

Minutes of the Independence City Commission's July 11, 2019 Meeting

The Independence City Commission met for a regular meeting on July 11, 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
Shawn Wallis, Fire/EMS Chief
Jerry Harrison, Police Chief
Lacey Lies, Finance Director
Terry Lybarger, Director of Utilities
Mike Passauer, Public Works Director
Brian McHugh, Memorial Hall Supervisor
April Nutt, Director of Housing Authority

Visitors

Ellie Davis
Larry McHugh
Tabatha Snodgrass
Lisa Hugo
Jon Risner
Don Farthing
Trisha Purdon
Geo Eisele
Tony Royse
Tom Sewell
Steve McBride
Gayle Holcum
Jeri Hopkins
Jim Hayward
Harold Baden
Megan House
Julie Eisele
Carolyn Torrence
Renata Butler
Ray Rothgeb

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. Executive Session

1. Personnel matters of non-elected personnel.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission moved to recess for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception (K.S.A. 75-4319(b)(1)). In attendance will be the Commission and City Attorney. The open meeting will resume at 5:42 P.M.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

The meeting resumed at 5:42 PM.

D. Adoption of Agenda

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission adopted the agenda with the modification that items "A" and "F" be removed from the consent agenda and moved to items for Commission action and add items "G" and "H" to the consent agenda.

Aye: Ysusi, Caflisch, 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.)

A. Appropriations

1. A-1842

2. P-1813

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

B. Consider approval of blocking off North 5th Street from Oak Street to Mickey Mantle Way (Stadium) for Indy Goes Back to School Event between 5:00 p.m. to 8:30 p.m. on Friday, August 9th, 2019.

C. Consider a resolution exempting the City from GAAP (Generally Accepted Accounting Principles) requirements.

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- D. Consider authorizing the release of lien of nuisance taxes for 1033 N. 11th Street.
- E. Consider adopting an ordinance assessing nuisance costs for mowing.
- F. Consider approving a resolution to authorize Lacey Lies, Director of Finance as Signatory for First National Bank of Omaha ("FNBO") Purchase Cards.

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

- G. Accept the resignation of the City Manager and authorize Mayor to sign the agreement and general release.
- H. Appoint Kelly Passauer as acting City Manager until Commissioners can meet and discuss further.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission adopted the consent agenda with the exception of items "A" and "F" which was moved to items for Commission action.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

III. PRESENTATIONS

- A. Presentation of the 2020 Library budget request.

Tom Sewell requested mill levy and \$25,000 which is what they have received in the past.

- B. Presentation of the 2020 Main Street budget request.

Tabatha Snodgrass and Lisa Hugo presented the Main Street Budget and a slideshow of activities sponsored by Main Street during the past year.

Lisa Hugo asked the Commission for an increase in funds from \$20,000 to \$25,000 to be included in the 2020 budget

Mayor Ysusi asked if this is the first increase in funding that they have asked for in several years.

Mrs. Snodgrass replied yes.

Mayor Ysusi asked about parking downtown.

Mrs. Snodgrass noted that there are some areas that need to be cleaned up and provide better lighting.

Commissioner Caflisch asked if they have a mission statement.

Mrs. Snodgrass replied that they do and will provide it to the Commission.

Commissioner Hogsett asked if they were planning on lighting the downtown buildings.

Mrs. Snodgrass said that is true and the estimate they got would cost them around \$17,000.

IV. ITEMS FOR COMMISSION ACTION

A. Appropriations

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

1. A-1842
2. P-1813

Commissioner Caflisch had a question regarding a payment made to Morrison Builders for Economic Development.

Director Nutt explained that they had met the program guidelines and qualified for this payment.

Commissioner Caflisch commented that it was his understanding that the grant was for spot repairs and not total renovation and noted that the application would need to be modified.

Director Nutt stated that she would send two applications to the Commissioners, one would be for a total renovation of a building and one would be for maintenance of a building.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Caflisch the Commission approved the appropriations as presented.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

B. Consider approving a resolution to authorize Lacey Lies, Director of Finance as Signatory for First National Bank of Omaha ("FNBO") Purchase Cards and

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

Director Lies reported that First Bank Card is the credit card company that she

had chosen to go with purchase cards, over a credit card citing more oversight capabilities. She went on to explain that Purchase cards allows her to set individualized number of transaction limits, or codes to use only certain items, etc. They are smarter cards with more oversight capabilities. There is also increased reporting capabilities and it forces compliances with the purchasing policy.

Commissioner Caflisch inquired who would receive these cards.

Director Lies noted that Department Heads would oversee the use of those cards.

Commissioner Caflisch asked about purchases that are not approved.

Director Lies noted that the person making the purchase would be personally liable and would sign a statement attesting to that before issuing the card.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approved a resolution to accept the First National Bank of Omaha Commercial Card Agreement as provided to the Commission.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

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

Mayor ysusi expressed concerns with the high dollar limits.

Director Lies noted that if the dollar limits are lowered the increase in administrative duties for staff would far outweigh the benefit.

Commissioner Caflisch noted that there is a worksession set up for the next week and suggested the Mayor and Director Lies get together before then and satisfy each other's concern.

No action taken.

D. Consider text amendments to Appendix B-Zoning of the City Code including Appendix A. "Listing of Permitted and Conditional Uses" regarding "Communication Towers".

Steve McBride, Vice Chair of the Planning Commission presented a new amendment for a conditional use for a communication tower.

Commissioner Caflisch noticed that there is already in the Code an accessory use for communication towers maintained by government units and wondered if the text could be changed to include utility companies and not have to deal with C-2 and C-4 zones.

Acting City Manager Passauer stated she had looked at that section as well but was concerned that other issues might arise in other parts of the city due to utility right of ways.

Commissioner Caflisch encouraged the Commission to come up with wording that would protect the C-2 and C-4 districts.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approved the modified recommendation of the Planning Commission and adopt an ordinance to modify "Communication Towers" in the permitted and conditional use table to add C-2 and C-4 as permitted zoning districts for this use with a conditional use permit.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

E. Consider text amendments to Appendix B-Zoning of the City Code relating to:

1. Article IV. Rules and Definitions.
2. Article VI. Supplementary District Regulations
3. Article X. Special provisions applying to miscellaneous conditional uses; and
4. Appendix A. "Listing of Permitted and Conditional Uses" including, but not limited to "Bed and breakfast", "Boarding and rooming houses" and other new additional uses.

Steve McBride, Vice Chair of the Planning Commission said that with this change in the City Code, the City would be able to collect "bed taxes" from Air BnB's.

Renita Butler described how the Air BnB business works and noted that it is cheaper than staying in a hotel.

George Eisele stated that his goal was to get this approved

Commissioner Hogsett asked about experiences with renting the house.

Mr. Eisele stated that the house is rented for the next two months to be used by two interns for local businesses and also noted that it is booked for Neewollah and

for hunters in December and that so far he has had great success with it.

Commissioner Caflisch asked if the neighbors had any concerns.

Mr. Eisele noted that he has not received any complaints.

Commissioner Caflisch wanted to assure the public that if this amendment is passed then the Air BnB's would be monitored more stringently and if the owner loses their certification they would also lose their conditional use permit.

Mr. McBride noted that was the concern of the Planning Commission and was reassured that they police themselves quite well.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved the recommendation of the Planning Commission and adopt an ordinance making the following modifications to Appendix B - Zoning of the City Code:

- 1. Modify "Bed and breakfast" in the permitted and conditional use table to add O/P as a conditional use and C-4 as a permitted use.**
- 2. Modify "Boarding and rooming houses" in the permitted and conditional use table to:**
 - a. Add A-1, R-1, R-2, R-3 and C-1 as conditional uses,**
 - b. Add C-2 and C-4 as permitted uses, and**
 - c. Modify R-4 and R-5 from permitted uses to conditional uses.**
- 3. Add "Short term rentals not elsewhere listed" to the permitted and conditional use table to include:**
 - a. A-1, R-1, R-2, R-3, R-4, R-5, O/P and C-1 as conditional uses, and**
 - b. C-2, C-3 and C-4 as permitted uses.**
- 4. Add the definition: "Short term rentals -- means a property or space offered for rent to transient guest(s) for overnight stays consisting of 30 consecutive days or less that is not located in a hotel, tourist court, or motel."**

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- F. Consider bids received for North Peter Pan Road project.**

Director Passauer reviewed the item and KDOT recommended awarding the bid to Jeff graham Construction.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission authorized the Mayor to award the bid to Jeff Graham Construction, Inc. in the amount of \$458,096.00 for the Peter Pan Improvement project as recommended by KDOT.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

V. REPORTS

A. City Board Minutes

1. June 4, 2019 Planning Commission/Board of Zoning Appeals Minutes

VI. CITY MANAGER'S COMMENTS

VII. COMMISSIONERS' COMMENTS

Commissioner Caflisch asked to have a special meeting at 9 A.M. on July 16th to go over the process for selecting a new City Manager.

VIII. PUBLIC CONCERNS

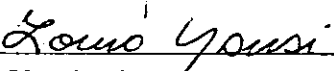
IX. ADJOURNMENT

Motion:

Mayor Ysusi moved to adjourn. Commissioner Hogsett seconded.

Aye: Ysusi, Caflisch, Hogsett

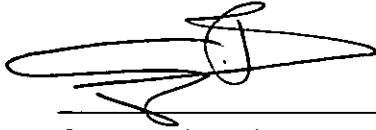
Nay: None



Louis Ysusi, Mayor

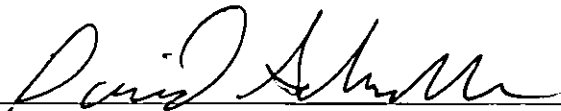


Leonhard Caflisch, Commissioner



Gary Hogsett, Commissioner

Attest:



City Clerk/Treasurer