

## **Minutes of the Independence City Commission's September 28, 2017 Meeting**

The Independence City Commission met on September 28, 2017 at 5:30pm in the Veterans Room at Memorial Hall. Commissioner Leonhard Caflisch, Commissioner Fred Meier and Commissioner Gary Hogsett were present. Others present included:

### **City Staff**

Craig Whitehead, City Manager  
Kelly Passauer, Assistant City Manager  
Michael Borovetz, Director of Finance/City Clerk  
David Cowan, Public Safety Director  
Jeff Chubb, City Attorney  
Terry Lybarger, Director of Utilities  
Shawn Wallis, Fire Chief  
April Nutt, Housing Authority Director  
Barb Beurskens, Director of Parks & Zoo  
Don Cushing, Building Inspector  
Jerry Harrison, Police Chief  
Tammy Freeman, Police Administrative Assistant  
Stephanie Groff, Dispatch  
Marcus Hamilton, Fire/EMS  
Matt Kent, Fire/EMS  
Keith Fuller, Fire/EMS  
John Boles, Fire/EMS  
Jordan Drybread, Fire/EMS

### **Visitors**

|                    |                   |
|--------------------|-------------------|
| Larry McHugh       | Cheri Jefferson   |
| Amanda Williams    | Tabitha Snodgrass |
| Dorcus Sutton      | Mary Jo Wallis    |
| Preston Rash       | Jon Risner        |
| Debbie Miller      | Dean Hayse        |
| G. Cox             | Louis Ysusi       |
| Lisa Richard       | Brent Littleton   |
| Judi Harris        | Allison Andrews   |
| Charlotte Caflisch | James Andrews     |
| Ty Umlauf          |                   |

### **Call to Order**

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

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

### **City Licenses**

- Apricot Lane Boutique – 210 N. Penn – Anne Hogsett, Owner.
- B & Z Enterprises – 1921 N. Penn – Rod Zinn, Owner

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- The Barber Shop – 1620 E. Main – Steadfast Properties, LLC, Owner
- Billy's Lawn Care – 805 N. 9<sup>th</sup> – Billy House, Owner
- Casey's Creations – 219 N. Penn – Casey Adolph, Owner
- CLH Concrete, LLC – Lawrence, KS – Louis Klemme, Owner
- David's Tree Service – 325 N. Main – Kelly Standley, Owner
- Jay Hatfield Mobility, Inc. – Columbus, KS – Jay Hatfield, Owner
- Luxx Beauty Lounge – 1411 N. Penn – Jade Strauss, Owner
- Montgomery County Assisted Living, LLC – 2120 N. 13<sup>th</sup> – Montgomery County Assisted Living, LLC, Owner
- Schurle Signs, Inc. – Lawrence, KS – Janet Schurle, President
- South Central Kansas Economic Development—Bel Aire, KS -- Board of Directors, Owner
- US Monitoring, Inc. – Oklahoma City, OK – Robert Forsythe, President

### **Adoption of the Consent Agenda**

- A. Appropriations**
  - 1. A-1799**
  - 2. P-1766**
- B. Consider a request from Kathy Shepard to utilize the oval at the park for a Show and Shine Car Show to be held as part of the Veterans Day activities on November 11, 2017 from 3-5 PM.**
- C. Consider bids received on September 21, 2017 for a pickup for use by the Building Inspector.**
- D. Consider bids received on September 14, 2017 for a utility vehicle for use by the Park and Zoo.**
- E. Consider an agreement with PEC for professional services relating to A/V upgrades in the Veterans Room of Memorial Hall.**

**Item E was moved to Items for Commission Action. After discussion with City staff, this item died due to lack of a motion.**

- F. Consider a request from the Chamber and Main Street to close Penn Ave. from Community National Bank drive-in north to Penn and Chestnut, from 5:00 p.m. to 7:30 p.m. on October 31, 2017 for the Trunk and Treat event.**
- G. Consider resolution and proclamation relating to the 2018 Neewollah celebration.**
- H. Consider sponsoring the MCAC Legislative Golf Tournament on October 20, 2017.**

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- I. Consider a contract amendment with TranSystems for engineering services for the 3-lane improvement ending on Peter Pan Road from the geometric road improvement ending point.**

**Item I was moved to Items for Commission Action.**

### **Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission authorized the Mayor to sign the contract amendment and authorized staff to submit an application for an economic development grant to KDOT for full-length extension of North Peter Pan Road.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

### **Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved the Consent Agenda excluding Items E and I.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

### **Presentations**

- A. Recognition of employees and citizen with Life Saving Awards.**

**David Cowan, Director of Public Safety, announced the recognition of City employees and citizen in their efforts in saving the life of Independence resident, James Andrews. The Commission joined Cowen in the presentation of the Life Saving Awards to the following individuals:**

- Stephanie Groff, Dispatch**
- Allison Andrews, Spouse**
- Marcus Hamilton, Fire/EMS**
- Matt Kent, Fire/EMS**
- Keith Fuller, Fire/EMS**
- John Boles, Fire/EMS**
- Jordan Drybread, Fire/EMS**
- Shawn Wallis, Fire Chief**
- David Cowan, Director of Public Safety**

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**James Andrews was present and was also recognized by the Commission for his recovery.**

### **Public Hearings**

- A. Public Hearing to consider adopting the North Penn Neighborhood Revitalization Plan(s) and establishing the North Penn Neighborhood Revitalization area.**

**The Mayor opened the Public Hearing.**

**Lisa Richard addressed the Commission and stated that she was concerned that the Interlocal Agreement did not really spell out the ability off all of the parties to withdraw from the agreement. She also noted that it appeared that the agreement didn't address some properties south of Railroad Avenue. There is a strip between Railroad Avenue and Locust on North Penn that is excluded and missing nice houses in this area that have been left out of the agreement.**

**Debbie Miller spoke that she owns one of the homes in question being omitted and didn't understand why these homes are being excluded when they are located on Highway 75.**

**Kelly Passauer stated that those areas in question are included in the Downtown District which is under a different agreement that is already in place.**

**Jeff Chubb noted that he didn't think it was necessary to change the language of the agreement with Richard's concern of the withdrawal language but said it wouldn't hurt anything if the language was changed. Commissioner Caflisch stated it would be good to add the language.**

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

### **Motion:**

**On the motion of Commissioner Caflisch, seconded by Commissioner Hogsett, the commission approved the North Penn Revitalization Plan with the modification as presented.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

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### **Items for Commission Action**

- A. Consider setting the date of November 21, 2017 at 5:30 PM for a public hearing to consider condemnation of the structures located at 424 S. 18<sup>th</sup>.**

#### **Motion:**

**On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission approved to set the date of November 21, 2017 for a public hearing to consider condemnation of the structures located at 424 S. 18<sup>th</sup>.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

- B. Consider reviewing the condition of 1001 N. 18<sup>th</sup> Place; and consider authorizing staff to set the date to receive bids for removal.**

#### **Motion:**

**On the motion of Commissioner Caflisch, seconded by Commissioner Hogsett, the commission authorized staff to set the date to receive bids for removal of the previously condemned structure located at 1001 N. 18<sup>th</sup> Place.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

- C. Consider text amendments to the zoning code; specifically, Article VIII, relating to Attention Attracting Devices and Electronic Signs.**

#### **Motion:**

**On the motion of Mayor Meier, seconded by Commissioner Caflisch, the commission adopted an ordinance implementing a text amendment to Section 803.6 of the zoning code as recommended by the Planning Commission.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

- D. Consider water/sewer rate study and recommended rate increases.**

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**Mike Borovetz, Director of Finance, presented the water/sewer rate increase proposal to the Commission. The proposal called for increases for a 5-year period as follows:**

- **Water – 100% increase in 2018, 6.5% increase in 2019, and 3% annual increase in 2020 through 2022.**
- **Sewer – 16.5% increase in 2018 followed by 3% annual increase in 2019 through 2022.**

### **Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission directed staff to prepare an ordinance for consideration at the next Commission meeting implementing the recommended water/sewer rate increases.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

### **Commissioner Comments:**

**Commissioner Caflisch visited about the Access Management Plan with KDOT regarding road projects the City has. He stated that KDOT had quite a bit of money in the plan for 2018 and we could use this money for some of the projects. The Access Management Plan money could be used to free up other funds to be used on other City streets. It was discussed that the City had not yet signed the Access Management Plan for the previous West Main project and Craig Whitehead stated that there still was no language developed that is acceptable to put in the plan to get both parties to agree to sign. Commissioner Caflisch stated that once we get that resolved, we could use the plan to free up City funds.**

**Commissioner Hogsett asked Whitehead about the meeting with all of the Commission candidates. Whitehead explained that five of the candidates met with him today to meet staff and learn about the departments. He also stated that there was a presentation on the City's form of government.**

### **Public Concerns:**

**Debbie Miller addressed the Commission regarding a statute regarding KORA fees and she believes the City has been charging in excess of the actual costs and violated the statute. She said that she believes the KORA fees charged by the City are illegal. She has contacted former City Clerk Jen Rutledge, current City Clerk Mike Borovetz and City Attorney Jeff Chubb and they were notified of the KORA statutes and the excessive fees but the City did not taken action**

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until a complaint was made in July. She stated many requestors including herself had suffered significant monetary damages because of the illegal KORA fees. She said it is unfortunate that requestors could have been spared of the damages if the City had addressed the illegal fees when she notified Rutledge, Borovetz and Chubb last February. She stated she has filed a complaint with the Kansas Attorney General's office for 12 KORA requests she has made in addition with the complaint she filed in July.

### Executive Session:

There were no Executive Sessions for this meeting

### Adjournment

### Motion:

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

Aye: Caflisch, Meier, Hogsett

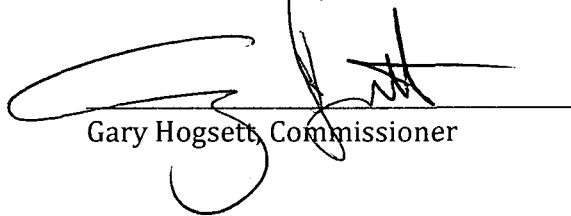
Nay: None



Fred Meier, Mayor

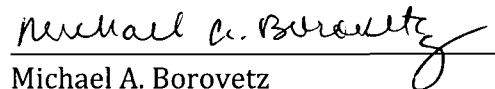


Leonhard Caflisch, Commissioner



Gary Hogsett, Commissioner

Attest:



Michael A. Borovetz  
Director of Finance/City Clerk