

Minutes of the Independence City Commission's January 26, 2017 Meeting.

The Independence City Commission met on January 26, 2017 at 5:30pm in the Veterans Room at Memorial Hall. Commissioner Gary Hogsett, Commissioner Leonhard Cafilisch, and Commissioner Fred Meier were present. Others present included:

City Staff

Micky Webb, City Manager
Kelly Passauer, Asst City Manager
Jennifer Rutledge, Director of Finance/City Clerk
Dave Cowan, Public Safety Director
April Nutt, Director of Housing
Jeff Chubb, City Attorney
Don Cushing, Building Inspector
Terry Lybarger, Director of Utilities
Mike Passauer, Public Works Director
Lisa Helkenberg, Police Captain
Sgt. Jason Goza
Sgt. Jason Reddy
Sgt. Dustin Taylor

Visitors

Carlene Furnas	Melissa Small
Robert Meadows	Zach Zahnier
Debbie Miller	Jason Wickline
Jerry Bright	Melissa James
Phillip Eastep	Randy Bryant
Sue Eastep	Lori Bryant
Daniel Turr	Tabatha Snodgrass
Patrick Burden	Charlotte Cafilisch
Karen Ferrell	Dorcas Sutton
Carla McKenzie	Kim Barraza
Larry Werner	Ned Stichman
Eugene Carlson	

Call to Order

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission approved the agenda with the following amendments:

- **Move Item d. from the Consent Agenda to Items for Commission Action.**
- **Add item r. Discuss City Manager search**

Aye: Caflich, Hogsett, Meier

Nay: None

Pledge of Allegiance to the United States of America

Adoption of the Consent Agenda

a. Appropriations

1. A-1783

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hogsett, the commission approved A-1783 for \$465,411.77.

Aye: Caflich, Hogsett, Meier

Nay: None

b. Consider minutes of the January 12, 2017 City Commission meetings [CITIZENS].

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hogsett, the commission approved the minutes of the January 12, 2017 City Commission meetings.

Aye: Caflich, Hogsett, Meier

Nay: None

c. Consider a cereal malt beverage license for a Friends Helping Friends benefit at Memorial Hall on February 18-19, 2017 [CITIZENS].

Attached is a cereal malt beverage license for a Friends Helping Friends Benefit that is being held at Memorial Hall starting on February 18, 2017 at 5 PM at Memorial Hall. The purpose of the benefit is to assist the family of Audrey Hein, a child who is suffering from stage 3 renal cancer. City staff recommends approval.

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hogsett, the commission approved cereal malt beverage license for the Friends Helping Friends benefit at Memorial Hall on February 18-19, 2017.

Aye: Caflich, Hogsett, Meier

Nay: None

- d. Consider renewing the Lions Club concession stand lease [CITIZENS].

The lease between the City and the Lions Club for the lease of the concession stand will expire on January 31st, 2017. Attached is a revised agreement for an additional year (February 1, 2017 - January 31, 2018). The Lions Club has operated the concession stand for the past several years. During this time we have received no complaints. Many years ago we attempted to receive bids and there was minimal interest.

Under the terms of the lease the City receives 7% of the gross sales. It is staff's recommendation to authorize the Mayor to sign the attached lease. This lease provides for the same terms and conditions as included in our previous leases. We make our recommendation based on the quality of service provided by the Lions Club and that all proceeds generated by the Lions Club are used for projects in Independence.

This item was moved to Items for Commission Action:

Motion:

On the motion of Commissioner Hogsett, seconded by Mayor Meier, the commission approved the Lions Club concession stand lease.

Aye: Hogsett, Meier

Nay: None

Abstain: Cafilisch

- e. Consider authorizing a health insurance reimbursement for employees that have single or family coverage [CITY EMPLOYEES].

As reported previously, the City health insurance rates were reduced based on a low use year which resulted in a rebate back to the City. The City Clerk/Finance Director has determined how much of the rebate should belong to the City and how much should go back to the employees that paid for health insurance. City staff would like to propose that employees share the savings by providing those employees on single insurance for the last 12 months a one-time \$90 reimbursement and providing those on family insurance for the last 12 months a one-time \$200 reimbursement. Since the rebate was just over 50% of what was received last year, we are proposing employee reimbursements that are 50% of what was provided last year. Those employees that were not on insurance the full 12 month will receive a pro-rata share based on the number of months they participated. City staff recommends approval of the employee reimbursement as proposed.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission approved the health insurance reimbursement for employees that have single or family coverage.

Aye: Cafilisch, Hogsett, Meier

Nay: None

- f. Consider proposal received for the City audit for years 2016 through 2018 [CITIZENS].

City staff requested proposals from firms who previously conducted the City Audit. We received one proposal from Yerkes & Michels. Tom Sewell called and declined to submit a proposal. City staff recommends authorizing the attached proposal.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission authorized the proposal from Yerkes & Michels for the audit years 2016 through 2018.

Aye: Cafilisch, Hogsett, Meier

Nay: None

- g. Consider setting the date of February 2, 2017 at 2 PM to receive bids for the purchase of dump truck and related equipment for the street department [CITIZENS].

City staff recommends setting the date of February 2, 2017 at 2 PM to receive bids for the purchase of a dump truck and related equipment for the street department. The bid will include the trade in of a 1996 Ford L8000. City staff recommends setting the date as proposed.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission set the date of February 2, 2017 at 2PM to receive bids for the purchase of a dump truck and related equipment for the street department.

Aye: Cafilisch, Hogsett, Meier

Nay: None

- h. Consider treasurer's reports [CITIZENS]:

1. Quarterly report ending December 31, 2016.
2. Monthly report ending December 31, 2016.

Attached are the treasurers reports listed above. City staff recommends approval.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission approved the treasurer's reports ending December 31, 2016.

Aye: Cafilisch, Hogsett, Meier

Nay: None

- i. Consider a resolution that the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities [CITIZENS].

The City Commission previously adopted a resolution to provide notice to the public that it will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, activities and employment. This responsibility previously was included in the City Clerk/Finance Director duties. With the City Clerk/Finance Director resigning next month staff recommends reassigning David Cowan, Public Safety Director as the ADA Coordinator.

City staff recommendation is to adopt Resolution No. 2017-08 "Notice Under The Americans with Disabilities Act".

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission adopted Resolution 2017-008 "Notice Under the Americans With Disabilities Act."

Aye: Cafilisch, Hogsett, Meier

Nay: None

- j. Consider a resolution establishing a grievance procedure under the Americans with Disabilities Act [CITIZENS].

The City Commission previously adopted a resolution adopting the attached ADA Grievance Procedure. As stated in the previous agenda item, with the change of staff we are needing to update this information with the correct personnel that will be assigned this responsibility, David Cowan Public Safety Director. This grievance procedure will be distributed to all department heads and posted in conspicuous locations in each of our buildings. City staff recommendation is to adopt Resolution No. 2017-9 "Grievance Procedure under the Americans With Disabilities Act".

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission adopted Resolution 2017-009 "Grievance Procedure under the Americans With Disabilities Act."

Aye: Cafilisch, Hogsett, Meier

Nay: None

Public Hearings

k. Public hearing to consider condemnation of the following structures as dangerous and unsafe [CITIZENS/CITY EMPLOYEES]:

1. 223 W. Main

The Mayor opened the public hearing.

The Building Inspector recommended adjourning the hearing as the property may be sold.

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

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission adjourned the public hearing for 90 days.

Aye: Cafilisch, Hogsett, Meier

Nay: None

2. 412 N. 19th

The Mayor opened the public hearing.

The Building Inspector recommended moving forward with the condemnation process.

Patrick Burton, owner, told the Commission his plans to repair the property

The Mayor closed the public hearing.

Motion:

On the motion of Commissioner Hogsett, seconded by Mayor Meier, the commission adopted Resolution 2017-002 condemning 412 N 19th as dangerous and unsafe, and allowing the owner 30 days to commence repair or removal.

Aye: Cafilisch, Hogsett, Meier

Nay: None

3. 524 N. Penn

Minutes of the Independence City Commission's January 26, 2017 Meeting.

The Mayor opened the public hearing.

The Building Inspector recommended rescinding all condemnation action on this property.

Melissa Small, owner, told the commission that the repairs were complete.

The Mayor closed the public hearing.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission adopted Resolution 2017-003 Rescinding Previous Condemnation Resolutions.

Aye: Cafilisch, Hogsett, Meier

Nay: None

4. 909 E. Hill

The Mayor opened the public hearing.

The Building Inspector explained that this is a fire-damaged property that the owner plans to remove.

Melissa Small, owner, told the Commission they are waiting on Atmos to pull the meter, and the house will be removed.

The Mayor closed the public hearing.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission adopted Resolution 2017-004 condemning 909 E Hill as dangerous and unsafe, and allowing the owner 30 days to commence repair or removal.

Aye: Cafilisch, Hogsett, Meier

Nay: None

5. 1016 W. Cottonwood

The Mayor opened the public hearing.

The Building Inspector recommended rescinding all condemnation action on this property.

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

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission adopted Resolution 2017-003 Rescinding Previous Condemnation Resolutions.

Aye: Cafilisch, Hogsett, Meier

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.

Items for Commission Action

I. Consider a request from AWOL for additional funding [CITIZENS].

The City Commission approved the AWOL agreement for 2017 at their December 19, 2016 meeting. The contract provided for \$2,000 per month for a total of \$24,000. AWOL has received \$24,000 per year since 2009. In 2007 and 2008 they were provided \$1,850 per month or \$22,200 per year. In 2000 through 2007 they were provided \$1,700 per month or \$20,400 per year. When the 2017 contract was submitted to AWOL for their signature they requested additional financial assistance. To date the 2017 contract has not been signed by AWOL.

A few weeks ago Karen Ferrell with AWOL spoke to the City Clerk and indicated that AWOL needed a \$100 per month increase, not to be charged for water/sewer fees and some help with some needed cabinetry. The City Clerk advised her to place their requests in writing so that staff could place their request on the agenda. Please note that Karen indicated that they had sent a letter approximately one year ago requesting additional funding, however, we have not been able to locate a copy of that letter.

Attached is the letter received from AWOL dated January 15, 2017 which requests the following:

1. Free Water/Sewer.
2. An additional \$500 per month for six months until they can submit another request to the City in June.
3. Additional maintenance above what is already being provided.

In addition, City staff spoke with Karen Ferrell on January 23, 2017 who indicated that the board would also like item "o." struck out of the agreement which states: *"Establish and collect adoption fees to cover cost of rabies shot and City tag. The fees so collected may be retained by AWOL to cover such costs."* They would like the City to cover these costs as the adoption fees do not adequately cover these costs and they are concerned if they raise their fees any higher that animals will not be adopted. City staff did find a staff memo regarding this issue dated 8/20/2007 which is attached which indicates that AWOL would raise the adoption fees to cover 1 year rabies shot and city tag. In visiting with Karen Ferrell further she indicated that the vet fees have increased significantly over the last several years for services, including vaccinations, which is why the adoption fees are not covering all of these costs.

While City staff is very sympathetic to AWOL and other organizations' funding needs, City staff is also concerned about increasing funding outside of the budget process. In addition, in the next budget cycle the mill levy cap will be imposed which will limit the City's ability to increase the mill levy beyond the consumer price index, with some exceptions. The City Clerk will be available to review the City's current financial state and what funding may or may not be available in response to AWOL's requests.

Representatives of AWOL will also be available at the meeting to address this issue with the Commission.

Philip Eastep spoke on behalf of the AWOL board. He pointed out that AWOL has not received a funding increase since 2009 and with rising costs, they are in need of an increase in funding.

The Commission directed the City Clerk to sit down with a representative from AWOL and determine what can be done in the current budget year.

m. Consider reviewing the following previously condemned structures:

1. 309 Cypress – **no action was taken on this property**
2. 300 S. 14th

The Building Inspector reported that multiple property reviews have been missed, and that the amount of work completed on 300 S 14th results in a recommendation to authorize staff to set a date to receive bids for removal of this property.

Jason Wickline spoke to the Commission about his intent to repair the property.

Motion:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission provided 30 days to provide the Building Inspector a timeline,

and 60 days to show significant improvement on 300 S. 14th. A review will be held at the end of the 90 days allowed.

Aye: Cafilisch, Hogsett, Meier

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.
- n. Consider setting the date of March 23, 2017 at 5:30 PM for public hearings to consider condemnation of the following structures as dangerous and unsafe:
1. 1201 W. Main

Motion:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission adopted Resolution 2017-006 setting the date of March 23, 2017 at 5:30PM for public hearings to consider condemnation of 1201 W. Main as dangerous and unsafe.

Aye: Cafilisch, Hogsett, Meier

Nay: None

2. 1009 N. 17th Place

Motion:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission adopted Resolution 2017-007 setting the date of March 23, 2017 at 5:30PM for public hearings to consider condemnation of 1009 N 17th Place as dangerous and unsafe.

Aye: Cafilisch, Hogsett, Meier

Nay: None

The Building Inspector will review the above fire damaged properties with the Commission. The Commission has the following options for each property:

- Set the date of March 23, 2017 at 5:30 PM for a public hearing to consider condemnation of the structure(s) as dangerous and unsafe; or

- Take no action.

- o. Consider quotes received for downtown street repair work [CITY EMPLOYEES].

The attached quotes were received to repair the downtown streets due to the water line breach by a private contractor. This item was included on your previous agenda, however, Shawn Turner with TranSystems was not available at that meeting. Shawn Turner has advised that he will be available to review this item with the Commission.

Motion:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission awarded the bid to Mission Construction for Option 2 Full Width replacement for \$108,810.00 and engineering costs up to \$5,000.00.

Aye: Cafilisch, Hogsett, Meier

Nay: None

- p. Consider KLINK project on Penn Avenue from Chestnut to Oak Street [CITIZENS/OTHER GOVERNMENTAL AGENCIES].

As the Commission is aware, the City was previously awarded a grant for resurfacing Penn Avenue from Chestnut to Oak Street. If the City does not bid the project this spring, then the City could lose the funding as the State funds are being tightened. The total project cost is \$624,000, with \$293,250 KDOT funds and \$330,750 City funds. Shawn Turner will review the project and City staff will review funding alternatives with the Commission. City staff is concerned if the project is forfeited that it could negatively affect the City on obtaining street improvement grants through the State for years to come.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission authorized proceeding with the KLINK Project on Penn from Chestnut to Oak Street, authorizing the Mayor to sign any documents necessary to move forward with the KLINK.

Aye: Cafilisch, Hogsett, Meier

Nay: None

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hogsett, the commission authorized city staff to contact the bond attorney to utilize the remaining bond funds for the Peter Pan Geometric project.

Aye: Caflisch, Hogsett, Meier

Nay: None

Reports

q. Report on City Projects and other updates [CITIZENS/CITY EMPLOYEES].

Staff and TranSystems will provide a report on City projects or other updates.

Shawn Turner from Transystems provided the following updates:

- **Peter Pan GI Project - the Right of Way work is in process and the project should bid in April or May.**
- **Basin 5 - work is complete. Transystems is preparing the outlay requests for submission.**
- **Lakeview Liftstation - plans are approved, but the City needs to determine where funding for this project will come from, estimate of \$400,000.00**
- **CDBG Grant for ADA Curb Ramps is complete and will be closing out soon.**

Terry Lybarger reported:

- **Labette water line is in place.**
- **SCADA filter upgrade will be complete in the next two weeks**
- **Consumption/Revenue year over year - the sewer averaging rates are based on consumption in Nov, Dec, Jan, and Feb of the previous year, and the water emergency in November will affect those sewer averages we are about to put into effect.**

Kelly Passauer reported:

- **Treanor would like a list of stakeholders to set a meeting in February to get the process moving forward. The Commission determined that 15 members will work and the names will be given to Kelly by Tuesday, January 31 at the end of the day.**

Barb Buerskens reported:

- **Downtown Tree planting is coming around the 1st of March. We will be planting 39 trees and 6 bushes which are the Crepe Myrtles.**

April Nutt reported:

- For the Downtown Building Grant - 9 applications have been received with the potential of investing \$270,000.00 downtown , of which \$67,000 will be the City's share.
- 3 additional property owners have also expressed interest, but after the application deadline.

Commission Comments

- Commissioner Hogsett noted that he never receives texts during meetings, but during this meeting he has been texted multiple times about the NPR broadcast for the City of Independence.

Public Concerns

No public concerns were presented.

Executive Session

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) (2) for the purpose of consultation with an attorney for the body or agency, to end at 7:23pm. The executive session included Mayor Hogsett, Commissioner Meier, Commissioner Cafilisch, Kelly Passauer and Jen Rutledge

Aye: Cafilisch, Meier, Hogsett

Nay: None

Mayor Meier called the meeting back to order at 7:23.

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) (1) for the purpose of personnel matters of nonelected personnel, to end at 7:39. The executive session included Mayor Meier, Commissioner Hogsett, Commissioner Cafilisch, and Micky Webb. Jeff Chubb joined the executive session at 7:31.

Aye: Cafilisch, Meier, Hogsett

Nay: None

Mayor Meier called the meeting back to order at 7:39.

Motion:

On the motion of Mayor Meier, seconded by Commissioner Cafilisch, the commission called a 15 minute executive session according to Kansas Statute 75-4319 (b) (1) for the purpose of personnel matters of nonelected personnel, to end at 7:55. The executive session included Mayor Meier, Commissioner Hogsett, and Commissioner Cafilisch.

Aye: Cafilisch, Meier, Hogsett

Nay: None

Mayor Meier called the meeting back to order at 7:55.

Motion:

On the motion of Mayor Meier, seconded by Commissioner Cafilisch, the commission assigned an additional duty to the City Manager pursuant to paragraph 2 of his employment contract with the City. The duty to be assigned to the City Manager is that the City Manager is directed to take vacation leave effective January 30th; that the vacation leave shall extend through March 31, 2017, the end date of the City Manager's contract; and that the City Manager be granted such additional paid vacation leave so that his paid vacation leave is sufficient in duration that he will have paid vacation leave through March 31, 2017.

Aye: Cafilisch, Hogsett, Meier

Nay: None

Adjournment

Motion:

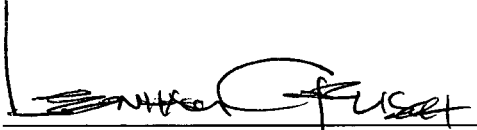
On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission adjourned the meeting.

Aye: Cafilisch, Meier, Hogsett

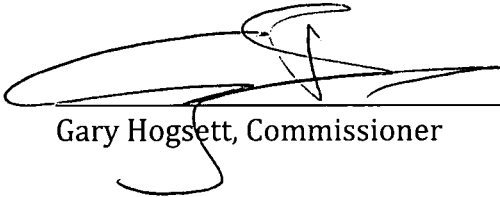
Nay: None



Fred Meier, Mayor

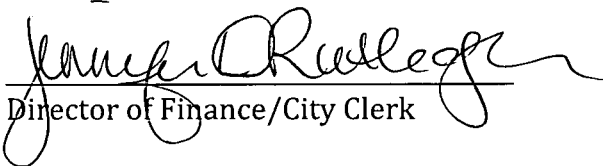


Leonhard Cafilisch, Commissioner



Gary Hogsett, Commissioner

Attest:



Director of Finance/City Clerk

Attendance Sheet

City Commission Meeting

January 26, 2017

PLEASE PRINT

Name	Address
1 <u>Carlen Gurnas</u>	<u>Sycamore, KS 67363</u>
2 <u>Robert Meadows</u>	<u>3893 S. 4100 ST. Indep K.S.</u>
3 <u>Hebbie Miller</u>	<u>P.O. Box 571 Indy</u>
4 <u>Jerry Bright</u>	<u>201 South 13th</u>
5 <u>Bob B. Earl - AWO</u>	<u>4742 CR 5800 - CIVALE</u>
6 <u>SUE EASTEP - AWO</u>	<u>4742 CR 5800 - CIVALE</u>
7 <u>DARIN TURA</u>	<u>102 S 15T</u>
8 <u>Patrick Burden</u>	<u>3077 West 4600 ST</u>
9 <u>Karen Ferrell</u>	<u>200 E Pecan Indep.</u>
10 <u>Carla AMcKenzie AWO</u>	<u>5157 CR 4200 Cheryvale</u>
11 <u>Jason Reddy</u>	<u>811 W Laurel ST Indy</u>
12 <u>Dustin Taylor</u>	
13 <u>Larry Henry</u>	<u>601 R. Key</u>
14 <u>EC Cook Jr</u>	<u>115 W. MYRTLE</u>
15 <u>Melissa Small</u>	<u>1672 N. 24th Street, Indy</u>
16 <u>Zach Zahner</u>	<u>202 SPRUCE</u>
17 <u>JASON WICKLINE</u>	<u>412 LINDEN</u>
18 <u>Melissa James</u>	<u>3628 W. Main Indy</u>

19 Randy Bryant

325 S. 23rd St

20 Lou Bryant

325 S. 23rd St

21 Tatiana Snodgrass

417 E. Birch

22 Charlotte Caples

600 S. 5th

23 Lucas Smith

1201 N 5th

24 Kim Barran

1201 W. Myrtle

25 Ned Stuchman

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Request to Address the City Commission



Name: Phillip B. Eastep

Agenda item you wish to address: Letter: 1; or

Public concern you wish to address: AWOL

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 _____