The Independence City Commission met for a regular meeting on December 13, 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/EMS Chief
Michael Borovetz, Finance Director
Terry Lybarger, Director of Utilities
Jerry Harrison, Police Chief
Mike Passauer, Public Works Director
Bridget Hammer, Dispatcher
Hilary Cook, Police Officer

Visitors
Ellie Davis
Andy Taylor
Tony Royse
Michelle Anderson
Leslie Fox
Larry McHugh,
Dean Hayse
Rusty Arnold
Ray Rothgeb
Dorcus Sutton
Ned Stichman
Robert Meadows
Jerry Bright
Neil Phillips
April Nutt

I. REGULAR SESSION

A. Call to Order
Mayor Caflisch 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 Ysusi, seconded by Commissioner Hogsett the Commission adopted the agenda with the modifications that item "E" be moved up to item "A" on the items for Commission action.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

II. COMMON 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.)

Moved by Ysusi, Seconded by Hogsett. Motion carried.

A. Appropriations
   1. A-1828
   2. D-1811
   3. P-1798

B. Consider approving minutes of the October 18, 24, November 5 and 26 2018 City Commission Meetings.

C. Consider awarding chemical bids as recommended.

D. Consider authorizing the abatement of nuisance taxes for six vacant lots purchased at tax sale.

Motion:

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

Aye: Caflisch, Ysusi, Hogsett
Nay: None

III. PRESENTATION

A. 2017 Audit.

A representative of Jarred Gilmore Phillips, Neil Phillips, reviewed the audit and answered questions of the Commission. An incorrect statement was noted that indicated that the Housing Authority could own property, while the City Attorney noted that local ordinance prohibits this. The Mayor requested that this statement be corrected.

IV. ITEMS FOR COMMISSION ACTION

A. Consider adopting ordinances modifying water, sewer and sanitation rates.

The Finance Director reviewed the modifications due to the following:

1. A rounding issue within the system regarding sanitation rates;
2. A reduction from the originally proposed 6.5% water and sewer rate increase to 6% as approved during the 2019 budget process; and
3. An agreement with Montgomery County Sewer District regarding their rate calculations.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett the Commission adopted ordinances modifying water, sewer and sanitation rates.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

B. Consider modified recommendation from the Planning Commission to adopt an ordinance implementing text amendments to the Code of the City of Independence, Kansas, specifically Appendix B – Zoning Code relating to Off-street parking requirements.

This item was tabled until after a joint work session with the Planning Commission to be scheduled sometime in January.

C. Consider a request from USD 446 to rezone tracts of land from R-4, medium density multifamily dwelling district to M-1, light industrial district on the east side of the 2200 block of North 21st Street (tabled from the 11/29/2018 meeting).

The applicant's representative Rusty Arnold was available for any questions from the Commission. The Mayor stated that there were other M-1 areas with better access, and he was concerned about maintenance issues with the access road because the base was not prepared. He further stated that he was concerned about Whiskey Creek drainage and that he didn't think the M-1 zone was compatible to the area.

Commissioner Ysusi stated he was also concerned with water runoff and wanted to see the results of the water study that is currently being prepared. He said he understood that they already had busses ordered, but there are other issues that need to be looked at.

Commissioner Hogsett said he was struggling with this request and any spot they pick the neighbors will not be happy. He further stated that we have great School Board and Planning Commission members and they both approved it, so he would be inclined to move forward.

The Mayor said that we have multiple factors, and the site isn't suited for M-1. He further stated concerns with traffic on 21st from large vehicles, the maintenance for the service drive, and the City establishing an appropriate base for the access road that would increase cost. He further stated that he sent spot zoning statements to Kelly Passauer to distribute to the Commission.

Commissioner Ysusi said he appreciates the information provided by the Mayor because it is new to him, and that he talked to neighbors who were concerned.

Motion:

Commissioner Hogsett moved to approve the rezoning request, which died due to a lack of a second.

Assistant City Manager/Zoning Administrator Kelly Passauer asked the Commission if they would like to consider modifying the permitted and conditional use table to allow the bus barn in the R-4 zone with a conditional use permit, rather than rezoning it to M-1. Commissioner Hogsett stated that they did not want it there and that it wasn't just about land use.

D. Consider approving and signing the 2018 Tree City Recertification Application.

Leslie Fox represented the Tree Board and stated that they took care of the community orchard and would like to make sure trees don't get damaged during

Neewollah. The Mayor stated that the Tree Board costs no additional funds.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi the Commission approved signing the 2018 Tree City Recertification Application.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

E. Consider authorizing cash bonuses in lieu of annual holiday gift certificates for City employees.

This item was moved up to the first item under Commission action so that the auditor representative could be present if there were additional questions pertaining to taxation of gifts. The Mayor asked whether the $75 was also being provided to the Housing Authority and Library, to which Finance Director Mike Borovetz responded that it was not and that those entities would be handling any additional bonuses themselves. Commissioner Hogsett asked about the Main Street gift certificates, and Finance Director Mike Borovetz indicated that with the timing of being notified by the auditors that any gift over $25 must be taxed, that staff felt that this was the easiest way to handle it.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi the Commission approved a $75 cash bonus for each City employee in lieu of annual holiday gift certificates.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

V. REPORTS

A. City Board Minutes

1. October 17, 2018 Library Board of Trustees
2. November 6, 2018 Planning Commission/Board of Zoning Appeals.
3. November 21, 2018 City Recreation Minutes

VI. CITY MANAGER'S COMMENTS

None

VII. COMMISSIONERS' COMMENTS

The City Manager was asked about bid openings, to which the City Manager replied that the Peter Pan Bid opening was scheduled for March; the Water Treatment Plant Bid Opening was today; the City Hall bid opening is scheduled for February 7th and will be advertised in the newspaper and the website.

The Mayor stated that Amanda Stanley with the League would have an aide work on a co-sponsoring sample policy.

The Mayor stated that a special meeting would be set at the January 10th meeting to

discuss next steps regarding the City Hall Phase II and Emergency Services facilities.

VIII. PUBLIC CONCERNS
None.

IX. 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 7:45 p.m. in the Veteran's Room of Memorial Hall. Those in attendance include City Commissioners. Commissioner Ysusi seconded the motion.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

Motion:

On the motion of the Mayor the Commission extended the executive session until 7:55 PM with just the Commissioners present. Commissioner Hogsett seconded the motion.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

Motion:

On the motion of the Mayor the Commission extended the executive session for 30 minutes until 8:25 PM with the Commissioners and City Manager present. Commissioner Hogsett seconded the motion.

Aye: Caflisch, Ysusi, Hogsett
Nay: None

The Commission meeting reconvened at 8:27 p.m. with no action taken.

X. 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