

## Minutes of the Independence City Commission's December 17, 2020 Meeting

The Independence City Commission met for a regular meeting on December 17, 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  
Mike Passauer, Public Works Director  
Lacey Lies, Director of Finance  
Brian McHugh, Memorial Hall Supervisor  
Terry Lybarger, Director of Utilities  
Dustin Stafford, Police Officer  
Barb Beurskens, Park and Zoo Director  
Angela Anthony, Park and Zoo Director  
Shawn Wallis, Fire/EMS Chief  
Jerry Harrison, Police Chief  
April Nutt, Director of Housing Authority  
John Garris, City Engineer/Director of Public Works and Utilities

### Visitors

Larry McHugh  
Taina Copeland  
Lori Kelly

#### 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**

City Manager Passauer introduced the new Park and Zoo Director Angela Anthony and the new City Engineer/Public Utilities and Public Works Director John Garris.

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### 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-1877
2. A-1878
3. D-2011
4. P-1851

#### B. Consider approving the following cereal malt beverage licenses:

1. Gary Grewell DBA Jiffy Mart #1 -- 600 W. Main
2. Mikie's C-Store -- 1901 N. Penn
3. Matthew Kent DBA Gramps Tavern -- 811 N. 11th
4. Western Plains Operations DBA Jumpstart -- 401. W Main
5. AKAS 1 LLC -- 3024 W. Main
6. Walgreens #09454 -- 301 W. Main
7. Walmart #2893 -- 121 Peter Pan
8. Pizza Hut of SE Kansas -- 1815 N. Penn
9. Casey's General Store #1814 -- 1305 N Penn
10. DG Retail, LLC -- 1210 E. Main
11. G &W 2 LLC -- 416 W. Myrtle
12. Indy Brew Works, LLC -- 223 W. Main

#### C. Consider authorizing USD 446 and Housing Authority to distribute the USDA Farmers to Families Food Program at the Park on December 15, 22, and 29, 2020.

#### D. Consider an Administration Agreement with Southeast Kansas Regional Planning Commission to prepare the application and provide administrative services for a 2021 Kansas Small Cities Community Development Block Grant (CDBG) Project for Downtown Commercial Rehabilitation.

#### E. Consider approving the Finance Department to proceed with paying and posting regular accounts payable items and approved projects invoiced through December 31, 2020.

#### **Motion:**

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

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

III. ITEMS FOR COMMISSION ACTION

- A. Consider authorizing an agreement with Shift-S3ctor, LLC to hold their racing event at the Independence Municipal Airport on April 17-18, 2021.

Airport Supervisor Cody Shamblin was contacted by Jason Huang representing Shift-S3ctor, LLC inquiring about holding a drag race event at the airport as they did last year. The proposed event at the airport is a motorsport competition that brings substantial exposure, marketing and revenue to the airport and City, while supporting the aviation community, and local businesses and enterprises. The airstrip exhibition is a half-mile, racing competition featuring exotic cars and some of the fastest, most powerful cars in the world. This world-class competition and spectator event places Independence Municipal Airport (KIDP) in an international spotlight, thus bringing substantial awareness to the airport and General Aviation community. City staff has discussed this event with Textron Aviation leadership as the event requires the main airstrip to close for certain periods each day. Textron indicated that this event will not interrupt their operations since the event is on a weekend. For further information on airport operations during this period, please see attached "KIDP FAA Ground Operations Plan, Section F. Airport Operations" (attached). This is the plan that was utilized at their last event at the Independence Municipal Airport, and it will be the same plan for 2021. A certificate of insurance will be provided to the City by April 1, 2021 listing the City as an additional insured. In addition, the agreement has been amended from last year to delete the "Exclusivity" section.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission allowed Shift Sector to hold their racing event on April 17-18, 2021.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- B. Consider an engineering design services agreement with H.W. Lochner, Inc. for the removal of Taxiway B and the rehabilitation of Taxiway D and the aircraft parking apron at the Independence Municipal Airport as part of a future Federal Fiscal Year (FFY) 2021 Federal Aviation Administration (FAA) grant.

On November 9, 2020 a Pre-Design teleconference was conducted between City staff, the FAA, and the City's engineering consultant (Lochner) to discuss the scope of improvements, estimated cost, and schedule for the removal of connecting

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Taxiway B and the rehabilitation of connecting Taxiway D and the terminal aircraft parking apron at the Independence Municipal Airport. The scope of improvements includes pavement removal, grading, and miscellaneous electrical work associated with the removal of Taxiway B. The scope of improvements related to the rehabilitation of Taxiway D and the aircraft parking apron includes resealing of the existing concrete pavement joints, removal and replacement of cracked concrete panels, joint spall repair, drainage improvements, and remarking of the pavement. Consultant services include design, bidding, administrative assistance, survey, geotechnical, and permitting services in addition to updating the City's Disadvantaged Business Enterprise (DBE) program as required by the FAA. This project is being funded through a future FFY 2021 FAA grant utilizing the City's non-primary entitlement (NPE) funds. The design for this project is anticipated to be completed in March of 2021 and competitive bids received in April of 2021. Contingent on receipt of a grant from the FAA after bids have been received, construction is anticipated to commence in late 2021 or early 2022.

### **Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized the Mayor to sign an agreement and any related documents with H.W. Lochner, Inc. in the not to exceed amount of \$88,500 for engineering design services related to the removal of Taxiway B and the rehabilitation of Taxiway D and the aircraft parking apron at the Independence Municipal Airport as part of a future Federal Fiscal Year (FFY) 2021 Federal Aviation Administration (FAA) grant.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- C. Consider an authorizing the issuance of a Letter of Intent to Color-Ad, Inc. for a Wayfinding Sign Project and to engage Avia Design Group for consulting services related to the project.

Early this year, City staff solicited proposals for fabrication and installation of wayfinding signs. Proposals were due on July 9, 2020. A Wayfinding Committee made up of City staff in collaboration with interested citizens was developed. The committee reviewed the proposals and sought for additional information with the six candidates. Clarifications and additional information were received by September 1, 2020 and subsequently reviewed by the committee. The committee unanimously chose Color-Ad as the preferred proposal, however it was determined that additional guidance from a wayfinding sign consultant would help bridge the gap between the City and the fabrication and installation company, as all companies noted that information was missing or underdeveloped from the original wayfinding sign plan supplied in the bid documents. Through reference

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checks and consultations with Color-Ad, the City came across Todd Mayfield with Avia Design Group. Todd helped fulfill this role in a project between the City of Topeka and Color-Ad. Todd has been in the industry of branding and destination wayfinding for more than three decades and provides ongoing city brand development and city wayfinding programs for Roger Brooks International, among other big name marketing groups.

The City has budgeted \$25,000 in 2020, \$25,000 in 2021 and intends to budget \$50,000 for 2022. FORPAZ, Tourism, and Labette Health have collectively pledged to donate \$200,000 to this project as well. Requests for pledges have been sent out to over 20 organizations throughout the community to help bridge the financing gap in the coming months. In the meantime, work needs to be done to finalize a plan. Once the design development and documentation development stages are complete, a finalized contract will be presented to the Commission for fabrication and installation with Color-Ad.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized the City to issue a letter of intent to Color-Ad and for City Staff to engage Avia Design Group for related consulting services in the amount of \$10,200.**

**Aye: Ysusi, Cafilisch, Hayse**

**Nay: None**

- D. Consider adopting Ordinance 4348 creating the Independence Land Bank pursuant to K.S.A. 12-5901, et seq.

The Independence Housing Authority Board of Directors discussed this at their July 21, 2020 board meeting requesting the IHA Director obtain additional information from area/like sized communities that have a land bank. As well as obtain a copy of the State Statute establishing Land Banks. IHA Director made a presentation to the IHA Board of Directors on August 18, 2020. The IHA Board of Directors approved the funds to establish an Independence Land Bank upon the establishment of the Independence Land Bank by the Independence City Commission. IHA Director made a presentation to the Economic Development Advisory Board on September 1, 2020. The Economic Development Advisory Board voted in support of the establishment of the Independence Land Bank. IHA Director made a presentation concerning the establishment of an Independence Land Bank to the Independence City Commission on September 24, 2020. The Independence City Commission requested City Attorney Jeff Chubb write an ordinance establishing the Independence Land Bank to be discussed at a future Independence City Commission meeting.

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**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission tabled Ordinance 4348 establishing the Independence Land Bank.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- E. Consider adopting an ordinance increasing the rental fees for Lone Chief Cabin, located on Wells Drive at Riverside Park.

In November 2020 the Riverside Park Department installed air conditioning at Lone Chief Cabin, a historic rental facility located within Riverside Park on Wells Drive. The Lone Chief Cabin is an ADA accessible rustic cabin that was reconstructed in the 1940's. The cabin is equipped with a full kitchen, fireplace, and ADA accessible restrooms, and comfortably seats 48 people along several picnic tables. The installation of the air conditioning unit now marks the Lone Chief Cabin as the only rental facility on park grounds with air conditioning.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted Ordinance No. 4349 amending Appendix D in regard to rates and fees charged in the Park & Zoo.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

IV. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan gave an update on the driveway replacement for the apparatus bay.

V. COMMISSIONERS' COMMENTS

Commissioner Hayse encouraged people to wear masks and follow social distance guidelines.

Commissioner Ysusi wished the City staff a Merry Christmas.

Commissioner Caflisch commended City leaders and staff for being proactive and accomplishing many things in 2020 despite the pandemic.

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### VI. PUBLIC CONCERNS

There were no public concerns.

### VII. EXECUTIVE SESSION

- A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

**Motion:**

**On the motion of Mayor Caflisch, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for consultation with the City's attorney regarding possible litigation pursuant to the attorney client privilege exception (K.S.A. 75-4319(b)(2)). The open meeting will resume at 6:35 P.M.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

The meeting resumed at 6:35 P.M. with no action taken.

- B. Non-elected personnel.

**Motion:**

**On the motion of Mayor Caflisch, seconded by Commissioner Ysusi the Commission moved to recess for an executive session pursuant to the non-elected personnel exception (K.S.A. 75-4319(b)(1)) for discussion of the performance of personnel. The open meeting will resume at 6:45 P.M.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

The meeting resumed at 6:45 P.M. with no action taken.

### VIII. ADJOURNMENT

**Motion:**

**Mayor Caflisch moved to adjourn. Commissioner Ysusi seconded.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

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Louis Ysusi, Mayor

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Leonhard Caflisch, Commissioner

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Dean Hayse, Commissioner

Attest:

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City Clerk/Treasurer