Minutes of the Independence City Commission's September 14, 2017 Meeting

The Independence City Commission met on September 14, 2017 at 5:30pm in the Veterans Room at Memorial Hall. Mayor Fred Meier, Commissioner Leonhard Caflisch and Commissioner Gary Hogsett were present. Others present included:

City Staff
Craig Whitehead, City Manager
Kelly Passauer, Assistant City Manager/Zoning Administrator
Michael Borovetz, Director of Finance/City Clerk
David Cowan, Public Safety Director
Jeff Chubb, City Attorney
Terry Lybarger, Director of Utilities
Ed Sykes, Chief Water Plant Operator
Barb Beurskens, Director of Parks & Zoo
Jerry Harrison, Police Chief

Visitors
Charlotte Caflisch
Louis Ysusi
Judy Ysusi
Shawn Turner
Nancy Kishpaugh
Greg Vahrenberg
Kathleen Brown
Mathew Gardner
Brian Murray
Andrea Betts
Doug Stacy
Dean Hayse
Amanda Williams
Kathy Sargent
Larry McHugh
Brian Williams

I. Call to Order

Mayor Meier called the meeting order at 5:30 p.m.

II. Pledge of Allegiance to the United States of America

III. Appointments

A. Consider appointing David E. Parker to the Tree Board for a 2-year term.

The Tree Board has one vacancy due to the resignation of a member. One application was received from England Porter by the June 30, 2017 original deadline; however, Ms. Porter does not live within the City limits as required by the current ordinance creating this board. The deadline was extended to August 15, 2017 and no applications were received. The deadline was extended again to September 7, 2017. One application was received from David E. Parker.

Motion:
Mayor Meier made a motion to appoint David E. Parker to the vacant term on the Tree Board which will expire on June 1, 2019. The motion was seconded by Commissioner Hogsett.

Aye: Meier, Caflisch, Hogsett
Nay: None

IV. Adoption of the Consent Agenda

A. Appropriations

1. A-1798 for $593,508.31.

2. P-1765 for $125,694.98

B. Consider authorizing the Mayor to sign indemnity agreements for Police Chief Jerry Harrison, Finance Director/City Clerk Michael Borovetz and Fire/EMS Chief Shawn Wallis.

The City has provided indemnity agreements for department heads for the past several years. The agreements provide protection for employees against any claim, demand, or cause of action, whether groundless or otherwise, arising out of any alleged act or omission occurring in the lawful and good faith performance of Employee's duties with the City that are now existing or that may arise in the future. The agreements further provide that the City shall defend, compromise, and settle any such claims and shall pay the amount of any settlement or judgment arising therefrom. Jerry Harrison, Michael Borovetz and Shawn Wallis have not yet had indemnity agreements executed. The City Attorney has approved the proposed agreements.

C. Consider setting the date of September 21, 2017 at 2:00 PM to receive bids for a pickup for use by the Building Inspector.

The Building Inspector Truck is a 2000 Ford Ranger. This vehicle would be traded in as well as a 2002 Ford F-350 from the Street Department that is no longer needed.

D. Consider a request from the Independence Public Library to block 5th Street from the alley behind the library to Maple on September 28, 2017 from 3:30 - 7:30 PM for a Rock the Block celebration.

Last year the Commission approved blocking off a portion of the street adjoining the library for their 1st Rock the Block celebration. They have made a request to block off 5th Street from the alley behind the library to Maple on September 28, 2017 from 3:30 - 7:30 PM for their second annual Rock the Block celebration.

E. Consider a request from YPI to block off the west parking lot between the tennis courts and 4-H Building on September 29, 2017 from 4-9 PM.

Young Professionals of Independence are requesting to block off the west parking lot between the tennis courts and 4-H Building on Friday, September 29, 2017 from 4-9 PM. They would like to hold a Family Fun Night and Member Appreciation cook out during the HIS football game. They have reserved the 4-H Building to ensure there are no conflicts with the use of the building by others.

F. Consider a request from Relay for Life to hold their annual 5K run at Riverside Park on September 30, 2017.

This is one of the many 5K Runs in the park. This event will take place between 8:00 a.m. and 10:00 a.m., so it doesn't cause very many traffic or access issues. The only issue that might arise is if people renting the park buildings would need access to them. We require that all barricades be manned during the event and those that are renting facilities must be given access to them. We believe this event creates good community involvement.

G. Consider a request from Netflix to close the 100 block of North Penn from 7 - 9 am on October 12, 2017.

The crew is in Independence creating a documentary on ICC Football and making efforts to present information about the community that supports ICC Football. They want to interview Ken Brown about Independence's history. They want the picturesque downtown as a backdrop.

H. Consider authorizing a request from the First Presbyterian Church to use the park oval on November 4, 2017 for free drive by flu shots.

The first Saturday in November the First Presbyterian Church sponsors free flu shots to drivers and passengers at the oval while sitting in their car. They usually have 300 doses to distribute. They start at 8:00 a.m. and end at noon. This has been well attended in the past. This is a great community service to Independence residence.

Motion:
A motion was made by Commissioner Hogsett, seconded by Commissioner Caflisch to adopt the consent agenda.

Aye: Meier, Caflisch, Hogsett
Nay: None

V. Public Hearings

A. Public hearing regarding a proposed loan in an amount not to exceed $3,100,000 to be taken by the City from the Kansas Water

Pollution Control Revolving Loan Fund; and after the conclusion of the hearing consider adopting a resolution authorizing completion of the loan application and the execution and delivery of the loan documents.

The City has considered applying for a KDHE low interest loan for various improvements to the Wastewater System. A cost estimate totally $3.1 M was previously prepared. If that cost increases, the loan can be amended. The current interest rate is 2.3 %. The maximum term for the loan is 20 years. The annual debt payment would total approximately $195,000 per year. Typically, KDHE requires this divided into two payments. If the debt service is funded by a sewer rate increase, this would equate to roughly $4.50 per user per month. So, for every $1,000,000 borrowed, this would equate to roughly $1.50 per user per month.

Motion:
After the public hearing was opened and closed with no public comments, a motion was made by Mayor Meier to adopt a resolution authorizing completion of the loan application and the execution and delivery of the loan documents. The motion was seconded by Commissioner Hogsett.

Aye: Meier, Caflisch, Hogsett
Nay: None

VI. Items for Commission Action

A. Presentation of debt analysis and financial management plan, and consider setting public informational meetings.

Gregory M. Vahrenberg of Piper Jaffray & Co. presented a draft financing analysis. The Commission directed staff to set public informational meetings.

B. Consider approving a 4-Way Stop at Pennsylvania Avenue & Walnut Street with crosswalks.

On August 21, 2017, the City of Independence received a request from the Housing Authority to consider a 4-way stop at Pennsylvania and Walnut. The Housing Authority has concerns for the tenants and citizens' safety that use the park on a daily basis and crossing at Pennsylvania and Walnut street. Currently, east and west bound traffic must stop at that intersection, but not north and south bound traffic. After review by Chief Harrison and Public Works Director Passauer, they both agree with the request and feel a 4-way stop is warranted at that intersection.

Kathy Sargeant addressed the Commission and stated; *"The park across the street is fabulous. People with walkers or scooters need that 4-way stop as well as the crosswalks. It needs to be a 4-way stop with crosswalks for the older people. It's a really nice park. It is an asset to the community. If it is not done, nobody will be going over there because of the hazard. These old people don't move fast and there is a lot of them in that building."* Police Chief Jerry Harrison recommended approving the four-way stop at Penn/Walnut. Public Safety Director David Cowan indicated that they would use the thermoplastic crosswalks that would last longer. Commissioner Caflisch stated that; *"Putting the stop signs in was all we could do. It definitely needs to be marked. People will have to get used to it."*

Motion:
Commissioner Hogsett moved to approve the four way stop at Penn/Walnut with crosswalks, seconded by Commissioner Caflisch.

Aye: Meier, Caflisch, Hogsett
Nay: None

C. **Consider awarding agriculture lease for Tract "A" at the Airport.**
City staff went out to bid for Tract "A" with bids due on August 31, 2017. In total, 8 bids were received with Ethan Seller submitting the highest bid.

BIDDER	TERM (YRS)	ANNUAL LEASE BID	SEMI-ANNUAL PMT	TOTAL LEASE REVENUE
WARNER FARMS	5	31,200.00	15,600.00	156,000.00
REICHENBERGER FARMS	5	23,154.00	11,577.00	115,770.00
ETHAN SELLER	5	44,000.00	22,000.00	220,000.00
HOOVER FARMS	5	24,970.00	12,485.00	124,850.00
COX FARMS - WILLIAM/JOYCE	5	21,000.00	10,500.00	105,000.00
SCOTT GREER FARMS	5	22,005.00	11,002.50	110,025.00
B&L FARMS - BOB JONES	3	18,028.48	9,014.24	54,085.44
B&L FARMS - BOB JONES	5	17,590.00	8,795.00	87,950.00

City Clerk Michael Borovetz recommended awarding the bid to Ethan Seller in the amount of $44,000 per year for a total of $220,000 over the five-year term.

Motion:
Commissioner Caflisch moved to accept the bid from Ethan Seller for the lease of Tract A at the Independence Municipal Airport for $44,000 per year for a total lease amount of $220,000 over the five-year term. Commissioner Hogsett seconded the motion.

Aye: Meier, Caflisch, Hogsett
Nay: None

VII. Extra Item

A. Consider a request from Brian Williams for the City to participate in the cost to extend improvements to North Peter Pan Road beyond Labette Health's north entrance.

The City received the attached email from Brian Williams of Labette Health requesting to add an additional item to the agenda. Mr. Williams verbally indicated to staff that this was an emergency item. He is requesting that the cost of the improvement of North Peter Pan to their north E.R./Clinic entrance be split three ways equally between the City, the County and Labette Health. The estimated cost totals approximately $451,000 plus 20% for engineering and inspection for a total project cost up to approximately $542,000.

According to Mr. Williams, he has spoken with two County Commissioners regarding this project who have agreed to participate on the condition that the City take over future maintenance of this portion of North Peter Pan, which is not in the City limits. Mr. Williams, however, indicated that the County would be willing to assist with snow removal on this portion of North Peter Pan Road.

Brian Williams addressed the Commission and requested the City participate in the cost to extend improvements to North Peter Pan Road beyond Labette Health's north entrance for a total estimated project cost of $450,000 to be split three ways between the City, County and Labette Health.

Motion:
Mayor Meier made a motion to approve up to $150,000 in partnership with Labette Health and Montgomery County for Alternate 3 dated 5/17/2017 for a 3-lane improvement ending on Peter Pan Road from the geometric road improvement ending point as presented; and authorize City staff to work with the County on finalizing future maintenance. Seconded by Commissioner Hogsett.

Aye: Meier, Caflisch, Hogsett
Nay: None

Brian Williams stated on another subject he had received feedback from the community after the blue hospital signs came down, asking when they would go back up. Mr. Williams indicated he would like to work with David Cowan, Craig Whitehead and Kelly Passauer and work on that.

VIII. Reports

A. City Board Minutes

1. **May 3, 2017 Tree Board**
2. **July 25, 2017 IHPRC**
3. **August 1, 2017 Planning Commission/Board of Zoning Appeals**
4. **August 16, 2017 Independence USD #446 Recreation Commission**

IX. Commission Comments

Commissioner Caflisch asked about the status of the Treasurer's reports. The City Clerk indicated he was working with John Staton to complete those.

Commissioner Caflisch asked about the KDOT grants and was advised by Shawn Turner and the City Clerk that the City did not receive funding for those.

Commissioner Caflisch expressed concern about Main between 9th and 10th. He stated that money needed to be set aside to repair that section.

Commissioner Hogsett stated that he had received a complaint that the parking lot behind Big Cheese was embarrassing. Shortly after reporting the complaint to the City Manager, the street crew got the issue resolved quickly and he was very happy with that. The City Manager agreed that the Street Department did a good job getting that done quickly.

X. Public Concerns

There were no public concerns.

XI. Executive Session(s)

Motion:
Mayor Meier made a motion to recess for an executive session for consultation with an attorney for the City of Independence which would be deemed privileged in the attorney - client relationship (KSA75-4319(b)(2). The subject to be discussed is a potential litigation matter. The open meeting will resume at 7:30 PM in the Veterans Room of Memorial Hall. The motion was seconded by Commissioner Hogsett.

Aye: Meier, Caflisch, Hogsett
Nay: None

XII. Adjournment

Motion:
A motion was made by Commissioner Hogsett and seconded by Commissioner Caflisch to adjourn the meeting.
Aye: Meier, Caflisch, Hogsett
Nay: None

Fred Meier, Mayor

Leonhard Caflisch, Commissioner

Gary Hogsett, Commissioner

Attest:

Michael A. Borovetz
Director of Finance/City Clerk