

Minutes of the Independence City Commission's November 19, 2020 Meeting

The Independence City Commission met for a regular meeting on November 19, 2020 at 5:30 P.M. at the Memorial Hall. Mayor Leonhard Caflisch, Commissioner Louis Ysusi and Commissioner Dean Hayse were present. Others present included:

City Staff

Jeff Chubb, City Attorney
David Cowan, Assistant City Manager
Kelly Passauer, City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
Terry Lybarger, Director of Utilities
Lacey Lies, Director of Finance

Visitors

Taina Copeland
Andy Taylor
Brian Williams
Ned Stichman
Chris Birkenmaier
Christy Mavers by phone
Brent Julian by phone
Doug Pickard by phone
Brad Oaks by phone
Vance Kelly by phone
Dominique with Gilmore & Bell by phone

I. REGULAR SESSION

A. Call to Order

Mayor Caflisch called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

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

Aye: Ysusi, Caflisch, Hayse

Nay: None

II. APPOINTMENTS

III. CONSENT AGENDA

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(*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-1875
2. A-1875-A
3. P-1849
4. P-1849-A

B. Consider authorizing the purchase of a street sweeper for the Street Department.

C. Consider bids received for sewer crawler camera equipment.

D. Consider authorizing the Mayor to sign the 2020 Tree City USA Application for Certification.

Motion:

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

Aye: Ysusi, Caflisch, Hayse

Nay: None

IV. PUBLIC HEARINGS

A. Public hearings to consider condemnation of the following properties as dangerous and unsafe:

1. 201 E. Main Street

City Staff has been unable to contact the owner of the building. Staff recommends condemnation as dangerous and unsafe.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to adopt a resolution condemning 201 E. Main as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hayse

Nay: None

2. 321 S. 19th Street

This structure is now owned by William Davidson and work has begun to renovate the property. Staff recommends adjourning the public hearing for 90-days.

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Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to adjourn the Public Hearing until February 25, 2021 at 5:30 PM.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

3. 414 S. Wald Avenue

The owner has failed to contact the City of Independence. During a meeting in September, the owner indicated they would submit for a building permit to restore the front of the building. Code enforcement has also given notice to remove all the cars from the front line without a response from the homeowner. City Staff recommends condemnation as dangerous and unsafe.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to adopt a resolution condemning 414 S. Wald Avenue as dangerous and unsafe.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

4. 416 S. 18th Street

The owner has failed to contact the City and apply for a demo permit. It is the staff recommendation to condemn as dangerous and unsafe.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to adopt a resolution condemning 416 S. 18th Street as dangerous and unsafe.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

5. 800 E. Edison Street

City Staff was contacted by the family and they have requested we adjourn the meeting until May 2021. The family is planning on repairing the home for family visits to Independence but COVID is making family coordination difficult at this time. City Staff recommends adjourning the meeting.

Motion:

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On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to adjourn the Public Hearing until May 27, 2021 at 5:30 PM.

**Aye: Ysusi, Caflisch, Hayse
Nay: None**

6. 801 E. Birch Street

Alisha Florio is working on rehabilitation of this structure. City Staff is recommending adjourning for 90 days.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to adjourn the Public Hearing for 801 E. Birch Street until February 25, 2021 at 5:30 PM.

**Aye: Ysusi, Caflisch, Hayse
Nay: None**

7. 1020 W. Myrtle Street

City Staff was contacted by Ka'Sandra Gates and she continues to work on the structure. City staff recommends adjourning for 90 days.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to adjourn the Public Hearing for 1020 W. Myrtle Street until February 25, 2021 at 5:30 PM.

**Aye: Ysusi, Caflisch, Hayse
Nay: None**

8. 2009 1/2 N. Penn Avenue

City Staff had been contacted by the owner, who lives in Oklahoma City, and they intend to repair the structure and will be submitting a timeline of repairs. Due to COVID they have been delayed but will begin working on the structure. City Staff recommends adjourning for 90 days.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to adjourn the Public Hearing for 2009 1/2 N. Penn Avenue until February 25, 2021 at 5:30 PM.

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Aye: Ysusi, Cafilisch, Hayse

Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider bids received for demolition of the following condemned properties:

1. 1217 N. 9th Street
2. 409 S. 17th Street
3. 509 N. 14th Street
4. 708 S. 16th Street
5. 1101 W. Main Street
6. 1105 W. Main Street

City of Independence is seeking bids for the removal of the following five condemned structures:

1. 1217 N. 9th Street
2. 409 S. 17th Street
3. 509 N. 14th Street
4. 708 S. 16th Street
5. 1101 W. Main Street
6. 1105 W. Main Street

The City was contacted this week and True Vine Baptist Church has contracted with G&G Dozer to remove 1101 & 1105 W. Main. The low bid for removal of the remaining four structures was JRB Industries, Inc.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to award a demolition contract for four previously condemned structures in the amount of \$17,900 to JRB Industries, Inc. The four address are 1217 N. 9th Street, 409 S. 17th Street, 509 N. 14th Street and 708 S. 16th Street.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

B. Consider revised Master Plan for Central Park and North Park Blvd Sports Complex.

On September 10, 2020 the City Commission authorized a proposal with Indigo Design to redesign the 2007 concept plan and prepare cost estimates for the Central Park and North Park Blvd Sports Complex to incorporate soccer fields and supporting infrastructure. Representatives of the Recreation Commission, City staff and the Mayor worked together with Doug Pickert of Indigo Design on the revised Master Plan. The Recreation Commission will formally be considering the Master Plan at their November 18, 2020 meeting.

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Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to approve the revised Master Plan for Central Park and North Park Blvd Sports Complex.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- C. Consider revised recommendation from the Economic Development Advisory Board regarding a request from Labette Health to provide an economic development incentive to expand the Independence Healthcare Center.

The Economic Development Advisory Board has reviewed pertinent documents, past Commission discussions, and other information regarding previous incentives offered to Labette Health by the City of Independence. As a part of that review, the Economic Development Advisory Board has utilized a cost-benefit analysis to determine the appropriate investment in the proposed project, as it relates to the City of Independence.

After said review of the relevant information provided, the Economic Development Advisory Board recommends approval of the incentive request in the form of a \$600,000 grant to be disbursed over a ten-year period as follows:

1. Labette Health Independence Healthcare Center will show proof of five new full-time equivalent employees in Independence during 2022, over a base employment established at the end of 2021. Five new full-time equivalent employees during 2023. Four new full-time equivalent employees during 2024 and one new full-time equivalent employee during 2025 and 2026. Labette Health Independence Healthcare Center must maintain those full-time equivalents' over the subsequent years to receive a maximum of \$60,000 per year. Should less than five full time equivalents be maintained during a reporting period, the annual incentive payment for that period will be discounted on a pro-rata basis.
2. The first payment will be made on March 1, 2023, and each March 1 of the nine subsequent years (2024-2032).
3. This incentive will be paid out of the Economic Development Fund.

The Economic Development Advisory Board recommends the City Attorney draft an agreement and that the City Commission approves this proposed incentive to Labette Health for the expansion of the Labette Health Independence Healthcare Center on Peter Pan Road.

Motion:

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On the motion of Commissioner Hayse, seconded by Mayor Caflisch the Commission moved to approve the proposed grant incentive to Labette Health as recommended by the Economic Development Advisory Board and for the City Attorney to draft an agreement for that grant.

Aye: Hayse

Nay: Ysusi, Caflisch

Motion:

On the motion of Commissioner Ysusi, seconded by Mayor Caflisch the Commission moved to approve the proposed grant incentive to Labette Health and changing the \$60,000 payment each year over a 10 year period to \$100,000 payment each year over a 10 year period and for the City Attorney to draft an agreement for that grant.

Aye: Ysusi, Caflisch

Nay: Hayse

D. Consider programming for 1916 City Hall and Fire/EMS.

On October 15, 2020 TreanorHL presented proposed floor plans for 1916 City Hall at 120 North 6th Street and the Fire/EMS addition to the apparatus bay at 900 West Myrtle Street. No suggested changes were made to the 1916 layout, however, there were some additional modification requested for the Fire/EMS layout. TreanorHL has made the requested changes and will be available to answer any questions the Commission may have.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to approve the programming floor plans for the 1916 City Hall and Fire/EMS Apparatus Addition as presented.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Mayor Caflisch, seconded by Commissioner Ysusi the Commission moved to recess for a five-minute break.

Aye: Ysusi, Caflisch, Hayse

Nay: None

E. Consider concepts for the West Main from 8th to 10th CCLIP project.

On March 28, 2019 the City Commission authorized the submittal to KDOT Access

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Management and Geometric Improvement grant programs for Main Street from 8th to 10th with a sweeping right turn lane. The Geometric Improvement portion was funded; however, the Access Management portion (\$645,000 total project cost with maximum KDOT share of \$400,000) was not funded. On November 14, 2019 the Commission approved an agreement with KDOT for pavement replacement, curb and gutter, sidewalk, and pavement markings on US-160 from 200 feet east of US-75 (10th/Main Intersection) to 8th Street Intersection at a total cost of \$1,384,234 with KDOT paying a maximum of \$1,000,000. On July 9, 2020 the Commission provided direction to include the 200' section between the 10th/Main intersection and the work that was funded by KDOT at an estimated additional cost of \$380,000 to the City as an add alternate to the qualifications for engineering services for the 9th and Main CCLIP project. This project is scheduled to be bid in June of 2021.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to approve the concept drawing for the West Main from 8th to 10th CCLIP project.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- F. Consider adopting an ordinance amending previous boundary ordinances and establishing the legal boundaries for the City of Independence, Kansas.

On October 25, 2017 the City Commission adopted Ordinance 4255 amending the previous boundary ordinances and establishing the legal boundaries. Since that time errors were discovered which has now been corrected in the attached document. The ordinance language was reviewed by the City Attorney and the legal description was prepared and certified by TranSystems.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to adopt an ordinance amending previous boundary ordinances and establishing the legal boundaries.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- G. Consider adopting an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds, series 2020 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2020 Bonds.

Pursuant to K.S.A. 12-1740 et seq. and K.S.A. 10-116a and Resolution Nos. 95-07, 2000-36, 2004-29, 2006-62, and 2013-09, the City has agreed to issue its taxable

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industrial revenue bonds for the purpose of purchasing, acquiring, constructing and installing certain industrial and commercial facilities for the production of single engine piston and jet aircraft facilities for the benefit of Textron Aviation Inc. (successor by merger to Cessna Aircraft Company). Pursuant to such authorization, the City has issued eighteen series of its taxable industrial revenue bonds in the aggregate principal amount of \$112,082,705, of which eight series remain outstanding. In connection with the issuance of each series of bonds, the City has approved a ten-year ad valorem property tax abatement for the bond-financed improvements. The City has no financial obligation with respect to any of the bonds. Each series of bonds is payable solely and only from revenues received from a lease of the bond-financed improvements to Textron Aviation. Textron Aviation is also the owner of all outstanding bonds.

Textron Aviation has requested the issuance of an additional series of taxable industrial revenue bonds in the aggregate principal amount of not to exceed \$800,000 to finance building improvements and manufacturing equipment and tooling at the Independence facilities. The Series 2020 Bonds will be issued pursuant to a seventeenth supplemental Trust Indenture between the City and The Bank of New York Mellon Trust Company, N.A. as successor trustee to INTRUST Bank, N.A. (the "Trustee"). The improvements financed with the proceeds of the Series 2020 Bonds will be leased by the City to Textron Aviation pursuant to a Seventeenth Supplemental Lease Agreement. The bond-financed improvements will be approved for a ten-year ad valorem property tax abatement, beginning January 1, 2021.

The Ordinance to be considered by the City Commission authorizes the issuance of the Series 2020 Bonds; approves the Seventeenth Supplemental Trust Indenture and Seventeenth Supplemental Lease and related documents and authorizes the Mayor and City Clerk to execute and deliver such documents.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to approve an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds Series 2020 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2020 Bonds.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- H. Consider authorizing changes to the 5-year CIP for the Independence Municipal Airport to be submitted to the FAA.

Each year the City submits an updated CIP (Capital Improvement Program) for FAA eligible projects at the Independence Municipal Airport. Staff has worked in conjunction with Matt Jacobs of Lochner and the FAA to revise the CIP for 2021-2026. The recommended changes are:

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1. **Rehabilitate Terminal Apron** - The terminal apron provides aircraft parking for transient and based aircraft. This project will fund the rehabilitation of those portions of the existing terminal apron that were constructed in 1999 and 2008 to maintain the structural integrity of the concrete pavement. The existing sealant has deteriorated to the point where it is no longer providing adequate protection to the pavement joint and various concrete panels have cracked and need to be replaced. The Kansas Department of Transportation Airfield Pavement Condition Report, dated June 2019, lists the Pavement Condition Index (PCI) at an average of 93 for the terminal apron. Performing the proposed pavement maintenance will maintain the high PCI value and extend the useful life of the pavement.

Total Estimated Project Costs = \$245,000

City Share @ 10% = \$24,500

2. **Rehabilitate Connecting Taxiway D** - Taxiway D connects parallel Taxiway A to Runway 17-35. Originally constructed in 1940, this project will fund the rehabilitation of Taxiway D to maintain the structural integrity of the concrete pavement. The existing sealant has deteriorated to the point where it is no longer providing adequate protection to the pavement joint and existing concrete panels that have cracked will be removed and replaced. The Kansas Department of Transportation Airfield Pavement Condition Report, dated June 2019, lists the Pavement Condition Index (PCI) at 63 for Taxiway D. This same report also details a scenario where no airport pavements are maintained and how this affects PCIs. No pavement maintenance on Taxiway D would lead to a projected PCI average of 59 in 2023. Performing the proposed pavement maintenance will extend the useful life of the pavement. Additionally, the apron area adjacent to the taxiway will include applicable pavement markings as needed to eliminate a direct taxi connection to Runway 17-35. Adding these additional markings will increase airport safety by mitigating potential pilot error and increasing situational awareness while navigating the airport.

Total Estimated Project Costs = \$256,000

City Share @ 10% = \$25,600

3. **Remove Connecting Taxiway B** - Taxiway B connects parallel Taxiway A to Runway 17-35. Originally constructed in 1940, the taxiway pavement has exceeded its useful life and is in need of major pavement rehabilitation or reconstruction. Since this taxiway is not critical to operations at the airport, it has been presented to the FAA that in lieu of rehabilitation, the taxiway pavement and associated edge lights and guidance signs be removed and the area graded and seeded. Removal of the taxiway saves on operating costs by not having to continue to maintain the pavement in the future. Removal of the taxiway also eliminates the direct connection to the runway from the south hangar area, which allows for pilots to depart the hangar area and potentially taxi onto Runway 17-35 unaware since a turning

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maneuver is not required to access the runway. FAA has encouraged Airports to mitigate this situation when possible.

Total Estimated Project Costs = \$234,000

City Share @ 10% = \$23,400

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to authorize submittal of the updated Independence Municipal Airport 5-year CIP to the FAA.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- I. Consider authorizing the City Manager to sign an engagement letter with Tanner LLC for facilitation of the January 20, 2021 Annual City Commission/City Staff Planning Retreat.

The first step towards planning for the 2022 budget is to hold a planning retreat with the Commission and City staff. For the last few years this has been facilitated by Tanner LLC who prepared the City's strategic plan. Mackey Smith with Tanner LLC is available to facilitate this retreat on January 20, 2021 (the third Wednesday).

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to authorize the City Manager to sign an engagement letter with Tanner LLC for facilitation of the January 20, 2021 Annual City Commission/City Staff Planning Retreat.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- J. Consider a resolution rescinding Resolution 2020-079 declaring a water emergency.

Due to drought conditions and an order from the Division of Water Resources restricting water intake, the City of Independence declared a water emergency on October 22, 2020. The City was contacted by Katie Tietsort, on November 16, 2020, and notified that the State was rescinding the order effective November 20, 2020, and the City could also rescind their Water Emergency resolution. At this time, the Division of Water resources estimates natural flow for the next 30-days without any precipitation.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to adopt Resolution 2020-080 rescinding Resolution 2020-079 declaring a Water Emergency.

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Aye: Ysusi, Caflisch, Hayse

Nay: None

VI. REPORTS

A. City Board Minutes

1. January 20, 2020 Plumbing Board
2. October 5, 2020 Electrical Board

B. Projects Update by TranSystems.

Shawn Turner gave a report on this item.

VII. CITY MANAGER'S COMMENTS

City Manager Passauer and Assistant City Manager Cowan gave an update on the Governor's mask order and the pandemic.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved adopt Resolution 2020-083 endorsing the Governor's Executive Order No 20-68 and recommending all businesses, offices, shops, and manufacturing and similar facilities to post conspicuous signs at all entrances to their establishments that requires employees, customers and visitors to wear face masks.

Aye: Ysusi, Caflisch, Hayse

Nay: None

City Manager Passauer gave an update on the cancellation of the City's awards banquet.

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse appreciated the work the Economic Development Advisory Board did on the Labette Health incentive.

Commissioner Ysusi concurred.

IX. PUBLIC CONCERNS

There were no public concerns.

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X. ADJOURNMENT

Motion:

Mayor Cafilisch moved to adjourn. Commissioner Ysusi seconded.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

Louis Ysusi, Mayor

Leonhard Cafilisch, Commissioner

Dean Hayse, Commissioner

Attest:

City Clerk/Treasurer