The Independence City Commission met for a regular meeting on July 25, 2019 at 5:30 P.M. in the Veterans Room at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch, and Commissioner Gary Hogsett were present. Others present included:

City Staff
Jeff Chubb, City Attorney
Kelly Passauer, Assistant City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
Mike Passauer, Public Works Director
Lacey Lies, Finance Director
Shawn Wallis, Fire/EMS Chief
Jerry Harrison, Police Chief
Terry Lybarger, Director of Utilities
David Cowan, Director of Safety/ADA Coordinator
Barb Beurskens, Park and Zoo Director
April Nutt, Director of Housing Authority
Cody Shamblin, Airport Supervisor

Visitors
Ellie Davis
Larry McHugh
Tabatha Snodgrass
Tony Royse
Phillip Halsted
Robert Meadows
David Ward
Mike Conway
Phil Garred
Dean Hayse
Shawn Turner

I. REGULAR SESSION

A. Call to Order

Mayor Ysusi called the meeting to 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 Caflisch the Commission adopted the agenda with the modification that items "G", "I" and "J" be removed from the consent agenda and move item "I" to

Presentations and move items "G" and "J" to Items for Commission Action.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

II. COMMON CONSENT AGENDA except G,I and J LY/LC

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

A. Appropriations

1. A-1843
2. D-1906
3. P-1814

B. Consider Blue Cross/Blue Shield renewal.

C. Consider authorizing Heckert Construction to repair an alley due to installation of a sanitary sewer line north of Westminster between 4th and 5th Street.

D. Consider Change Order 1 for the Water Treatment Plant.

E. Consider authorizing a "Welcome Back Block Party" in Downtown Independence in conjunction with ICC orientation and move in day on August 10, 2019.

F. Consider authorizing the Yona Julian Fun Run at Riverside Park on September 7, 2019.

G. Consider approving an agreement between the City of Independence and TranSystems for engineering services for the 2019 mill and overlay ADA sidewalk and ramps.

This item was removed from the consent agenda and moved to items for Commission action

H. Consider authorizing an agreement with KDOT for a CCLIP Resurfacing Project on West Main Street from the west City limits to 300' east of Peter Pan Road.

I. Consider a change order with IntertekPSI for mold abatement at 1916 City Hall.

This item was removed from the consent agenda and moved to Presentations

J. Consider a contract with the League of Kansas Municipalities for a League Executive/Administrative Position Search to assist the City in filling the position of City Manager.

This item was removed from the consent agenda and moved to items for Commission action

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission adopted the consent agenda with the exception of items "G", "I" and "J" and move item "I" to Presentations and move items "G" and "J" to Items for Commission Action.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

III. PRESENTATIONS

A. Consider a change order with IntertekPSI for mold abatement at 1916 City Hall.

This item was removed from the consent agenda and moved to Presentations

Phillip Halstead with IntertekPSI reported that the general contractor brought up some concerns he had with mold levels at 1916 City Hall and the health of his employees. Mr. Halstead wrote up the change order for the mold abatement and was here to answer any questions or concerns the Commission would have.

Commissioner Caflisch noted that the initial test stated that the mold was not at a state that would require abatement and asked what had changed.

Mr. Halstead reported that the initial test was performed two years ago and combined with the wet spring and one sump pump not working combined to increase the mold levels from the initial test.

Mayor Ysusi asked if the asbestos removal had been completed.

Mr. Halstead reported that it had been completed.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission approved the change order with IntertekPSI in the amount of $38,200 for mold abatement at 1916 City Hall.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

B. Presentation of the 2018 Audit.

Philipp Jared presented the 2018 audit and declared it a clean audit.

IV. ITEMS FOR COMMISSION ACTION

A. Consider approving a resolution to adopt a formal procurement policy.

Mayor Ysusi noted that he had conversations with Director Lies and she had answered his questions.

Commissioner Caflisch and Mayor Ysusi asked that all change orders be brought to the Commission for approval.

Director Lies replied that all change orders will be brought to the Commission.

Commissioner Caflisch asked that the wording in section 14.2 be changed that any modifications to the policy be approved by the governing body.

Director Lies suggested leaving that section alone and adding a new section that no increases to dollar limitations or changes to the intent of this policy shall be made without approval of the governing body.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approved a resolution to adopt the formal procurement policy as provided to the Commission with modifications.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

B. Consider setting the date of August 14, 2019 at 5:30 PM for a public hearing to consider adopting the 2019 revised and 2020 proposed budget.

Director Lies asked the Commission to set the date for a formal budget hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission set the date of August 14, 2019 at 5:30 PM for a budget hearing.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

C. Consider approval for a Memorial to be located at the Independence Kansas Municipal Airport.

Airport Supervisor Cody Shamblin asked the Commission for approval to install a memorial stone for the victims of a plane crash on August 4, 2018.

Mike Conway noted that it will all be funded through donations.

Commissioner Hogsett asked if this would be owned by the City and would there be any maintenance expenses associated with this.

Mr. Conway replied that the only maintenance would be to cut the grass around the memorial and the City would own it.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approve a Memorial to be located at the Independence Municipal Airport in memory of the lives lost in the 13EP plane crash that occurred on August 04, 2018 at Ponca City Oklahoma.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

D. Consider rezoning tracts of land from County P-1 and Agricultural districts to M-2, Heavy Industrial district at the following locations:

1. Tract #1: Southwest corner of County Road 3300-Russ Meyer Boulevard/Freedom Drive (Estimated 8.5 acre tract in the Airport Industrial Park)
2. Tract #2: 730 North Peter Pan Road (Estimated 39-acre tract in the West Laurel Industrial Park)

Assistant City Manager Passauer noted that these properties were recently annexed back into the City and need to be rezoned.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission adopted ordinances rezoning tracts of land from County P-1 and Agricultural districts to M-2, Heavy Industrial district at the following locations:

1. **Tract #1: Southwest corner of County Road 3300-Russ Meyer Boulevard/Freedom Drive (Estimated 8.5 acre tract in the Airport Industrial Park)**

2. **Tract #2: 730 North Peter Pan Road (Estimated 39-acre tract in the West Laurel Industrial Park)**

Aye: Ysusi, Caflisch, Hogsett
Nay: None

E. Consider traffic modifications at Donald Avenue.

Chief Harrison reported that he has received several complaints from residents in the area and also noted that the traffic safety committee looked at this area as well and decided to add three stop signs and move another.

Commissioner Caflisch asked if this would make it more direct for school traffic from Taylor Road to Mulberry.

Chief Harrison reaffirmed that is his intent.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved the following changes be implemented:

- **That a stop sign be placed at the intersection of Donald Avenue and Samuel Place, stopping traffic on Donald.**
- **The stop signs at Gary Avenue, Sue Lane and Linda Jean Drive be changed to stop the east/west traffic on Donald Avenue**
- **Stop signs be added at Donald Avenue and Kelly Lane, stopping east/west traffic on Donald Avenue.**

Aye: Ysusi, Caflisch, Hogsett
Nay: None

F. Consider allowing found property to be donated to deserving organizations or persons upon approval of the City Manager.

Chief Harrison requested a change in the city code to allow the City Manager to approve donations of found property to deserving organizations.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approved to amend City Code Section 18-452 (Ordinance 4228) Section 2(b.) as written to allow found property to be donated to deserving organizations or persons upon approval of the City Manager.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

G. Consider approving an agreement between the City of Independence and TranSystems for engineering services for the 2019 mill and overlay ADA sidewalk and ramps.

This item was removed from the consent agenda and moved to items for Commission action

Commissioner Caflisch asked that this item be removed from the consent agenda because he would like to separate the milling and overlay services from the ADA services and look at ADA services later.

Shawn Turner stated that the engineering services for the mill and overlay would be for $23,000.

Director Cowan stated that he would put a list together of ADA projects for the Commission to discuss later.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission approved up to $23,000.00 for milling and overlay engineering 2019 Street Overlay project.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

H. Consider a contract with the League of Kansas Municipalities for a League Executive/Administrative Position Search to assist the City in filling the position of City Manager.

This item was removed from the consent agenda and moved to items for Commission action

Commissioner Caflisch noted that the agreement with the League of Kansas Municipalities mentioned a contact person and he would like to authorize the Mayor to be the contact person.

Mayor Ysusi stated that he would accept being the contact person.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved a contract with the League of Kansas Municipalities for a

League Executive/Administrative Position Search to assist the City in filling the position of City Manager.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

V. REPORTS

A. Update on City grants and loans.

Shawn Turner presented updates on various City projects.

City Board Minutes

1. June 26, 2019 City Recreation Commission Minutes

VI. CITY MANAGER'S COMMENTS

None

VII. COMMISSIONERS' COMMENTS

Commissioner Caflisch made a recommendation to the Commission to look at securing an outside consultant that would do a plan and code review for the project at 223 W. Main, report to the Commission their findings and the Commission could relay the information to the City staff. Commissioner Caflisch cited City Code Section 2-35 item (c) which reads: No member of the governing body shall directly interfere with the conduct of any department except at the express direction of the governing body.

Commissioner Hogsett liked the idea of getting an outside consultant for plan and code review but, did not think the consultant needed to report to the Commission.

Commissioner Caflisch noted that he has not called any firms until he knows what the Commission wants to do.

Commissioner Hogsett asked if the fee would be charged to the building owner or the City.

Commissioner Caflisch replied that this wouldn't be something charged back to the owner but, possibly charge a reinspection fee.

City Attorney Chubb raised his concern about the validity of the Ordinance and

Commissioners taking over the administrative function from City staff.

Commissioner Caflisch noted that the Ordinance is on the books and a decision needs to be made because there is a contractor waiting and staff is under pressure.

City Attorney Chubb noted that staff has the authority to act now and to make those decisions.

Mayor Ysusi liked the thought of an independent third party to do the review.

City Attorney Chubb stated that staff does not disagree.

Assistant City Manager Passauer stated that staff was already in the process of getting in contact with an independent code reviewer. She noted that staff did not have the engineer stamped plans that were needed to proceed with that.

Mayor Ysusi agreed with moving forward with the plan that was laid out by Commissioner Caflisch.

Commissioner Hogsett agreed with having a third party review the plans but, felt that City staff was more than capable with handling the administrative duties.

Commissioner Caflisch noted that once the Commission receives the information from the reviewer it would go to staff for the enforcement.

Assistant City Manager Passauer asked the Commission if they wanted to select the firm that would be utilized.

Commissioner Caflisch confirmed that was correct.

VIII. PUBLIC CONCERNS

None

IX. ADJOURNMENT

Motion:
Mayor Ysusi moved to adjourn. Commissioner Hogsett seconded.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Gary Hogsett, Commissioner

Attest:

City Clerk/Treasurer