Minutes of the Independence City Commission's October 11, 2018 Meeting

The Independence City Commission met for a regular meeting on October 11, 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
Jeff Chubb, City Attorney
Kelly Passauer, Assistant City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
David Cowan, Director of Safety/ADA Coordinator
Shawn Wallis, Fire Chief
Michael Borovetz, Finance Director
Jerry Harrison, Police Chief
Terry Lybarger, Utilities Director
Mike Passauer, Public Works Director
Brian McHugh, Memorial Hall Supervisor

Visitors
Ellie Davis
Judy Ysusi
Jerry Bright
Debbie Miller
Lara Tucker
Ron Bobbitt
Randy Grimmett
Anita Howe
John Kishpaugh
B.G. Tucker
Jon Rishner
Dorcas Sutton
Brian Williams
Dean Hayse
Lean Barnette
Steve McBride
Sharon Southwick
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:
Commissioner Hogsett asked to remove Item "C" from the consent agenda. He further stated that he would leave the room when that item was discussed as he was an investor in the proposed Microbrewery. Commissioner Ysusi moved to adopt the agenda except for Item "C", which was seconded by Commissioner Hogsett.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

II. COMMON CONSENT AGENDA

A. Appropriations

1. A-1824
2. P-1794

B. Consider approving minutes of the September 13, 2018 City Commission meeting.

SUGGESTED MOTION -- I move to approve the September 13, 2018 City Commission Minutes as presented.

C. Consider initiating text amendments to Appendix A. "Listing of Permitted and Conditional Uses" and any related definitions in Article IV of the zoning ordinance relating to "Microbreweries"; "Bottling and canning soft drinks and carbonated water"; and "Beer, wine and alcoholic beverages – wholesale".

This item was removed from the consent agenda.

D. Consider authorizing receipt of sealed bids for the sale of approximately 75 dimmer modules.

SUGGESTED MOTION -- I move to authorize receipt of sealed bids for the sale of approximately 75 dimmer modules.

Motion:
On the motion of Commission Hogsett, seconded by Commissioner Ysusi, the Commission adopted the consent agenda except for Item "C" which had been removed.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

III. ITEMS FOR COMMISSION ACTION

A. Consider adoption of the Community-based Strategic Plan, as drafted by the Strategic Planning Advisory Committee (SPAC) from input by the citizens of Independence.

The Commissioners had no further modifications. The City Manager thanked the Commission and stated that it is on City staff to implement and that they are already working on that.

Motion:
On the motion of Commission Ysusi, seconded by Commissioner Hogsett, the Commission adopted the Community-based Strategic Plan.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

B. Consider authorizing the Whiskey Creek Flood Mitigation Study by TranSystems, Inc.; and update on recently completed work.

Public Works Director Mike Passauer stated that silt and saplings had been removed North of Sycamore on Whiskey Creek. The Mayor mentioned culverts that needed to be cleaned out, and the County needing to do work down on Rock Creek. Resident Anita Howe asked what the Corps was going to do and what the City was going to do going forward. The Mayor wants a maintenance schedule to make sure it stays clear. Anita Howe wants a timeframe. The Mayor indicated that Shawn Turner with TranSystems would talk about the schedule and money in his presentation. Commissioner Hogsett asked Anita Howe about the flooding, to which she indicated that she lived there over 30 years and they had lost vehicles in 2007 and 2014. She further stated that she believes the additional development up north started this and to stop building. The Mayor said based on what work had been done there should be a marked improvement, although that's not going to solve everything it is a first step. Anita Howe asked how much rain was received on October 9th, Director of Safety/ADA Coordinator David Cowan said about an inch. The Mayor said the area is flat and there is a greater chance of ponding water. Anita Howe wanted to know if cameras had been ran, as she felt there were some collapsed lines. Assistant City Manager Kelly Passauer stated that she thought Director of Utilities Terry Lybarger had ran cameras a few years ago, Terry Lybarger replied that he wasn't sure and couldn't remember. David Cowan indicated that staff had been working with TranSystems and a hydrologist who indicated that it was a 200-year event that occurred, and we do not have the capacity that size of an event no matter what we did. He further stated it is important to get it flowing but capacity is a huge issue, and he suggested the study which will be a big cost. Shawn Turner discussed with the Corps possible funding mechanisms, for the study first and they are not aware of any funding mechanisms currently. It was indicated that if we used Corps money for the study, we would have to meet the 100-year event. The study previously completed in the 1980's recommended the improvements from Cherry to Sycamore and in today's dollars to provide a 100-year capacity would be a $9 million project. Today, the Corps of Engineers requires a cost benefit analysis and they look at what the benefit would be, and Shawn doesn't believe there are enough houses benefiting to obtain Corps funding. Further stating that we look at the 100-year event and update that cost estimate, instead of just applying inflation and it would also look at lesser capacity improvements, but we didn't put a number on that, 2-10 [year events] we believe what improvements could be done in that drainage way particularly south of Sycamore that could provide those benefits. It's a pretty detailed analysis and that's why it is a an expensive study. The price tag we have is $44,648 for study. The Mayor asked Shawn Turner if he talked to Corps of Engineers, "...that the property line if it's determined by the location of the Creek it would be in the creek, so the property owner actually owns the creek, so what is allowed by the Corps and whose responsibility then is it to maintain the waterway?" Shawn Turner stated that he had talked to the Corps of Engineers, and "...there are two types of Corps permits, there is a nationwide permit that basically allows maintenance to be done, similar to what the City has done. In those they let you go in and cut trees off, but they do not let you pull trees up. They let you remove sediment, and that is basically it. If you are going to do more than that you have to do an engineering study or an engineering plan showing what those improvements are, then the Corps gives you a special permit after reviewing that and any mitigating factors that they want they would like to see changed, then you get a special permit for that called a 404 permit and you're probably going to have to look at impacts on the water surface elevation and particularly in the 100-year floodplain. They want to see if you are screwing up the 100-year floodplain with your project, if it is a blue line stream like this, then it is basically the property owners' responsibility to take care of that. There is a lot of this area that is not owned by the City or the City has rights-of-way which causes a number of issues." The Mayor said we could address the culverts on City rights-of-way, and he asked Shawn Turner "Are you going to address if they are too small now and if they need to be increased? Shawn replied; "Yes, if we cannot redredge, you look at making the creek wider, now we're taking property, we're going to have to recontour yards so that's going to be out of the realm of more budget but addressing the restrictions would be so you're going to identify which ones are under sized. I don't know if this would be the case, but sometimes you can do an improvement to a culvert in particular by putting wingwalls on the culvert that adds capacity and it's not a huge expense, so I don't know if that would work here with that without looking at it. Our hydrologist came down and we drove the whole project. Also, detention upstream would be examined further in the study. The existing conduit south of Sycamore was probably greatly undersized." Mayor asked if that was the one partially collapsed, and Shawn said it was and it was probably not an issue when it was originally constructed prior to any upstream development north of Sycamore. The Mayor asked about drainage studies on the property; "Are you doing enough in this proposal that you will know if the drainage retention area is adequate, if sediment or holding capacity has been an issue, or just acknowledge retention pond is there?" Shawn Turner asked if the Mayor was referring to upstream. To which the Mayor said yes. Shawn turner stated; "The hydrology determines the storm and we look at multiple variations of a size of a detention area." The Mayor remarked about the difference between what was designed and what was built, and they we didn't want to assume it was adequate if it was constructed too small. Shawn Turner said there were two detention areas related to the schools. Mayor said the Senior Housing development might have a detention area also. Shawn Turner said it would have to be modeled to Rock Creek and the improvements they would look at would stop at Cherry. Commissioner Ysusi asked about improvements previously pointed out on June 30, 2016 that were $128,000 and $134,000 that involved Parkhurst to Sycamore and Cottonwood to Laurel. Shawn Turner said that they looked at a number of different improvements over the years and most of them have been cursory type improvements. He said he believed that they had done a high-level estimate on a retention basin upstream, but those were storm sewer improvements in those specific areas that didn't look at modifying the water surface elevation. Commissioner Ysusi asked what type of improvements? Shawn Turner said their hydrologist thought south of Sycamore is totally removing the conduit and returning that to an open channel and possibly creating a detention basin in that area and working all that in to not impact the existing businesses. There is quite a bit of open area, so it's really to improve the upstream, slow the water down before you start trying to bend it back and forth between the railroad, as it is a very meandering system. Commissioner Ysusi asked if anything was drawn up in 2016. Shawn Turner said no, it was a low-level cost estimate for storm sewer based on a storm event, not a study like this. Commissioner Hogsett wondered about the price, stating that $44,000 is a lot of money, but just the tip of the iceberg, and he hated to do a study if we don't have the money to follow through. City Manager Craig Whitehead said there would be some options for a five to ten-year event. Shawn Turner stated that he couldn't speak for the City Commission, but it appears a 100 year event would be unaffordable. Commissioner Ysusi made a statement about the Corps eliminating any chance of funding because of the cost analysis and the number of properties in that area, stating for them it is a tradeoff, as it was more feasible to let nature take its course. Shawn Turner replied that unfortunately when they look at the cost benefit analysis it looks at how many houses you are providing improvements to and it is not enough to tie to the $9 million estimate to make the cost ratio 1:1. Commissioner Ysusi said that forces everything back on the City, and it was going to be up to the City to determine if they can come up with money to make an improvement, that would not solve everything, but at least be a step in the right direction. The Mayor that the issue was related to no subdivision regulations in the 60's when this area was developed. The culverts were never modified to allow the increase in flow. He stated that he agreed with Commissioner Hogsett that the cost is extremely high, the study is very expensive to do, and he wanted to make sure we are focusing in and doing only what we need to do, as we can do investigation in areas and not ever accomplish. Can we get the data in the study and look at the culverts, that area with the broke down storm line to try to reestablish that line to contain that development with clay forming a circular pipe we are back in the 20's and 30's at least, a really old conduit that wasn't designed to carry the water it is carrying now. One way to reduce the overall cost is to review just the area we can possibly afford, retention on new construction will be important, but to say the whole creek bed is too narrow, not spend money reanalyzing the path, but your scope are you confining it to the minimum to alleviate our problems or is it beyond that? Shawn Turner said; "To determine what problems you are having at Oak, you have to model the whole stream, I understand what you are saying, we cannot tell you how that impacts upstream." The Mayor asked if he was looking at the volume of water. Shawn Turner replied he was, stating; "We could ignore that and look at Sycamore and put in a bigger culvert and it would improve it but can't tell you how much." The Mayor stated that; "We could send out RFP's and with the time delay to do that and we don't know where we will be. If it was my house I would want to know when. With the cost, the schedule I believe is once it is signed 120 days the study would be complete and have a result." The Mayor then asked if cost projections for the work would be included. Shawn Turner replied they would include cost estimates for each variable. The Mayor asked if it could be put in priority order regarding what needs to be done first. Shawn Turner said yes, that certainly will be determined. It was discussed that the usefulness of the model is that there may be much less expensive improvements that has a larger impact. One of the problems is there is lack of right-of-way or easements. Funding of the project was discussed, with the Mayor stating, "We keep taking money out of these funds, but don't see reports to see where we are." The City Manager stated we budgeted funds for lease purchase for a fire truck, that leaves around $45,000 and that is why we talked about utility funds and those funds as well, we didn't see anything in the general fund. The Mayor asked if we are talking about 2019 money in 2018. The City Manager stated that the 5 mills are there. The Mayor asked; "In 2018?" the City Manager said when the study is done we will be in 2019. The Mayor stated it was bad policy to spend money before it gets here and asked if there was any further discussion. Commissioner Ysusi asked where the money is coming from again. The City Manager said the 5 mills generates around $240,000, and that we program that as we did in 2018, for 2019 we only programmed $200,000. The Mayor asked how much was left out of the 2018 capital improvements. The City Manager said that they would have to check. Mike Borovetz stated that for 2018, the 2017 5 mills plus 2018 5 mills were programmed for in the 2018 capital improvement plan. He stated; "That money is already spoken for, the money we are talking about would be funds from 2019 from the utility fund and capital reserve fund." The Mayor asked if we can we commit to spending 2019 money in 2018. Mike Borovetz said the funding is available in the utility fund today that we can use, that is not pulling money from something that's allocated as it is money that is in reserve. The Mayor called for a motion.

Motion:
On the motion of Commission Hogsett, seconded by Commissioner Ysusi, the Commission authorized the Whiskey Creek Flood Mitigation Study by TranSystems, Inc., in the amount of $44,548.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

C. Consider authorizing the purchase of one aerial fire truck.

Fire Chief Shawn Wallis stated that; "As per my RCA I submitted I would like to get your approval to purchase a 2019 Rosenbauer 101' aerial platform using Mercy funds for a down payment and a lease purchase for the remaining balance. The truck was on hold until October 8th, and the hold was lifted, and the dealer made a $500 payment to hold the truck as three other entities are waiting to purchase this truck. Shawn stated that he didn't think we would see this low of a price on a truck again with the increasing cost of steel. He further stated; "I think it is important for my employees and citizens for an aerial that will reach the height of any building in town." The Mayor asked about the warranty and if the Fire Chief was satisfied with it. Shawn Wallis said he was as there were warranties on everything on the truck. The Mayor mentioned issues with used trucks in Tulsa with a certain brand, and the electronics, and the used trucks were undersized for the size of the platform. Shawn Wallis said this is not the same truck at all. The Mayor asked about the service, ongoing, and if the electronics were reliable. Shawn Wallis stated that the service comes out of Hays Kansas and they will allow us to contract with local mechanics if the work can be done locally and they would cover it under that warranty. The Mayor asked if $300,000 was coming from the Mercy fund and Shawn Wallis confirmed that. The Mayor asked if the balance was lease purchase on the remaining $597,896 for which Shawn Wallis replied it was for he believed 7 years. The Mayor asked if it was an annual payment, for which Mike Borovetz replied it was at an estimated cost of $98,300 per year. Commissioner Hogsett asked if the Mercy money could be used for this as he thought it could only be used for the building. Shawn Wallis replied it could be used for emergency services. The Mayor stated that in the proposal it stated that they had contacted Mercy and they approved and sent an email. The City Attorney stated that over the last few years he had sent Mercy around three requests and received approval on all of them, and this was the most recent. The Mayor asked about the lease payment coming from the capital fund. The City Manager stated the 5 mill we were talking about that was budgeted at $125,000. The Mayor asked when the first payment would be due. Mike Borovetz stated that it would be the later part of 2019, but could be 2020, depending on how the lease purchase bids come in. He further stated that on annual payments it is on the anniversary of executing the lease agreement, whether one year annual or six months for bi-annual. Commissioner Hogsett stated that we need it quick. The Fire Chief agreed. The Mayor made a comment about needing to sign a contract to hold it. Commissioner Hogsett made a comment about how much money the City saved, almost $400,000. Fire Chief Wallis stated that they call it a demo. Commissioner Ysusi stated that it is nice we had the $300,000 from Mercy, then made a comment about funding capital improvements. The Mayor said that is what the mills were for to build roads and purchase large vehicles like this, and that the City already has the $500,000 from Mercy. Commissioner Ysusi asked if the 5 mill we are collecting here on out would be designated for vehicles and streets instead of using it for other things. The City Manager stated that is what it was programmed for, and "During budget time we made that clear what we are allocating in 2019. We do that every budget year, how we allocate that 5 mills." Commissioner Ysusi thanked staff and stated that the cost goes up 6-7% on emergency vehicles every year and he could imagine what the cost would be 5 years down the road. The Mayor stated that we are fortunate as it was originally $750,000 and it only increased $100,000 to $150,000 which isn't bad. He then asked if there was any further discussion, and there was none.

Motion:

On the motion of Commission Ysusi, seconded by Commissioner Hogsett, the Commission authorized City Staff to sign the contract for the purchase of the 2019 Rosenbauer Platform Truck and seek lease/purchase bids to finance the remaining balance of the purchase.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

D. Consider authorizing the remounting of one ambulance and the purchase of one ambulance.

Director of Safety/ADA Coordinator David Cowan stated that; "...Healthcare is a vital part of the community, we were devastated in 2015, Labette health will speak in a minute, they provided an ER and healthcare in this community and I can't speak enough about Becky and the relationship we have with Labette Health and what we're doing in the community. However, our EMS units are a vital part of that system, we have four units and have very high mileage but what we are trying to do here is get some trucks. We are going to do approximately 600 transfers this year, that's a vital part of what we do with the trauma center in Parsons, being able to quickly move patients there and to other tertiary care. I have heard your concerns about the five trucks, and hopefully you will understand that with the three primary trucks, we are kind of switching, putting three box trucks that run our primary calls and then two vans that can do transfers that get better mileage and keeps our box trucks in town. We are very busy, and we are very cognizant of the budget this year, we know things are tight, and that's why we seek to use $200,000 in grant money from Mercy". The Mayor asked if the entire purchase will come from Mercy money and no tax dollars; and if they were going to replace the Mercedes with a van. David Cowan stated that we are replacing the two 2012 boxes, remounting one, and buying a van. David Cowan stated they are keeping the Mercedes. David further stated that they are looking forward in the future to working together with Labette Health in collaboration to group purchase trucks at lower prices, and they would be back in a year or so regarding those future purchases. David Cowan further stated that they had already put 80,000 in mileage on the trucks this year, and he anticipated coming back again in 2020 to replace two or three just because of the mileage. David Cowan further stated that if healthcare expands and patients can stay here it could modify their future needs. He further stated that Labette's model is going to be branded across the U.S. as healthcare systems change. The Mayor agreed that we are on the cutting edge, we all have to work together to figure this out. That cooperating, sharing, was critical for us all to reduce the tax burden on the people. The Mayor asked if the two vehicles will be trade ins. David Cowan stated that one will be a trade in, but the other one will be a remount with a trade in for the chassis. David further stated that they will put the older ones up front and run the miles off them. Commissioner Hogsett asked about the condition of the box. David Cowan replied that the box is good, and will last the life of this truck, and it was the second remount of this box. He further stated that this proposal didn't cost the taxpayers any money, as he has been working with the City Manager trying to get this goal achieved. Commissioner Hogsett asked if they were having any issues with the 2012 remount. David Cowan stated that we don't have issues with the round, but we have had issues dealing with Ford, the Mercedes has to go to Tulsa or Joplin to get fixed, but it serves its purpose. This one is a Ford Transit. The other one was purchased when we needed something quickly. The Mayor stated that the capital reserve fund and future replacement it was ideal to get two vehicles with no tax dollars, and that it would be helpful to project out the next purchase to hold enough in reserve. He further stated that we are saving considerable interest, and even using the $300,000 for the fire truck, the next way would be to shorten from 7 years to 5 years, to save substantial interest funds. More money in the citizens pockets too. With this having the money already, we will just take that out of 2019 budget. David Cowan stated that if this was approved tonight, we would get the van in January and the remount in April.

Motion:

On the motion of Commission Ysusi, seconded by Commissioner Hogsett, the Commission authorized the remounting of a 2012 ambulance on a 2019 Ford E-450 Chassis, and the purchase of a 2019 Ford Transit Type II ambulance.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

E. Presentation of proposed Interlocal Cooperation Agreement regarding coordination of EMS services by Brian Williams, Labette Health.

Brian Williams with Labette Health stated that he would like to start asking for any leftover Mercy money. He then introduced Dr. Southwick and Randy Grimmett, Director of EMS. Brian complemented David Cowan, the Commissioners and staff. Brian stated that David's comments were a good segue into why an interlocal agreement and that 2015 was a tough year and Ft. Scott was going through similar trauma, as he had met yesterday with their government. Everyone wants to go in there and what do they want, an ER, and the county is struggling with EMS and David would have a lot to offer, we are leaders. I talked to hospitals in other states, 22 closed since 2005, they are closing in rural areas, we need to cooperate and work together for the people we serve. Mark Woodring and I wanted to see how we could work together, since we both had EMS service and we talked about dividing the county in half, he worked with the north half and we worked with the south half. As David said, the EMS service is important to the hospital, it is a pre-hospital, there is no ER that is your definitive level of care. You are either admitted or transferred. ER and EMS as a team, saves people's lives, outcome could be affected by bad relationships. He then talked about the challenges of EMS systems are as big as the hospital challenges, and an EMS system requires leadership, cooperation and follow through. He stated that he spoke to the Kansas Board of Trauma and she wished him luck, as we are the only ones in Southeast Kansas willing to work together. He further stated that the last couple of things he would touch on was that today there are only ten trauma centers, three are level I's, two are level II's, and five are level III's (Salina, Hays, Parsons, Pittsburg and Kansas City). He further stated that many citizens don't realize, only 25 facilities have physicians in the ER. So, it was kind of with this background, in July we were opening and we started talking about how can we work together and improve the service. Standardizing things and protocols. Brian Williams further stated that his thoughts and objectives were to address the key findings, clear definition of leadership, comprehensive and reliable EMS system that delivers high level emergency care across the spectrum of community settings, physicians come together agreeing on statewide EMS protocols and regimens for medical oversight of all system components. He further stated that he was supposed to be the leader and that Wilson and CRMC are not trauma centers. Further stating that Labette spends $600,000 per year to have the privilege of being a trauma center. He then went over hospital closures and stated that he could go through the one-year agreement quickly, which was to improve the quality and safety of the services that we provide and save the taxpayers money. He further stated that Labette's attorney drafted it and they originally had 90 days for termination and he wanted a year, stating that he didn't want people to get upset and cancel. I am working on another agreement right now for a three year term, I don't think 180 days is bad. If both parties mutually agree you can terminate in one day. We are not changing any of the operational functions, we receive a quarter cent sales tax, we haven't talked to County Commissioners, I don't know why they would have an issue with it. In regards to supplies, we have a group purchasing, which took a lot of work to get attorneys and me to work out, I am held accountable and can go to jail as hospital CEO, anti-trust regarding group purchasing, we have to have control, details will have to be worked out, courier delivers their supplies and we invoice them. education and training, we want to make sure we get training. I would like to get a cadaver and let them train, the time to find out you are not proficient is when someone is laying there dying. You currently have a Medical Director, I'm not sure if he works in an emergency room or is a Kansas resident. Because I am accountable and responsible from the antikickback statute, I think I need to pick the Medical Director and they can pick the backup. You are currently paying $6,000 for your medical director, that is a savings. Compensation is not addressed because there is none. We are going to do these at the same time, have a 5-member board, Labette, Cherryvale and Independence, each is represented as far as EMS. Cherryvale wanted to move forward Labor Day weekend, and Brooke and I went back and forth so I thought it would be disrespectful and took Independence out of it. We are simply saying in the beginning it is a four-member board, two doctors, Medical Director and one Independence person, and not a separate board with Cherryvale. Independence will add a 5th person. Any modifications have to be in writing, all parties have to agree to it, the rest is boilerplate. An hour before the meeting, there was something circulated for potential discussion. I give you my thoughts on that, one question was on consideration, that is because there is none. A question was if we need County approval because you do receive mill support, I don't think they will have an issue, I will send Cherryvale this agreement and to Commissioner McManus, we can't jeopardize your funding, if they have an issue with that then I will agree to that and the minutes should show that one party agrees to terminate because you can't lose your funding. Indemnification, it gets confusing, Mr. Chubb pointed that out and we are a county hospital we can't indemnify anyone other than our employees. We all got our own insurance, my Medical Director has malpractice insurance, does your current agreement with the current Medical Director have that coverage? We don't want to duplicate the board; might as well say you are appointed to both boards and do what the National Highway Traffic Safety Committee says. I have signed the agreement, ready for your signature Mayor, I would like it back and control sending it to the attorney general, they have 90 days to approve it.

Debbie Miller requested to address the Commission and stated that she remembered the horror when Mercy was going to close its doors. ..... no such care in Independence, offers from help, remember disappointment when they withdrew offers. Wondered when Labette would withdraw, was speechless when announced open, participated in celebration, love Independence and she is growing smaller, older and poorer. Must make the same acknowledgement, they have run their own ambulance services, it only makes sense that Labette Health can save and enhance the excellent service we have always enjoyed. Labette Health has delivered and always demonstrated that they are here for our benefits. She praised Brian Williams as a miracle worker for building healthcare in 18 months. Our city faces an uncertain future and asked for the Commission to vote for the agreement as a sign to us that things must change and in our best interest you are willing to do so.

Brian Williams joked he will pay Debbie twenty dollars and then stated it was a community effort, and that people's names were on the building, that Independence is a neat town, and he appreciated the kind comments. Further stating that a lot of people made this happen including David Cowan, your EMS Director.

Commissioner Hogsett stated that he was not clear on board and he didn't understand why they are overlapping boards. Brian Williams stated that because they approved theirs the day after Labor Day, and not at the same time as Independence. He further stated that Dr. Southwick will be the Medical Director for both agreements, Randy Grimmett will be on both boards, David Cowan I assume will be our Independence representative and then Jessie at Cherryvale, so they would all work together, it was clear to me. I can understand the confusion.

Commission Hogsett asked if the two boards will have the same protocols. Brian Williams stated that he thought they are formally two separate boards and they are only going to meet one time, and that the attorneys, Jeff and Blaine can work that out. He further stated that a mutual aide agreement was put together years ago, but it is not formal, this formalizes and says to world as an example of what everybody else should be doing. He further stated that he wants them to work for a year to see what we can accomplish, and he doesn't plan to interfere and set their priorities, all I ask is that we have performance improvements and we don't repeat mistakes. He further stated that he was confident Jeff and Blaine, if the Attorney General doesn't like it, I'm sure Brooke would be interested in redoing it, the challenge is administratively, presented again, and maybe three people die because we weren't already doing stuff together.

The Mayor stated that each agreement creates a board, but can meet together as one unit, so in name only, they are two separate entities due to the agreement but in function and action they will be forming one unit. Brian stated that Craig would like it to be one unit, and I do too, I thought it was. The Mayor further stated that there is some logic in separate agreements as it is expandable. . . three boards can meet and join, in my non-legal mind, when you identify . . you have to do amendments. Brian Williams stated that what gets problematic is if they have a different GPO and we are competitors. If you included CRMC, then Lori and I are in the same prison. Wilson medical because it is a City municipal EMS we could add them to the agreement, but you can't add competitors. It is difficult, compliance is difficult in the healthcare arena. It takes an expert. That's all Blaine does is healthcare. Commissioner Ysusi agreed, stating that he read this, and he was like Leonhard, he doesn't have a legal background, but we are on the right path as far as cooperation. With hospitals already closed, we are to a point now that we need to bend over backwards to cooperate, or we will fail. Too many issues that affect healthcare, from reimbursement, beneficial to everyone here to find common ground and move this ball forward. The Mayor said he would like to see us act on the agreement tonight. He asked David about working with Brian to share the vehicles and work that path to save our taxpayers money and the more we cooperate the better we can become in doing that The Mayor stated he would like to make a motion to go ahead and authorize the Mayor to sign the agreement.

City Attorney Jeff Chubb stated that his advice would be to see if Labette Health would enter into a 3-way agreement as Montgomery County does have a mutual assistance agreement and funding mechanism, and the agreement says . . . should either City contract with another City they will be subject to the county agreement, and I'm not sure how strictly the cities follow it, but it is there. There needs to be an agreement and coordinate with Cherryvale. What Brian said about the board is that there are two separate boards subject to open meetings, there is no comingling of the boards. Not trying to put a damper on anything, I would like to see a 3-way agreement, it got rushed by Cherryvale, I think they would do that.

Brian Williams stated that he hadn't spoken to her. Jeff Chubb stated that he would suggest the county be a signatory on it. Brian Williams stated that we are not providing EMS services, so his attorney doesn't think it applies. He thinks that no, it's fine, we don't have anything to hide, not worried about open meetings or records, may have to have separate minutes and that is fine. To me you are going backwards, they approved it, let's approve it and move forward, but let's move forward, and if we want to move forward and you approve this one tonight and Jeff and Blaine have further discussion with the Cherryvale attorney let's do what Jeff said, but start working tomorrow together, we just bought six ambulances since I've been here, we have experience and want to help David. Not trying to be disrespectful, if the County has an issue with it, the County called the meeting and Rick Whitson knows that we are going to work on an interlocal agreement to help Independence and Cherryvale and hope Coffeyville will do the same in the south part of the County.

The Mayor stated that there is a motion on the floor and the motion was reread.

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Ysusi, the Commission authorized the Mayor to sign an Interlocal Agreement with Labette Health.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

F. Review protocol for Public Forums.

The Mayor talked about protocol and the option to deviate from requirements of agenda policy and wants to set some guidelines. He mentioned using the same format as the Mercy meetings, but have everyone fill out a request and state their topic on it, and put the request in a container and draw it out of a container to see what is addressed, rather than going by who's hand we see first, also filter to make sure we don't have a repeat question and address various projects. Would have three minutes to address now, might want to look at a time that would include our response to, so we don't get bogged down on one topic, go 5-10 minutes per topic, then set a time limit for the forum, maybe 90 minutes, to have a start and end point and it doesn't run on. Then look at our locations prior to announcing the first one, couldn't make one forum, they could schedule when to be available. Have one here, would be fine, but do other ones at remote locations.

Commissioner Ysusi would like to choose different times, as some people have stated that it is early for them to be here at 5:30 PM, but if it occurred at 7 PM. He asked if they could have one later in the evening and have the chance to attend one of the three. Commissioner Hogsett asked about the time limit on one topic, stating that could be dicey if you have 17 people express their limit on one topic. He further stated that he didn't think we want to limit it by topic, maybe by person and that he liked what was said.

The Mayor stated that what we look at in that case is keep the time concise, so we don't get a 15 minute . . ., Commissioner Hogsett replied "Dissertation?"

The Mayor recapped that there would be an overall time limit, so it doesn't go on forever, different venues and time limits per person of 3-5 minutes. It was stated that they could go longer than 3 minutes, since this isn't a business meeting. The Mayor stated that they will want to respond, and some responses maybe we just need to get back, and use part of the meeting to respond at the Commission meeting. If that is the general concept we want to go with, next step is to try to look at different venues, and times of the day to conform to their schedule and then take it the next step with Thanksgiving and Christmas, November and December might be difficult, we could be ready for it in January. It was determined that at the next meeting they would consider dates and venues.

G. Consider authorizing the Resolution and Proclamation for the Neewollah Celebration.

Staff indicated that the resolution provides permission to utilize the areas where the celebration occurs. A question was asked about the street closure for the work on the Penn Avenue Train Trestle, and staff advised that the work was delayed due to weather.

Motion:
On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the Commission authorized the Resolution and Proclamation for the Neewollah Celebration.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

H. Consider initiating text amendments to Appendix A. "Listing of Permitted and Conditional Uses" and any related definitions in Article IV of the zoning ordinance relating to "Microbreweries"; "Bottling and canning soft drinks and carbonated water"; and "Beer, wine and alcoholic beverages – wholesale".

This item was removed from the consent agenda, as it was originally item "C". Commissioner Hogsett stated that he has invested in a Microbrewery project and would like to excuse himself from any discussion on this and leave the room. The Mayor stated that he can stay in the room. Commissioner Hogsett left the room and was absent during this discussion.

Motion:
On the motion of Commissioner Ysusi, seconded by Mayor Caflisch, the Commission initiated text amendments to Appendix A. "Listing of Permitted and Conditional Uses" and any related definitions in Article IV of the zoning ordinance relating to "Microbreweries"; "Bottling and canning soft drinks and carbonated water"; and "Beer, wine and alcoholic beverages – wholesale".

Aye: Caflisch, Ysusi
Nay: None
Absent: Hogsett

IV. REPORTS

A. Audit Update.

Finance Director Mike Borovetz asked if they had any specific questions with the corrective action update in their packets. The Mayor asked if all the information had been given to the auditors, and Mike Borovetz said that it had. Mike Borovetz further stated that the auditor is trying to get dates for completion, but doesn't have that tonight, he can bring that later. He further stated that he and City Clerk/Treasurer David Schwenker spent time in Coffeyville who also utilizes Incode to see how they are set up and it was interesting. Mike Borovetz stated that they were working on trying to incorporate some things they learned there. They also stated that the same Incode consultant was recommended by both Coffeyville and Caney, and they couldn't speak highly enough about him. The consultant from Texas goes through their processes and things that they need to be doing that affect efficiency and soundness, and we are absolutely looking at that to get us some feedback. The Mayor asked about whether Incode was operational. Mike Borovetz stated that the general system works, but it is how it has been configured and the learning curves, visiting with the auditors, making adjustments, we don't want to blindly do that, want people involved and want to know the consequences of making those changes. The Mayor asked if it was operational or not? Mike Borovetz stated that it was. The Mayor asked if it was four revisions behind. Mike Borovetz stated there were at least two newer versions out there. Mike Borovetz stated that the ransomware attack filtered through the mapping of our network and could get to everybody that had Incode, by upgrading it will work with our Windows 10 we have to do by 2020. Commissioner Ysusi asked about looking at funding of 70,000 for cybersecurity software, but that was for 2019. City Manager Craig Whitehead said that is in the 2019 budget, if we had to go to Version 10. Mike Borovetz stated that is not cybersecurity software, it is moving to version 10 because of cybersecurity. Commissioner Ysusi stated that with 10 it gives us a higher level of security, and the funding we talked about would cover the cost in 2019. Commissioner Ysusi further stated that his other question was relating to quarterly financial statements from 2017 to first two quarters of 2018 and where are we at on that. City Manager Whitehead stated that he will let Mike Borovetz answer that. Mike Borovetz stated that when he was asked me previously he thought we were going to be done quicker, he had forgotten David Schwenker was going to be on vacation for an entire week, then the auditors showed up a month earlier than we anticipated, and we modified some reconciliations, and we reviewed with the auditors and they asked us to make additional changes. We have 2017 done, we will be updating the treasurers report with that and we are on scheduled to have everything done through third quarter of 2018 by the end of this month. The Mayor asked if the treasurers reports are done for 2017, to which Mike Borovetz replied the final one in 2017 is not, but they have our reconciliations. It is through the trial balance in our accounting system, the treasurer's report is an excel spreadsheet pulled out of Incode to make it user friendly. The Mayor asked if the reconciliations are coming, to which Mike Borovetz replied they were. The Mayor asked if the quarterly reports have been published, to which Mike Borovetz replied that they had. The Mayor asked if the one for the last quarter in 2017 would have to be republished, and Mike Borovetz stated that it doesn't have to be.

B. City Board Minutes

1. September 4, 2018 Planning Commission/Board of Zoning Appeals Minutes.
2. September 19, 2018 Recreation Commission Minutes.

No comments.

C. CITY MANAGER'S COMMENTS

City Manager Craig Whitehead stated that the City had received a letter from the Department of Justice, and they are closing the file, and he just wanted to point out one thing; the department has monitored the City's compliance, since that date the City of Independence has provided photos and reports, and relying on that evidence is why they are closing out the file. "On behalf of the department, it has been my pleasure working on this important endeavor." and that is in regard to David Cowan. He has been the prime coordinator on that.

V. COMMISSIONERS' COMMENTS

The Mayor stated that he has visited with City and County Commissioners to see how we can continue to talk like the ambulance services, share services, talents and abilities to reduce our total expenses and take it back to their commissions. Each one was confident that their commission would be willing to meet to see what we could do. He further stated that somebody had approached him a few years ago regarding construction debris and suggested that since we are taking recyclables on Tuesday, he asked if we have a dumpster for construction debris, and during that time set a fee and accept construction debris also. They could pay at the Clerk's Office and take their voucher with them. It would be a way to generate revenue for the recycling program and help offset some of our expenses. He further stated that when you take a pickup load to the landfill it is substantial. Mike Passauer said it was $70 he thought. The Mayor suggested setting a fee that was not that high, possibly $20-$30 to fill a dumpster. The Mayor asked if we contracted by tonnage. Mike Passauer said that we did. The Mayor stated that we could generate revenue to help pay for recycling, depending on how we go with trash service, but purchase dumpsters for recyclables, and fill up with aluminum and glass, so you and your crew don't have to hand load, get a little more automated system, been struggling with a little project at home and end up with a half load of cabinets or sheetrock, it could be a an opportunity to recoup some of our money in recyclables and be a benefit to reduce trash around houses. People are willing to pay to get rid of some of that debris. Commissioner Hogsett asked if we collected a lot last weekend, and Mike Passauer stated that they did. The City Manager stated staff would look into it, and how that will work. The Mayor stated that if you take debris out to Republic, you have to watch tires and paint, but you pay the same.

VI. PUBLIC CONCERNS

There were no public concerns.

VII. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel.

Motion:
On the motion of the Mayor the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception, (KSA75-4319(b)(l). The open meeting will resume at 8:15 pm. (20 minutes) in the Veteran's Room of Memorial Hall. Those in attendance include City Commissioners and City Manager. Commissioner Ysusi seconded the motion.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

The Commission meeting reconvened at 8:15 p.m. with no action taken.

VIII. ADJOURNMENT

Motion:
Commissioner Hogsett moved to adjourn. Commissioner Ysusi seconded the motion.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

Leonhard Caflisch, Mayor

Louis Ysusi, Commissioner

Gary Hogsett, Commissioner

Attest:

Kelly C. Passauer
Assistant City Manager