

Minutes of the Independence City Commission's February 9, 2017 Meeting.

The Independence City Commission met on February 9, 2017 at 5:30pm in the Veterans Room at Memorial Hall. Commissioner Gary Hogsett, Commissioner Leonhard Caflich, and Commissioner Fred Meier were present. Others present included:

**City Staff**

Kelly Passauer, Assistant City Manager  
Jennifer Rutledge, Director of Finance/City Clerk  
Dave Cowan, Public Safety Director  
April Nutt, Director of Housing  
Jeff Chubb, City Attorney  
Terry Lybarger, Director of Utilities  
Mike Passauer, Public Works Director  
Barb Beurskens, Park and Zoo Director  
Barry Beurskens, Fire Captain  
Jerry Harrison, Police Chief

**Visitors**

Daniel Turr	Larry Werner
Robert Meadows	Forest Roberts
Dorcas Sutton	Louis Ysusi
Jerry Bright	Judy Ysusi
Ned Stichman	Dean Hayse
Debbie Miller	Charlotte Caflich
Anthony Royse	Lisa Wilson
Ken Brown	Shawn Turner
Tabatha Snodgrass	
Jeff Weimer	

**Call to Order**

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

**City Licenses**

None

**Appointments**

Planning Commission/Board of Zoning Appeals (Inside City) – Two (2) Resignations -- Applications due February 27, 2017

**Adoption of the Consent Agenda**

- a. Appropriations
  1. A-1784

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved A-1784 for \$816,942.74.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

2. P-1747 and P-1748

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved P-1747 for \$125,420.92 and P-1748 for \$124,525.60.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- b. Consider minutes of the January 26, 2017 City Commission meetings [CITIZENS].

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved the minutes of the January 26, 2017 City Commission meetings.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- c. Consider a deduct change order in the amount of \$16,349.85 for the airport project [BUSINESS & INDUSTRY/CITIZENS].

Attached is a memo from Michael Conway, Consultant regarding the attached airport project change order. This change order is to reconcile the quantities as built and will result in a deduct change order in the amount of \$16,349.85. City staff recommends approval.

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission approved the deduct change order in the amount of \$16,349.85.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- d. Consider a request from Rita Ortolani representing Blue Cross and Blue Shield of Kansas to utilize the Gazebo west of City Hall on April 26, 2017 for a National Walk @ Lunch Day [CITIZENS/QUALITY OF LIFE SYSTEM].

Attached is an email from Rita Ortolani representing Blue Cross/Blue Shield of Kansas to utilize the Gazebo area located at 6<sup>th</sup> and Myrtle on Wednesday, April 16, 2017 from 11 AM to 1:30 PM for National Walk @ Lunch Day. The one mile walk will begin and end at the Gazebo. This event was also conducted last year. City staff recommends approval.

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission approved the request from Blue Cross and Blue Shield of Kansas to utilize the Gazebo west of City Hall on April 26, 2017 for a National Walk @ Lunch Day.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- e. Consider co-sponsoring a public meeting for public participation in the development of the Montgomery County Economic Development Strategic Plan on February 22, 2017 in the American Legion Room of Memorial Hall [CITIZENS/BUSINESS & INDUSTRY].

Attached is an email from Paula Benson, Administrative Assistant for MCAC requesting the City sponsor the public meeting in Independence on February 22, 2017. The purpose of the meeting is for public input on the county-wide economic development strategic plan that is scheduled to be produced in June of 2017. Since the City is a MCAC member and this is a public meeting for the benefit of future economic development in Montgomery County, City staff recommends co-sponsoring the February 22, 2017 meeting in Independence.

**This item was moved to items for Commission action.**

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission approved co-sponsoring a public meeting for public participation of the Montgomery County Economic Development Strategic Plan on February 22, 2017.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

**Motion:**

**On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission scheduled a special meeting for February 22, 2017 at 6:30pm.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- f. Consider authorizing blocking portions of West Maple Street and South 8th Street around the Booth Hotel on April 22, 2017 from 4:30 PM to 9 PM for prom [CITIZENS/OTHER GOVERNMENTAL ENTITIES].

Attached is an email from Emmi Knight representing the Class of 2018 requesting to block portions of West Maple Street and South 8<sup>th</sup> Street for the Prom which is taking place at the Booth Hotel. Specifically they are requesting the following:

Area to be blocked off- 04/22/17

*West side of 6th and Maple intersection, West two blocks to the East side of 8th St intersection, then north one block to the South side 8th and Main St intersection. All access to this area, including alleys and Pennsylvania Ave at Maple St, will need to be blocked using barricades provided by the City of Independence. The barricades will be put in place and monitored by the Independence Police Department and will be taken down by the Independence Police Department once the event has completed and the area is no longer needed. The time for the area to be blocked off will be from 4:30 PM to approximately 9:00 PM.*

City staff recommends approval.

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission authorized blocking portions of West Maple Street and South 8<sup>th</sup> Street around the Booth Hotel on April 22, 2017 from 4:30PM to 9PM for prom.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- g. Consider waiving the park curfew on the evening of April 7, 2017 for Chris Cakes of Wichita to stay overnight in the park in preparation for a fund raising event for Cherish Our Children on April 8, 2017 as part of the FORPAZ Park Opening [CITIZENS].

We have received the attached request from Erin Bunn of the Kansas Children's Service League asking for permission for Chris Cakes of Wichita to stay overnight at Riverside Park in their trailer on the evening of April 7<sup>th</sup> as they are participating in the Park Opening festivities on

April 8<sup>th</sup>. FORPAZ has approved this event. The Commission has approved similar requests to waive the park curfew for the annual 4-H fair, Relay for Life, etc. City staff recommends waiving the curfew in the park on the evening of April 7, 2017 for this vendor to stay overnight.

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission waived the curfew in the park on the evening of April 7, 2017.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- h. Consider bids received for the purchase of a dump truck and related equipment for the street department [CITY EMPLOYEES/CITIZENS].**

Bids were received as follows for a new Dump Truck and related equipment; i.e. snow plow, spreader, etc:

Bidder	Description	Bid	Less Trade of 1996 Ford L-800	Total
Quality Motors	2016 Ford F550 XL SD	\$89,926.90	-\$7,000.00	\$82,926.90
Quality Motors	2017 Ford F550 XL SD	\$77,385.90	-\$7000.00	\$70,385.90

The 2017 budget included \$100,000 for this purchase. City staff recommends awarding the low bid from Quality Motors of \$70,385.90 which includes trading in the 1996 Ford L-800.

**This item was moved to Items for Commission Action.**

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission approved the low bid from Quality Motors in the amount of \$70,385.90.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

**Items for Commission Action**

- i. Consider amending the previously approved 2017 agreement with AWOL [CITIZENS].**

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City staff met with Karen Ferrell representing the AWOL Board of Directors last week. During that meeting we agreed to recommend the following amendments to the AWOL agreement:

1. Provide an additional \$200 per month. This amount will be funded from their \$5,000 maintenance budget, which would reduce their maintenance budget to \$2,600 for 2017.
2. To no longer charge for water or sewer services, as long as usage does not increase significantly.

In addition to the amendments to the AWOL agreement we also agreed to have our maintenance personnel review some concerns that they have at the building, which is in process. City staff recommends authorizing the Mayor to sign the attached amended agreement which will replace the agreement previously approved by the City Commission on 12/19/2016.

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission authorized the Mayor to sign the attached amended agreement which will replace the agreement previously approved by the City Commission on 12/19/2016.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- j. Consider engineering agreement with TranSystems for the KLINK – Penn from Chestnut to Oak project [CITIZENS].

Attached is an agreement for engineering services with TranSystems for the KLINK project – Penn from Chestnut to Oak. The fee for engineering services is \$86,000 maximum with \$40,000 for design and \$46,000 for construction related engineering services. This fee is included in the City's share of this KLINK project previously provided to the Commission. Shawn Turner with TranSystems will be available to answer any questions you may have. City staff recommends approval.

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission approved the engineering agreement with TranSystems for the KLINK – Penn from Chestnut to Oak project as amended.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- k. Consider modifying the recommendation on funding the KLINK project on Penn Avenue from Chestnut to Oak and the downtown street repair at the intersection of Penn and Laurel [CITIZENS].

Attached is a memo from the City Clerk/Finance Director amending her funding recommendation for the KLINK project and the street repair at Penn and Laurel. Basically the recommendation reallocates the portion of costs directly related to ADA improvements to Special Use Sales Tax for ADA Improvements. The City Clerk/Finance Director will be available to address this recommendation with the Commission.

Also, attached is a letter from TranSystems regarding the inspection fees previously approved for the downtown street repair at Penn and Laurel that the Commission approved not to exceed \$5,000 which will be billed through the on-call agreement.

**Motion:**

**On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission approved funding the KLINK on Penn Avenue from Chestnut to Oak as proposed by City Staff:**

**Special Use Sales Tax – ADA Improvements - \$132,500**

**Economic Development/Transportation Fund - \$101,500**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission approved funding the Downtown Street Repair as proposed by City Staff:**

**Settlement - \$90,000**

**Special Use Sales Tax - \$9,707.50**

**Economic Development/Transportation Fund - \$14,102.50**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- l. Consider submitting an application(s) for the 2019 and 2020 City Connecting Link Improvement Program (CCLIP), formerly known as the KLINK Resurfacing and Geometric Improvement (GI) programs [CITIZENS/QUALITY OF LIFE SYSTEM].

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The City was recently notified of a new program through KDOT, City Connecting Link Improvement Program (CCLIP), which is replacing the KLINK and GI programs utilized in the past. Applications will need to be submitted for 2019 and 2020 projects by March 17, 2017. Shawn Turner will be available to review some possible projects, which include:

- West Main from 8<sup>th</sup> to 10<sup>th</sup> – Estimated Project Cost -- \$933,860.78 KDOT+ \$314,668.63 City = \$1,248,529.41 Total
- West Main from 300' West of Peter Pan west to the City limits – Estimated Project Cost -- \$195,626.48 KDOT + \$38,736.28 City = \$234,362.76 Total
- Chestnut from Penn to 9<sup>th</sup> – Estimated Project Cost -- \$282,069.84 KDOT + \$79,937.59 City= \$362,007.43 Total

The Commission will need to provide direction regarding which projects they would like to apply for so that the applications can be completed in time to submit to KDOT.

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission directed Transystems to proceed with preparation of the grant applications for the 2019-2020 CCLIP.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- m. Consider an agreement between the Kansas State Historic Preservation Officer regarding performance of project reviews under K.S.A. 75-2724, as amended [GOVERNMENTAL ENTITIES/CITIZENS].

Attached is an agreement with the Kansas State Historic Preservation Officer regarding performance of project reviews under K.S.A. 75-2724, as amended. Ken Brown, Chair of the IHPRC will be available to present and review this agreement with the City Commission.

**Ken Brown addressed the Commission regarding the agreement and how it would work for local citizens.**

**Motion:**

**On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission approved the agreement between the Kansas State Historic Preservation Officer regarding performance of project reviews under K.S.A. 75-2724, as amended.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**



- n. Consider providing direction to staff regarding amending the ordinance establishing a system development charge; and amending ordinances related to fees established in Appendix D for a system development charge, water connection fee and sewer connection fee [CITIZENS/BUSINESS & INDUSTRY].

Ordinance 4082 was adopted on December 9, 2010 which established a systems development charge. The actual amount of the charge was to be established by a separate ordinance as an amendment to Appendix D (Fee Schedule) of the City Code. Attached is a table reviewing the history since the Systems Development Charge was initiated in December 2010 until current showing this charge and other related fees. Below is a summary of the table in which the highlighted text indicates a charge was added or amended:

- December 9, 2010 – Ordinance 4082 was adopted “Developing a Systems Development Charge”; the actual amount of the charge was to be defined in Appendix “D” so no dollar amount was included in this ordinance.
- December 23, 2010 – Ordinance 4083 was adopted amending Appendix D. However, instead of adding a Systems Development Charge as indicated in the ordinance a minimum meter fee of \$1,000 was established for meters inside and outside the City AND a sewer connection fee of \$1,000 was also established for premises within the City (excluding development and tracts that are part of a benefit district or structures that are attaching to a currently financed benefit district).
- September 1, 2011 -- Ordinance 4108 was adopted amending Appendix D. This ordinance also increased water/sewer rates. The minimum meter charge was modified to \$300 (it was set at \$1,000 in Ordinance 4083) for those inside the City and to \$350 (it was set at \$1,000 in Ordinance 4083) for those outside the City. There was no sewer connection fee included for those that live inside the City (Ordinance 4082 had set this at \$1,000), however, there was a sewer connection fee added for those that live outside the City of \$150. A systems development charge was imposed upon all persons who are issued a building permit or a permit for connection to the water and/or sewer system totaling \$1,000 (this is the first time this charge was added to Appendix D).
- December 6, 2012 – Ordinance 4135 was adopted amending Appendix D. This ordinance also increased water/sewer rates. The minimum meter charge was restated as \$300 for those inside the City and \$350 for those outside the City which is the same as Ordinance 4108. The sewer connection fee for those inside the City was set at

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\$100 (it was \$1,000 in Ordinance 4083). The sewer connection fee for those outside the City was restated at \$150 which is the same as Ordinance 4108. The systems development charge was restated at \$1,000 which is the same as Ordinance 4108.

- December 19, 2013, December 11, 2014 and November 19, 2015 – Ordinances 4158, 4186 and 4207 were adopted amending Appendix D. These ordinances also increased water/sewer rates. The minimum meter charge was restated as \$300 for those inside the City and \$350 for those outside the City which is the same as Ordinance 4108 and 4135. The sewer connection fee for those inside the City was restated at \$100 which is the same as Ordinance 4135. The sewer connection fee for those outside the City was restated at \$150 which is the same as Ordinance 4108 and 4135. The systems development charge was restated at \$1,000 which is the same as Ordinance 4108 and 4135.

As the City Attorney's attached memo mentions, City Manager Micky Webb had previously requested that the ordinance be amended to include hotels and motels, with each room an individual dwelling unit. When the proposed attached amended ordinance was placed on the agenda, the Commission took no action.

We have received a request from Scott Holder representing the Country Place Assisted Living Facility who is concerned that the fee is excessive for their development. The City Attorney has reviewed the ordinance and in his attached memo has indicated that the fee applies to the assisted living facility and ordinance does not allow City staff to make exceptions. As the City Attorney's memo indicates, City Manager Micky Webb recommended that the fee apply to this project as provided for in the ordinance. This would result in a \$1,000 systems development charge per dwelling unit for a total of \$22,000.

Therefore, City staff and the City Attorney are requesting direction from the City Commission on how you would prefer to see the systems development charge applied to developments such as hotels, motels, assisted living facilities, nursing homes, etc.

If you wish to continue excluding hotels and motels, then no change is warranted. If you wish to extend this exclusion or modify the charge to assisted living facilities, nursing homes, etc. then an amendment would be needed.

Another option might be to incorporate the systems development charge into an increase in the meter fee and/or sanitary sewer connection fee, which appears to have occurred initially with Ordinance 4083 since it was adopted two weeks after Ordinance 4082 which initiated the systems development charge. If the charge was assessed as part of the meter fee, a larger meter could be charged an additional fee.

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Staff has also emailed Lochner regarding the systems development charge and we will report at the meeting if we receive any feedback from them.

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission adopted Ordinance 4238, Repealing Ordinance 4082 codified as city code section 106-261 through 106-267, inclusive and establishing a new systems development charge.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

**Motion:**

**On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission adopted Ordinance 4239, Amending Appendix D of the City of Code Setting Forth the Amount of the Systems Development Charge.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- o. Consider a request for an outside City water meter for an existing City water customer at 547 Roosevelt Drive [CITIZENS].  
City staff received the attached request for a separate water meter to be installed outside the City at 547 Roosevelt from an existing customer, Todd Hoobler. Since the Commission has previously approved another similar request others in the same situation are now requesting their own meters. If the Commission wishes to grant this request, City staff recommends doing so only if the property owners involved sign a waiver prior to the meter being set indicating that they will not further split water service off to additional users in the future.

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Commissioner Hogsett, the commission approved the request for an outside City water meter for an existing water customer at 547 Roosevelt Drive, contingent on the signing of waiver recommended by City Staff by both property owners currently sharing one meter.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- p. Consider rescheduling the March 9, 2017 Commission meeting [CITIZENS].

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Commissioner Meier has indicated that he will be out of town on March 9, 2017 and would like the Commission to consider rescheduling this meeting. At this time it does not appear that any public hearings have been set for the March 9, 2017 meeting date.

**Motion:**

**On the motion of Commissioner Hogsett, seconded by Commissioner Cafilisch, the commission rescheduled the March 9, 2017 meeting to Tuesday, March 7, 2017.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

**Reports**

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

1. Sales Tax Report –
2. Update on adoption of new building and related codes.
  - i. Recommendation from the Plumbing Board to adopt the Uniform Plumbing Code.
3. Upcoming Bids/Quotes:
  - i. Cemetery Mower -- Quotes Due March 2, 2017 at 2 PM
  - ii. 13 Surplus Items For Sale -- Bids Due February 16, 2017 at 2 PM
4. Main Street Fundraiser – March 4, 2017 – Both Commissioner Cafilisch and Mayor Meier plan to attend.
5. Building D Due Diligence Request – the Commission directed the City Attorney to acknowledge receipt of the request and let the party know that City Staff is stretched right now and we will get back to him.

r. City Board Minutes.

**Commission Comments**

- **Commissioner Cafilisch expressed his desire to know where we stand on utilities at Building D as of the end of the year and the impact that this will have on the budget in 2017.**
- **Mayor Meier reported on the search for a new City Manager – Ads are out and applications will be accepted through March 3, 2017. Then the review process will begin and the Commission will determine which candidates to interview. He is expecting that we may have a new City Manager around May or June, 2017.**

**Public Concerns**

**Executive Session**

**Motion:**

On the motion of Commissioner Hogsett, seconded by Mayor Meier, the commission called a 10 minute executive session according to Kansas Statute 75-4319 (b) (6) for the purpose of preliminary discussions relating to the acquisition of real property, to end at 7:18. The executive session included Mayor Meier, Commissioner Hogsett, Commissioner Cafilisch, Kelly Passauer and Jeff Chubb.

Aye: Cafilisch, Meier, Hogsett

Nay: None

Mayor Meier called the meeting back to order at 7:18

**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 7:28pm. The executive session included Mayor Meier, Commissioner Hogsett, Commissioner Cafilisch, Kelly Passauer and Jeff Chubb.

Aye: Cafilisch, Meier, Hogsett

Nay: None

Mayor Meier called the meeting back to order at 7:28.

**Motion:**

On the motion of Mayor Meier, seconded by Commissioner Cafilisch, 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 7:39. The executive session included Mayor Meier, Commissioner Hogsett, Commissioner Cafilisch, and Jeff Chubb.

Aye: Cafilisch, Meier, Hogsett

Nay: None

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

**Adjournment**

**Motion:**

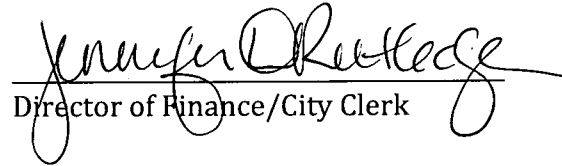
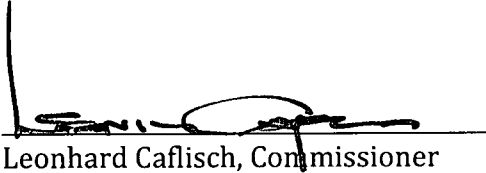
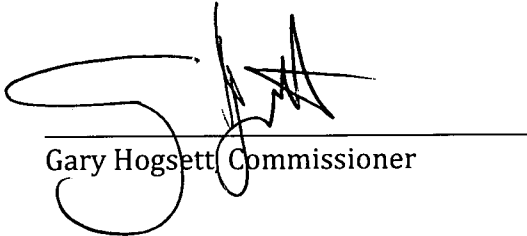
**On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch, the commission adjourned the meeting.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**



Fred Meier, Mayor

  
Director of Finance/City Clerk  
Leonhard Caflisch, Commissioner  
Gary Hogsett, Commissioner

Attest:

## Request to Address the City Commission



Name: \_\_\_\_\_

*Ken Brown*

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

Public concern you wish to address: \_\_\_\_\_

~~Ken Brown~~

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 \_\_\_\_\_

# Attendance Sheet

## City Commission Meeting

February 9, 2017

**PLEASE PRINT**

Name	Address
1 DANIEL TURN	102 S 15 <sup>th</sup>
2 Robert Meadows	3893 S. 4100 ST Independence,
3 Newcastle	1201 N 5 <sup>th</sup> Indep
4 Jerry Bright	201 S 13 <sup>th</sup>
5 NEP STEPHAN	
6 Debbie Miller	Box 571, City
7 Anthony Rayse	208 S 4th st.
8 Ken Brown	5002 Maple
9 Tomatra Snodgrass	417 E Birch
10 Jeff Weimer	700 N 10 <sup>th</sup>
11 Long Cherry	601 Riley Ind.
12 FOREST Roberts	Indy
13 Louis & Judy Young	112 Timberlane Indep
14 Zamm	702 Bruce
15 <del>XXXXXXXXXX</del>	2125 Rolling Green
16 Charlotte Caffrey	600 S. 5 <sup>th</sup>
17 Kubi	1902 Marketline Ct
18	