS/BUSINESS & INDUSTRY].

Attached are documents relating issuance of taxable industrial revenue bonds, Series 2016 (Hugo's Industrial Supply Project) for the purpose of paying the costs of the acquisition and improvement of an existing commercial facility; and authorizing certain other documents and actions in connection therewith. A representative of the bond counselor will be available to answer any questions.

Motion:

On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the commission adopted Ordinance 4235 authorizing the City to issue taxable IRB's for Hugo's Industrial Supply.

Aye: Caflisch, Hogsett, Meier

Nay: None

- n. Consider setting a hearing date of December 19, 2016 at 5:30 PM to revise the budget [CITIZENS/CITY EMPLOYEES].

The City Clerk/Finance Director recommends setting the date of December 16, 2016 at 5:30 PM for a public hearing to consider revising the budget.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission set the date of December 19, 2016 at 5:30pm for a public hearing to consider revising the budget.

Aye: Caflisch, Hogsett, Meier

Nay: None

- o. Consider a resolution rescinding condemnation action for the following properties [CITIZENS]:
1. 1009 W Maple
 2. 1016 W Maple

3. 1017 W Myrtle
4. 1020 W Maple
5. 1208 W. Locust
6. 1307 W. Laurel
7. 200 N. 25th
8. 205 N 24th
9. 311 S. 16th
10. 317 N 18th
11. 505 S. 13th
12. 525 S. 15th
13. 604 N 10th
14. 608 N 10th (Garage Only)
15. 612 E Magnolia
16. 804 S 19th St
17. 815 W. Main (Garage Only)

Attached is a resolution rescinding condemnation action for the above listed properties. City staff recommends approval.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Resolution 2016-064 removing 17 properties from the condemnation process.

Aye: Cafilisch, Hogsett, Meier

Nay: None

- p. Consider options for Garden Club roof replacement or repair [CITIZENS].

The Garden Club House located in Riverside Park has sustained hail damage and was previously approved by the insurance adjuster to replace the roof with asphalt type shingles. Prior to the work occurring, Ken Brown came to City Hall and advised that he did not feel the asphalt shingles were appropriate for this historic building that currently has an asbestos tile type roof. At that time, City staff stopped the work and proceeded to gather information on alternatives to the asphalt shingle roof.

As the Commission may recall, the water treatment pump house had asbestos tiles and were replaced with a Davinci style roof that somewhat replicated the original look. We have received a price for a Davinci style roof, however, the style of the Garden House Roof is somewhat different than the tiles that were on the water treatment pump house. Another alternative was Sienna style shingles that more closely match the existing roof.

The insurance adjuster has advised that they will not provide additional funding for these other roof types as only a certain amount of tiles were hail

damaged. The insurance adjuster has offered to find and purchase salvaged asbestos tiles and replace those that are broken and not replace the entire roof. The estimate provided by the adjuster did not include the cost to abate the asbestos tiles that are replaced, which could total an additional \$1,000 to \$1,500.

Attached is a chart showing the various alternatives and related costs, as well as photos of the different styles of shingles and the existing roof. City staff would like direction from the Commission on which option they prefer for the Garden Club roof. Once an option is selected by the Commission, City staff would like approval to sign any related documents to get this project completed.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission approved the replacement of the damaged asbestos tiles.

Aye: Caflisch, Hogsett, Meier

Nay: None

- q. Consider releasing a mortgage for the property located at 901 E. Birch [CITIZENS].

Attached is a mortgage release prepared by the City Attorney requested by the Housing Authority.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission released the mortgage for the property located at 901 E Birch.

Aye: Caflisch, Hogsett, Meier

Nay: None

- r. Consider extending the downtown grant program deadline to January 13, 2017 [CITIZENS].

The Housing Director has requested to extend the deadline for the downtown grant to January 13, 2017.

The commission directed City Staff to extend the downtown grant program deadline to January 13, 2017.

Reports

- s. Sales tax report [CITIZENS].

Attached is the latest sales tax report.

- t. Update on City projects [CITIZENS].

The City Manager provided an update on City projects.

Commission Comments

Commissioner Caflisch commented that he has received positive comments about the packet being posted with the agenda online before meetings, as well as the video of the meetings.

Public Concerns

Vic Wible spoke to the Commission about the communication during the the recent water emergency situation. He feels that the communication was pathetic and could be done much better. Why did the City take the Ivory Tower approach to the analysis after the event? There were things Mr. Wible saw that didn't occur. Why didn't the City break into the cable channel? Auto-dialers are everywhere – why didn't the City try to work with AT&T? The City alert system said don't use water, but didn't tell him where to find more information. At the end of the emergency, nothing came out saying "this is over." A public hearing could help get this information. The city sent people door to door, which was great. The City should have a public hearing to get the feedback from the citizens.

Executive Session(s)

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission called a 20 minute executive session according to Kansas Statue 75-4319 (b) (1) for the purpose of personnel matters of nonelected personnel, to end at 6:57. The executive session included Mayor Hogsett, Commissioner Meier, Commissioner Caflisch.

Aye: Caflisch, Meier, Hogsett

Nay: None

At 6:57 the Mayor called the meeting back to order.

Adjournment

Motion:

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

Aye: Caflisch, Meier, Hogsett

Nay: None

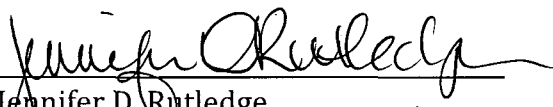


Gary Hogsett, Mayor

Leonhard Caflisch, Commissioner

Fred Meier, Commissioner

Attest:



Jennifer D. Rutledge
Director of Finance/City Clerk

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Request to Address the City Commission



Name: Vic Wible

Agenda item you wish to address: Letter: ____; or

Public concern you wish to address: communications

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 _____