The Independence City Commission met for a regular meeting on September 12, 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
Dan Reynolds, City Attorney
Kelly Passauer, Assistant City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
David Cowan, Director of Safety/ADA Coordinator
Jerry Harrison, Police Chief
Shawn Wallis, Fire/EMS Chief
Brian McHugh, Memorial Hall Supervisor
Barb Beurskens, Park and Zoo Director
April Nutt, Director of Housing Authority
Terry Lybarger, Director of Utilities

Visitors
Sue Scovel
Larry McHugh
Bill Wullenschneider
Dion Wullenschneider
Jerry Bright
Kenny Evans
Debbie Miller
Janet Smith
Tabatha Snodgrass
Trisha Purdon
Dean Hayse
Dorcus Sutton
Ned Stichman
Tony Royse

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

Mayor Ysusi read a press release about an accident involving two temporary City employees and announced the death of a County employee that had happened earlier in the day.

C. Adoption of Agenda

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission adopted the agenda.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

II. CONSENT AGENDA

(*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-1846
2. P-1817
3. P-1818

B. Consider minutes of the July 11 and July 16, 2019 meetings.

C. Consider a supplemental agreement by PEC modifying the agreement for the Independence Water Treatment Plant Electrical Improvements.

D. Consider authorizing the use of golf carts on City streets for a Veterans Roundup event on September 26-28, 2019.

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

Aye: Ysusi, Caflisch, Hogsett
Nay: None

III. ITEMS FOR COMMISSION ACTION

A. Consider an ordinance modifying the Electrical Board.

Kenney Evans appeared on behalf of the Electrical Board.

Assistant City Manager Passauer explained that this Ordinance is to clean up language about the Board's make-up and to eliminate language with the way the Board selects their

leadership positions.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission adopted an ordinance amending City Code Sections 18-71 and 18-72 having to do with the makeup of the Electrical Board.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

B. Consider a request to partner with the VFW for ADA improvements to the sidewalk, and to provide van and car ADA parking stalls at 113 E. Myrtle Street.

Director Cowen stated that the VFW approached the City about resolving some ADA issues around their building and removing the gumball trees and add additional lighting for the parking lot.

Bill Wullenschneider explained that several of their bingo players need assistance getting up to the second floor of their building. The VFW has recently repaired their elevator and is asking the City for assistance in granting ADA parking in front of their building and other approaches to the building.

Commissioner Caflisch noted that access into the building is the responsibility of the building owner. He also noted that he had look at area with Mr. Wullenschneider and Ryan York and offered a solution of adding a metal ramp instead of a concrete walkway with the VFW raising funds or fabricating the ramp themselves. He also noted that the City would be responsible for the ADA accessibility from the parking lot because that is City property and suggested that the trees be removed because of the hazard they present.

Mayor Ysusi asked if the VFW has identified a cost for the ramp.

Mr. Wullenschneider replied that they a couple of feelers out but have not heard back from anyone.

Commissioner Caflisch asked Director Cowan if he sees any problems with working with the VFW.

Director Cowan replied that he saw no foreseeable problems.

Commissioner Hogsett asked if the tree Board has a problem with the removal of the trees.

Director Beurskens noted that staff must go there often to clean up the gum balls and pigeon droppings and the trees are a nuisance.

Director Cowan stated that he would get a revised cost for this project and bring it back for action at the next meeting.

No action was taken.

C. Consider approving a design agreement for reconstruction of the south apron runup area at the Independence Municipal Airport.

Assistant City Manager Passauer stated that the grant requires a City share of five percent for design costs which is approximately $1,500.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission authorized a design agreement for reconstruction of the south apron runup area at the Independence Municipal Airport.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

D. Consider a resolution adopting an administrative policy to define credit card procedures for city departments and employees.

City Clerk Schwenker noted that the City had passed a Resolution in 2012 adding the credit card policy and the Resolution before the Commission today is to update the policy to bring it in line with the new procurement policy.

Commissioner Caflisch questioned whether the dollar amounts and levels of approval are the same as the procurement policy.

City Clerk Schwenker reported that he had not compared the two policies to see if they are identical.

Mayor Ysusi asked how much the credit limit was.

City Clerk Schwenker replied that each department has a different limit based on past usage of the credit card but, the total limit is $25,000.

Commissioner Hogsett asked if every purchase is reviewed.

City Clerk Schwenker noted that Director Lies can go on to the banks website and see any charges made on the cards and can dispute them in real time.

Mayor Ysusi and Commissioner Caflisch suggested that they table this item to the next Commission meeting to ensure this policy and the procurement policy have the same schedules in them.

No action taken.

E. Consider 2019 Mill and Overlay ADA work.

Shawn Turner explained the modifications needed to the current ADA project.

Mayor ysusi was glad to see a decrease in the overall cost.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission authorized City Staff to do a change order with Graham Construction for ADA curb ramps and curb repair for $170,646.75.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

F. Consider an agreement with Montgomery County for ADA Work.

Director Cowan stated that the County had contacted him and asked if the City could complete the ADA work for their parking lot that had just been reconstructed. The County Commissioners approved the request and will reimburse the City for the work performed.

Mayor Ysusi was glad to see the City and County working together.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission authorized the mayor to sign the agreement with Montgomery County and for the City to request a change order for ADA work at 5th and Myrtle for Montgomery County.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

G. Consider a change order to the 2018 ADA project in the 800 block of North 10th Street.

Director Cowen explained the need to change the ADA design for that section of roadway and the decrease in cost for not applying it to the other side of the road.

Shawn Turner explained that you are more likely to get the railroad company to participate in one crossing versus two and the new design fit the walking patterns better with the kids use.

Commissioner Caflisch commented that the proposal looks a lot better.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission authorized a change order with Graham Construction to change the ADA curb ramps and sidewalk improvements as proposed in the drawings for an overall cost of $7,924.37.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

H. Consider changing the location of the September 25, 2019 Special Commission Meeting scheduled for 10:30 AM to 1916 City Hall for a tour, then reconvening to Memorial Hall.

Assistant City Manager Passauer thought that it would be a good idea to have a tour of the building while the architects were here and then reconvening the meeting at Memorial Hall.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission agreed to change the location of the September 25, 2019 Special Commission Meeting scheduled for 10:30 AM to 1916 City Hall for a tour, then reconvene at approximately 11:30 AM in the Veterans Room at Memorial Hall.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

Assistant City Manager Passauer noted that a meeting is scheduled for September 18th at 9:00 A.M. at the water plant and she is asking the Commission to reconvene at 10:00 A.M. to the Veterans Room to discuss Phase II of the water treatment plant project, and to consider resubmitting some airport grants. Mayor/LC

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission agreed to change the location of the September 18, 2019 Special

Commission Meeting scheduled for 9:00 A.M. to the Water Plant for a tour, then reconvene at approximately 10:00 A.M. in the Veterans Room at Memorial Hall.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

I. Consider signing an ordinance authorizing the issuance of General Obligation Refunding Bonds, Series 2019, for the City of Independence, Kansas and resolution prescribing the form and details of the bonds.

Assistant City Manager Passauer explained to the Commission that the bond counsel was waiting for the market to be more favorable and she didn't think that they would be ready this quickly but was able to amend the packet to include this item so a special meeting wouldn't need to be called.

Mayor Ysusi noted that it would be a $40,000 savings for the city.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved an ordinance authorizing and providing for the issuance of General Obligation Refunding Bonds, Series 2019, of the City of Independence, Kansas, for the purpose of providing funds to refund the City's outstanding General Obligation Bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; and authorizing certain other documents and action in connection therewith; and making certain covenants with respect thereto.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approved a resolution prescribing the form and details of an authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series 2019, of the City of Independence, Kansas, previously authorized by ordinance No. 4028 of the issuer; Making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

IV. DISCUSSION

A. Discussion regarding the proposed Central, Southwest and Southeast neighborhood revitalization districts.

Assistant City Manager Passauer presented the expired, current and proposed districts for neighborhood revitalization and would start pulling the parcel information and working with the County if the Commissioners were okay with the boundaries.

The Commissioners were fine with the boundaries as laid out.

V. REPORTS

A. 223 W. Main Street Update.

Director Cowan reported that a temporary occupation license for the brewery. He also indicated that the stop work order on the second and third floor is still in force.

Debbie Miller addressed the Commission.

I have witnessed many things at City Hall, but few have been the unbelievable spectacle as the one involving 223 West Main. City Manager Whitehead could have recognized the inspection of this unique project may have been beyond staff's skill set and requested that a more experienced individual be contracted to assist them. Since he failed to do so City staff made mistakes. Additionally, Morrison builders allowed plans designed by its own architect and approved by the City to be altered without the City's permission. This resulted in code violations, a stop work order and delays. Incredibly Commissioners Caflisch and Ysusi have been relentlessly attacked because other people did not do what they should have done. Furthermore, for some inexplicable reason, they have endured tremendous criticism for enforcing codes meant to reduce the risk of citizens being injured or killed in the event of a fire. What do those individuals who've publicly humiliated and lied to Commissioners Caflisch and Ysusi want them to do? Allow a building with known and potentially dangerous code violations to be open for use? Allow all other builders to violate codes? Why don't these critics seem to care about citizen safety especially when those citizens live on second and third story apartments? Then there's all the hypocrisy associated with this fiasco. How many times has it been noted that Commissioners should stay in their lanes or that Commissioner Caflisch is a micromanager or that it's unusual for Commissioners to get involved in matters staff should handle and yet it's been Commissioners Caflisch and Ysusi that have been expected to provide the leadership to responsibly clean up the mess made by others. Furthermore, it's been Mr. Caflisch's expertise upon which many have relied to navigate them through the intricacies of this very uncommon and complicated project. Morrison Builders not Commissioners Caflisch and Ysusi is responsible for holding up the completion of this building. Therefore it serves absolutely no purpose for this Commission to hold more meetings so individuals

can try to sidestep building codes, make false accusations, launch irrelevant personal attacks and otherwise demean two men that have been honorably and steadfastly committed to ensuring the safety of all. Lastly those individuals, that have seemingly been quite willing for whatever reason to jeopardize the public welfare, unjustifiably berate Commissioners Caflisch and Ysusi and throw them under the bus for self-serving purposes, should apologize to them and to all others that have been ill served by their misleading comments, reprehensible rants and seeming indifference to the well-being of over 8,000 people. Thank you.

B. City Board Minutes

1. August 21, 2019 City Recreation Commission
2. July 17, 2019 Library Board of Trustees

VI. CITY MANAGER'S COMMENTS

VII. COMMISSIONERS' COMMENTS

Mayor Ysusi noted that at the last Commission meeting that he had tried to be lenient with the time limit for public concerns. Mayor Ysusi decided that in the future he will go back to a three-minute time limit for public concerns and asked the public to address the Commission and not the audience.

VIII. PUBLIC CONCERNS

IX. ADJOURNMENT

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

Aye: Ysusi, Caflisch, Hogsett
Nay: None

Louis Ysusi

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Gary Hogsett, Commissioner

Attest:

City Clerk/Treasurer