Minutes of the Independence City Commission's March 23, 2017 Meeting.

The Independence City Commission met on March 23, 2017 at 5:30pm in the Veterans Room at Memorial Hall. Commissioner Gary Hogsett, Commissioner Leonhard Caflisch, and Commissioner Fred Meier were present. Others present included:

City Staff

Kelly Passauer, Assistant City Manager
Michael Borovetz, Director of Finance/City Clerk
David Cowan, Public Safety Director
Cole Hoffmeister, City Attorney
Terry Lybarger, Director of Utilities
Barbara Beurskens, Park/Zoo/Cemetery Director
Mike Passauer, Public Works Director
April Nutt, Housing Authority Director
Don Cushing, Building Inspector
Jerry Harrison, Police Chief

Visitors

Jerry Bright
Jon Risner
Robert Meadows
Leslie Fox
Vic Gorman
Melissa James
Philipp Umlauf
Charlotte Caflisch
Debbie Miller
Erin Bunn
Duane Small
Pat Burden
Ned Stichman
Lisa Wilson
Zach Webb
Angela Standridge
Amanda Williams
Shawn Turner

Call to Order

Pledge of Allegiance to the United States of America

City Licenses

Anderson Plumbing, LLC – Iola, KS - Kenton Anderson, Owner.
Loyd Builders, Inc. – Ottawa, KS – Josh Walker, Owner.
Fredericksen Lawn Mowing – 512 Sinclair Dr – Clinton Frederiksen, Owner.
Waggin Tails Dog Grooming – 615 S. 5th – Kelli Sutton, Owner.

Appointments

Downtown Art and Culture Advisory Board – Two Terms Expired

Adoption of the Consent Agenda

a. Appropriations

1. **A-1787**
   Motion:

   On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved A-1787 for $559,158.87.

   Aye: Caflisch, Meier, Hogsett

   Nay: None

2. **P-1752**
   Motion:

   On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved P-1752 for $130,691.72.

   Aye: Caflisch, Meier, Hogsett

   Nay: None

b. Consider minutes of the March 7, 2017 City Commission meetings [CITIZENS].

City staff recommends approving the attached minutes.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved the minutes of the March 7, 2017 City Commission meetings.

Aye: Caflisch, Meier, Hogsett

Nay: None

Public Hearings

c. Public hearing to consider condemnation of the following structures as dangerous and unsafe [CITIZENS]:

1. **1009 N. 17th Place**

   The Mayor opened the Public Hearing
   The Building Inspector recommended proceeding with condemnation.

After no comments from the public, the Mayor closed the Public Hearing.

Motion:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission adopted Resolution 2017-027 condemning 1009 N 17th Place as dangerous and unsafe, allowing the owner 30 days to commence repair or removal.

Aye: Caflisch, Meier, Hogsett

Nay: None

2. **1201 W. Main**

The Mayor opened the Public Hearing
The Building Inspector recommended proceeding with condemnation.
After no comments from the public, the Mayor closed the Public Hearing.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hogsett, the commission adopted Resolution 2017-029 condemning 1201 W Main as dangerous and unsafe, allowing the owner 30 days to commence repair or removal.

Aye: Caflisch, Meier, Hogsett

Nay: None

The Building Inspector will review each structure at the public hearings. After each public hearing is closed the Commission has the following options:

- To adopt a resolution condemning the structure(s) as dangerous and unsafe and providing 30 days to diligently pursue repair or removal;
- Adjourn the public hearing to a date and time specific; or
- Take no action, which would require starting the process over if the property was to be considered again for condemnation.

Presentation

d. Presentation from the Tree Board regarding plans for Arbor Day 2017 [CITIZENS].

The Tree Board has requested to present their plans for Arbor Day 2017.

Leslie Fox addressed the Commission and presented the Tree Board's plan for Arbor Day 2017 to be held at the park on April 29th.

Motion:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission approved the Arbor Day Celebration to be held at the park on April 29, 2017.

Aye: Caflisch, Meier, Hogsett

Nay: None

Items for Commission Action

e. **Consider a proclamation declaring April 2017 as Child Abuse Prevention Month [CITIZENS].**

Erin Bunn with the Kansas Children's Service League has requested that the Mayor be authorized to sign a proclamation declaring April 2017 as Child Abuse Prevention Month. City staff recommends approval.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved a proclamation declaring April 2017 as Child Abuse Prevention Month.

Aye: Caflisch, Meier, Hogsett

Nay: None

f. **Consider a proclamation declaring April 2017 as Fair Housing Month [CITIZENS].**

April Nutt with the Independence Housing Authority has requested that the Mayor be authorized to sign a proclamation declaring April 2017 as Fair Housing Month. City staff recommends approval.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved a proclamation declaring April 2017 as Fair Housing Month.

Aye: Caflisch, Meier, Hogsett

Nay: None

g. **Consider reviewing the condition of the following structures previously condemned as dangerous and unsafe [CITIZENS]:**

1. **412 N. 19th Street**

   No action taken

2. **909 E. Hill**

   Motion:

   On the motion of Commissioner Hogsett, seconded by Mayor Meier, the commission adopted Resolution 2017-030 rescinding previous condemnation resolutions for 909 E Hill.

   Aye: Caflisch, Meier, Hogsett

   Nay: None

The Building Inspector will review the status of the above previously condemned structures. The Commission has the following options:

- Rescind condemnation action if the property has met the HQS requirements per policy;
- Authorize staff to receive bids for removal;
- Table review for a specific period of time; or
- Take no action.

h. Consider change orders for downtown curb ramps [CITIZENS/QUALITY OF LIFE SYSTEM].

Previously the City Commission approved change order(s) to construct curb ramps at various locations in the downtown area. Several of which were to be perpendicular ramps, however, due to existing conditions seven curb ramps required more extensive work to be compliant and were postponed. In order to remove these seven curb ramps the attached change order will need to be authorized for a reduction of $16,800.

The City has received complaints for one location that was postponed due to the conditions in the 100 block of West Main on the north side. If the Commission wishes to install this curb ramp it is recommended that a change order for a parallel curb ramp be approved in the amount of $6,114. This change order would be tied into the Penn Avenue Repairs as the 13th Street project has been completed.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved a change order to remove seven curb ramps at various locations for a reduction of $16,800.00.

Aye: Caflisch, Meier, Hogsett

Nay: None

Motion:

On the motion of Commissioner Caflisch, seconded by Commission Hogsett, the commission approved a change order to install a parallel curb ramp on the north side of the 100 block of West Main in the amount of $6,114.00

Aye: Caflisch, Meier, Hogsett

Nay: None

i. **Consider authorizing environmental testing at the 1916 City Hall in the amount of $8,265 plus additional analytical fees and expenses for any additional samples authorized [CITIZENS].**

At their February 16, 2017 meeting the steering committee requested information regarding environmental issues at the 1916 City Hall. In response TreanorHL has provided the attached quote which provides the following:

Limited indoor air quality evaluation	$4,650.00
Asbestos and limited lead-based paint survey	$3,615.00
Subtotal	$8,265.00
Additional analytical fees and expenses for any additional samples authorized	$15-$0 per sample $40-$95 per sample analysis $150 per day XRF Rental

If the Commission wishes to approve the environmental work as proposed, then the City Attorney recommends this work be billed as a reimbursable to TreanorHL's existing agreement. The City Attorney made this recommendation because he had a concern with some of the contract language as written, specifically relating to limitation of damages and venue and jurisdiction other than Montgomery County.

If the Commission wishes to authorize any additional analytical fees and expenses for any additional samples authorized, it is recommended a maximum not to exceed dollar amount be set for this additional testing.

Motion:

On the motion of Mayor Meier, seconded by Commission Hogsett, the commission approved environmental testing at the 1916 City Hall in the amount of $8,265.00 plus additional analytical fees and expenses for any additional samples authorized.

Aye: Caflisch, Meier, Hogsett

Nay: None

j. Consider setting the date of April 6, 2017 at 2 PM to receive bids for the agricultural lease of Tract "B" at the airport consisting of approximately 327 acres [CITIZENS/BUSINESS & INDUSTRY/CITY EMPLOYEES].

On August 4, 2016 the City received bids for this tract of ground, however, only one bid was received which was rejected unanimously at the August 25, 2016 City Commission meeting by the Commission as it was well below the typical agricultural lease rate for this area.

City staff has recently received interest from one farmer who would like an option for a five year lease, rather than a three year lease. In addition, we are awaiting the results of soil sample tests which may indicate that this area needs to be limed which could affect bids received. City staff recommends setting the date of April 6, 2017 at 2 PM to receive bids for the agricultural lease of Tract "B" at the airport with alternates for both a three year lease and a five year lease.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved setting the date of April 20, 2017 at 2 PM to receive bids for the agricultural lease of Tract "B" at the airport consisting of approximately 327 acres.

Aye: Caflisch, Meier, Hogsett

Nay: None

k. Consider providing direction to staff regarding the preliminary draft of the water and sewer utility rate study prepared by H.W. Lochner [CITIZENS].

The 2017 budget included 5% rate increases to both water and sewer rates effective January, 2017. The Commission previously postponed the water and sewer rate increases pending release of the water and sewer rate study prepared by H.W. Lochner. Due to pending litigation the legal counsel representing the City on this matter, David Traster, would not allow the preliminary draft study to be released. As the Commission is aware, the delay in implementing the rate increases has created a shortfall in budgeted revenue in the water and sewer fund which increases monthly.

Recently Mr. Traster has advised that the water and sewer utility rate study may be released to the City Commission as a preliminary draft. Therefore, attached is the preliminary Water & Sewer Utility Rate Study, prepared by H.W. Lochner, an engineering and consulting firm, which has been submitted for review by the City. It has not been reviewed or approved by the City Commission so it has been marked as a "Preliminary Draft" document. It is provided to the Commission for its review and consideration.

The Commission may wish to direct staff to schedule a worksession when representatives from Lochner are available to answer the Commission's specific questions regarding the preliminary draft water and sewer rate study. In addition, it might be helpful to have Mr. Traster available also since he has technical expertise in such matters.

The Commission directed staff to arrange for a Special Meeting after April 6th but before the next commission meeting to meet with Lochner and David Traster and review the preliminary draft water and sewer rate study.

No action was taken.

Reports

I. Report on City Projects and other updates [CITIZENS].

1. **Report on downtown dumpsters**

   At the last meeting the Commission requested a report regarding downtown dumpsters. Public Works Director Mike Passauer will provide a report at the meeting.

2. **Plaza and Signage Plans**

   At the last meeting the Commission requested copies of the plaza and signage plans previously prepared by Doug Pickert of Indigo Design. Attached are copies of the plans.

3. **Montgomery County Waste Tire Collection**

   Montgomery County will be providing the opportunity for county residents to dispose of up to 7 passenger vehicle tires per vehicle on April 1st from 8 a.m. to noon. The Independence drop off location is the City Sanitation building located at 21st and Maple.

4. **Emergency Services Appreciation Dinner**

   Lisa Wilson addressed the Commission to inform them that the Chamber of Commerce were heading up a dinner on May 5th at the Civic Center for employees and one guest for members of the Independence Police, Dispatch, Fire and EMS departments. She encouraged the community to give to the cause.

Commissioner Comments:

- **Commissioner Caflisch noted that the terms of our bonds do not match the term of the 10 year Special Use Sales Tax. With half of the term expired on the Special Use Sales Tax, how is the City going to service the remainder of**

the bond term when the tax expires. He suggested that City begin looking at the terms of the bonds and develop a plan to service them going forward following the expiration of the tax.

- **Commissioner Caflisch commented that the City should start doing some of the smaller cost repairs and improvements to the water plant using some of the $500,000 Special Use Sales Tax rather than waiting to do it all with a bond issue. Kelly Passauer informed the Commissioners that the City has access to low interest line of credit that could be used for the smaller water plant repairs and improvements. Mayor Meier added that he hopes the Steering Committee currently evaluating City Hall and is also evaluating other needs of the City and setting a priority of plans.**

Public Concerns:

Angela Standridge addressed the Commission to discuss issues related to her setting up a snow cone trailer and obtaining a city license. The difficulties she has faced is she doesn't qualify for a standard business license as the trailer is not a fixed structure and her only option based on existing ordinances is to obtain a transient vendors license. She felt the cost of the license was high based on the amount of time she planned to have her trailer set up and asked the Commission to consider making adjustments to the ordinance to make it more affordable.

Executive Session:

Motion:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission called a 15 minute executive session according to Kansas Statute 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 7:03. The executive session included Mayor Meier, Commissioner Hogsett, Commissioner Caflisch, Kelly Passauer and Cole Hoffmeister.

Aye: Caflisch, Meier, Hogsett

Nay: None

Mayor Meier called the meeting back to order at 7:03.

Motion:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission called a 10 minute executive session according to Kansas Statute 75-4319 (b) (1) for the purpose of personnel matters of nonelected

personnel, to end at 7:13. The executive session included Mayor Meier, Commissioner Hogsett, and Commissioner Caflisch.

Aye: Caflisch, Meier, Hogsett

Nay: None

Mayor Meier called the meeting back to order at 7:13.

Adjournment

Motion:

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

Aye: Caflisch, Meier, Hogsett

Nay: None

Attest:

Fred Meier, Mayor

Director of Finance/City Clerk

Leonhard Caflisch, Commissioner

Gary Hogsett, Commissioner