

Minutes of the Independence City Commission's July 12, 2018 Meeting

The Independence City Commission met for a regular meeting on July 12, 2018 at 5:30 P.M. in the Veterans Room at the Memorial Hall. Mayor Leonhard Caflisch, Commissioner Louis Ysusi, and Commissioner Gary Hogsett were present. Others present included:

City Staff

Craig Whitehead, City Manager
Kelly Passauer, Assistant City Manager
Jeff Chubb, City Attorney
David Cowan, Director of Public Safety
Shawn Wallis, Fire Chief
April Nutt, Director of Housing Authority
Jerry Harrison, Police Chief
Terry Lybarger, Utilities Director
Abbey Hebbert, Planning Intern
Mike Passauer, Public Works Director
Charlie Benedict, Animal Control Officer
Damon Athey, Patrol Officer

Visitors

Jerry Bright
Sara Athey
Tom Richardson
Jeri Hopkins
Lisa Richard
Carolyn Torrance
Steve McBride
Wayne Gudmonson
Judy Ysusi
Larry McHugh

I. REGULAR SESSION

- A. Call to Order
Mayor Caflisch called the meeting order at 5:30 p.m.
- B. Pledge of Allegiance to the United States of America
- C. Adoption of Agenda

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the Commission adopted the agenda with no modifications.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

Minutes of the Independence City Commission's July 12, 2018 Meeting

II. COMMON CONSENT AGENDA

A. Appropriations

1. A-1818
2. D-1806
3. P-1787

B. Consider approving minutes of the June 14, 2018 City Commission Meeting.

SUGGESTED MOTION: I move to approve the minutes of the June 14, 2018 City Commission Meeting.

C. Consider a request to close 5th street from 5th and Oak to Mickey Mantle Way and the Aquatic and Tennis Court parking lots on August 5th, 2018 from 7:00 a.m. to 12:00 p.m. for a Montgomery County Public Safety Kid's Camp.

SUGGESTED MOTION: I move to approve the minutes of the June 14, 2018 City Commission Meeting.

D. Consider authorizing Addendum No. 5 to the Ground Lease Agreement with Aviation Controls, Inc.

SUGGESTED MOTION: I move to close 5th street from 5th and Oak to Mickey Mantle Way and the parking lots at the 4-H Building and Aquatic Center on August 8, 2018, from 7:00 a.m. until 12:00 p.m. for the Montgomery County Kid's Camp.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett, the Commission adopted the consent agenda.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

III. PRESENTATIONS

A. Meritorious Conduct Awards – Officer Athey and Animal Control Officer Benedict

Police Chief Jerry Harrison stated that on April 27th Officer Athey was dispatched to a possible suicidal individual and located a man with a severe laceration. Officer Benedict arrived to assist. The gentleman attempted to take Officer Athey's weapon from him, a brief struggle ensued, and the officers were able to take care of the situation and got the gentleman the care that he needed. Police Chief Harrison and the Commissioners presented Meritorious Conduct Awards to Officer Athey and Officer Benedict.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider 2019 budget request from the Library Board of Trustees (tabled from June 14, 2018).

City Manager Whitehead recommended funded the requested additional \$60,000 for the children's library from the Quality of Life Funds. The Mayor asked if the library could seek grants for furnishings. The Mayor further stated that there were maintenance issues at the pool that needed to be considered, such as the floor of the children's pool. The City Manager indicated that he had been out to the pool and noted other issues as well, such as the shower room floor, the chemical room needing a wall and to be ventilated, installation of an alarm system, etc.

The Mayor indicated he was concerned that it was a gray area of what the City's responsibilities are verses what the Recreation Commission's responsibilities are regarding maintenance. He stated that all the Quality of Life facilities need to be reviewed for future maintenance needs and budgeted to build a reserve fund. The Mayor further stated that the \$60,000 requested should be reduced by grants so that some of those funds could be used elsewhere. The Library Director Jeri Hopkins stated that that sounded reasonable to her.

Commissioner Ysusi indicated his concern that the Quality of Life Fund is not generating any more money and a fine line needed to be drawn for maintenance, cosmetic, redesign or repurposing of an area. He further stated that even a damaged roof requires a deductible.

City Manager Whitehead stated that he viewed the Quality of Life Funds as a one-time thing, and not for ongoing maintenance but for major expenses. He indicated that the Recreation Commission is responsible for their maintenance, but he agreed that it is a gray area on what is the City's responsibility and what is the Recreation Commission's responsibility.

The Mayor stated that if a chiller went down there is nothing in writing regarding who is responsible for that. He stated it was not fair for the library to pick up the cost of those major items. He further stated he looked at the \$25,000 as returning money to the citizens for services the library provides. He further commended the library on the great job they are doing.

Motion:

On the motion of Mayor Cafilisch, seconded by Commissioner Hogsett, the Commission moved to approve establishing a \$60,000 maximum operating budget for the modifications to the third-floor children's area of the library.

Aye: Cafilisch, Ysusi, Hogsett

Minutes of the Independence City Commission's July 12, 2018 Meeting

Nay: None

- B. Consider a request from Wayne Gudmonson, KDOT District IV Engineer to address the Commission regarding the priority of the proposed U.S. 160/U.S. 169 overpass.

Wayne Gudmonson addressed the Commission and indicated that he was representing the Secretary of KDOT. He indicated that he reviewed the T-Works program that has twenty-three delayed projects, two of which are in Montgomery County. The bill provides KDOT with \$200,000,000 for Fiscal Years 2018 and 2019 each. He is required to get in touch with the partners to ensure that these projects are still a priority. The final decision will be made after the Secretary's review. The project that he was requesting feedback on was the 160/169 overpass, which in his opinion once it has been constructed there should no longer be fatality crashes occurring at that location. Mr. Gudmonson further advised that approval of this project by the Secretary would not reduce the CCLIP money.

The Mayor thanked Mr. Gudmonson for this assistance with the Peter Pan Road project. Mr. Gudmonson stated that was one of his better days, as he asked for \$200,000 and received \$300,000.

Commissioner Ysusi asked what the timeline was for the 160/169 intersection improvement. Mr. Gudmonson stated that the design has been completed and he had been given the go ahead to proceed with relocating utilities and purchasing rights-of-way. However, he was not sure of the timeline because it is project that is still on the table. Mr. Gudmonson indicated that he could come back and let the Commissioners know what the timeline is once the project is approved. Mr. Gudmonson also asked the Commissioners to attend one of eight transportation taskforce meetings that will be scheduled in the future around the state.

Motion:

On the motion of Mayor Cafilisch, seconded by Commissioner Hogsett, the Commission approved a resolution to be prepared by the City Attorney supporting the U.S. 160/U.S. 169 overpass.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

Minutes of the Independence City Commission's July 12, 2018 Meeting

V. REPORTS

A. City Board Minutes

1. April 23, 2018 IHPRC Minutes
2. June 5, 2018 Planning Commission/Board of Zoning Appeals Minutes

VI. CITY MANAGER'S COMMENTS

City Manager Whitehead asked to schedule a special Commission meeting for the budget presentation on Tuesday, July 17, 2018 at 5:30 PM.

The Mayor asked for an update on the audit modifications, and the City Manager indicated that there had not been any significant modifications since the last update.

The Mayor asked if the Treasurer's reports were up to date. The City Manager indicated that they were completed through April and they just needed to get May and June done.

VII. COMMISSIONERS' COMMENTS

Commissioner Ysusi stated that he wanted to give everyone a heads up that his "Ask the Commissioner" column that will be in the next day's newspaper has to do with blight. He acknowledged that the City has limited resources and manpower and encouraged community organizations to get involved and to establish a plan of attack. He stated that there were a lot of volunteers willing and needed to help. He suggested the effort be coordinated with Public Works and a foreman be assigned to work with citizen volunteers. He was concerned that the blight was a reflection on the community and it required more than a "band-aid". He acknowledged the City crews were working hard, however, property owners needed to be responsible for maintaining their own property first by picking up and mowing their own yards. He also encouraged landlords to ensure tenants are keeping their rental properties cleaned up. He further indicated that he understood how people feel that live next door to blighted properties.

The Mayor reported that he had met with Vance Kelley with TreanorHL and walked through [1916] City Hall. He stated that he felt the deterioration was significant enough to warrant the services of a structural engineer for assistance on how to address repairs, which was not included in the original proposal. He indicated the water proofing was in good condition, according to the excavation on the north side. He indicated that plaster needed to be removed in the basement walls to a certain height due to moisture wicking. He indicated that interior demolition would consist of identifying the historic walls, removing dry wall and suspended ceilings. He stated that there was some discussion about removing the bay used for the ladder truck, however, in looking at the square footage that was not recommended. He stated an MEP is coming on Monday to look at the facility

Minutes of the Independence City Commission's July 12, 2018 Meeting

and that dealing with asbestos would be a separate issue. He discussed setting a special meeting to discuss City Hall and phasing after the budget process was completed.

The Mayor further stated that he had been reviewing the duties and powers of the Commission in the current form of government, which consisted of policy making and legislative, and not administrative. He mentioned working more closely with Labette Health and the Independence ER regarding training and administrative functions that could affect the budget. He spoke about entering into an agreement with them to improve healthcare for the community.

The Mayor indicated his concern that in a Commission meeting was the only time the Commissioners could talk to each other and that was very restrictive. He indicated that the City ordinance indicates that the Commission has the power to create departments, and the City Manager to administer. He referred to the restriction that the Commission can only interfere with a department with the approval of the governing body. The Mayor further stated that these are some areas that he believes according to statute and the City's ordinances they should be looking at.

The City Manager stated that staff was in discussions with Labette Health regarding sharing costs, purchasing and training. The Mayor indicated that Labette Health is trying to station one of the air ambulances at their facility which would help with response times.

The Mayor further stated that the City relies on a lot of consultants, with no oversight to ensure a benefit. He further stated he felt an engineer would be beneficial working for the City, examining contracts. He felt this position could possibly be shared between the cities and the County. He also suggested working closer with the County's GIS staff.

Commissioner Ysusi stated that we needed to look at creative ways to address needs with limited resources.

The Mayor indicated that there were several streets being addressed with only \$150,000 and cited that as an example of getting more mileage out of the tax dollars.

The Mayor further indicated that he has been visiting with a Coffeyville Commissioner about having a joint meeting to see how the communities and County can support each other.

Commissioner Ysusi suggested setting worksessions to discuss a multitude of problems, rather than making decisions after five minutes of discussion. Commissioner Hogsett stated he was open to that idea. The Mayor indicated it was difficult to perform their duties and responsibilities with only three

Minutes of the Independence City Commission's July 12, 2018 Meeting

Commissioners since they are not able to meet and talk outside of an open meeting. Commissioner Hogsett stated when he previously served on a five-member Commission he would meet with one of the Commissioners privately each week to determine how to work things out. The Mayor indicated that the five-member Commission needed to be pushed forward and that they needed to make sure that happens. A question was raised about how the Commission could function effectively without one on one interaction, since that is currently a violation of the Open Meetings Act, as there are currently only three Commissioners.

VIII. PUBLIC CONCERNS

Lisa Richard spoke about taxes, County and City abatement ordinances verses development. She brought up the neighborhood revitalization zone the County was considering that excludes the cities.

The Mayor stated that he had heard about it and wanted a copy of what the County was proposing. The City Attorney indicated that the Attorney General has stated that you cannot declare an entire County as blighted. The Mayor expressed concern about abating taxes and not having enough money for road maintenance. The City Attorney indicated that that is money you do not have now anyway and that the bigger companies that come here will want a tax abatement. Commissioner Ysusi stated that he had been told that Clay County implemented their plan County wide and met the legal requirements. The City Attorney stated that the County Counselor has been researching this issue and may know more about it.

IX. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel.

Motion:

The Mayor moved to go into executive session for ten minutes for discussion of employee performance pursuant to the non-elected personnel exception (KSA 75-4319(b)(1)) with the open meeting resuming at 6:50 PM. Commissioner Ysusi seconded.

Aye: Cafilisch, Ysusi, Hogsett

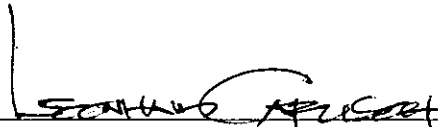
Nay: None

The Commission came back into session at approximately 6:52 PM with no action being taken.

X. ADJOURNMENT

The Mayor adjourned the meeting.

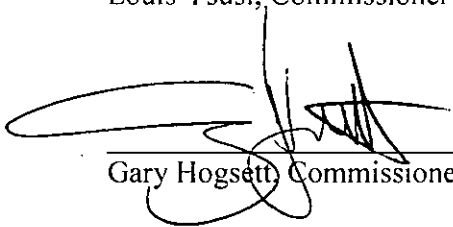
Minutes of the Independence City Commission's July 12, 2018 Meeting



Leonhard Caflisch, Mayor



Louis Ysusi, Commissioner



Gary Hogsett, Commissioner

Attest:



Kelly C. Passauer
Assistant City Manager