

Minutes of the City Commission's November 17, 2022 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Dean Hayse, Vice-Mayor Tim Emert, Commissioner Louis Ysusi

City Staff Present: Jeff Chubb, City Attorney; David Cowan, Assistant City Manager; Kelly Passauer, City Manager; David Schwenker, City Clerk/City Treasurer; John Garris, City Engineer/Director of Public Works and Utilities; Brian McHugh, Memorial Hall Supervisor; Shawn Wallis, Fire/EMS Chief and Jerry Harrison, Chief of Police.

Visitors Present: Larry McHugh, Brea Sanford, Kara Grant, Vance Kelley, Jason Elmore, Julie Eisele, Miranda Bruening and Geo Eisele

A. Call to Order

Mayor Hayse called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted the agenda with the modification that item "B" be removed from the consent agenda and moved to Items for Commission Action.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. CONSENT AGENDA

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted the consent agenda with the exception of item "B" which was moved to Items for Commission Action.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

A. Consider adopting a resolution rescinding the Burning Ban.

On October 13, 2022, the City Commission established a Burn Ban (Resolution # 2022-052) due to the extreme lack of moisture in the vegetation and a diminishing water supply. We have recently received rainfall with more predicted in the forecast, which has helped the situation tremendously. I have been receiving numerous calls and texts from citizens wanting to have pit fires due to the weather change. I feel that it would be safe for this to be once again allowed.

Suggested Motion:

I move to adopt a resolution rescinding the burning ban.

B. Consider paint color schemes and logos for the North Water Tank.

This item was removed from the consent agenda and moved to Items for Commission Action.

The City has other water tanks that show a logo on the tank. The cost to paint a logo was requested from the contractor that will be doing the water tank maintenance work during the spring of 2023. The contractor voluntarily provided prices on additional options that were consistent with aesthetic choices made by other entities. Drawings of the logo and examples of the aesthetic painting follow.

The tank does not now have a logo, as this tank was installed before the current logo was adopted.

There are several options that have been provided:

1. Logo on one side of the tank: \$9,500
2. Logo on both sides of the tank: \$19,000
3. Bottom of tank painted blue: \$12,000
4. Bottom of tank and supporting legs painted blue: \$15,000

There is no engineering or functional impact, this is entirely an aesthetic and branding decision.

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission approved a contract with Maguire Iron, Inc to paint the City logo on one side of the North Water Tower for \$9,500.

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Aye: Dean Hayse, Louis Ysusi

Nay: None

III. ITEMS FOR COMMISSION ACTION

- A. Consider a Development Agreement with VSE Aviation Services, LLC (a KS Corporation) and its parent company VSE Aviation, Inc.

VSE is looking to expand its field office and MRO (Maintenance, Repair, & Overhaul) facility in Independence, KS where the firm repairs and distributes aviation equipment to regional, national, and international customers. The project's intent is to increase capacity in order to meet market demand. This proposed expansion project requires road upgrades to service the expansion and add additional capacity. This proposed expansion is important to the City of Independence to retain 100 jobs, bring in an anticipated 39 additional jobs, investment, and economic activity to the City. These road improvements include reconstructing 1st Avenue, and a concrete intersection at 1st Avenue and Freedom Drive.

The estimated project cost is \$434,000, which will be paid for by Economic Development funds. The amount will be reimbursed to the City via an increase in the Company's Ad Valorem taxes due to annexation and five annual payments made by the Company to the City.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission entered into a Development Agreement with VSE Aviation Services, LLC (a KS Corporation) and its parent company VSE Aviation, Inc.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider adopting an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds, series 2022 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2022 Bonds.

The City of Independence, Kansas (the "City" or "Issuer") is authorized by K.S.A. 12-1740 *et seq.*, and K.S.A. 10-116a, all as amended (the "Act"), to acquire, renovate and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any person, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of

any such facilities and to refund such revenue bonds previously issued; and pursuant to Resolution Nos. 5-07, 2000-36, 2004-29, 2006-62, and 2013-09 the City has heretofore found and determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue, in one or more series, its taxable 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 (the "Facility"), said Facility to be leased by the City to Textron Aviation Inc., successor by merger to Cessna Aircraft Company, a Kansas corporation, its successor and assigns (the "Company"); and pursuant to such authorization, the City has heretofore issued eighteen series of its taxable industrial revenue bonds in the aggregate principal amount of \$118,582,705; and

The City does hereby find and determine that it is desirable to issue an additional series of bonds under the authorization granted by above described resolutions, such bonds to be designated its Taxable Industrial Revenue Bonds, Series 2022 (Textron Aviation Inc.) in the aggregate principal amount not to exceed \$5,000,000 (the "Series 2022 Bonds") for the purpose of purchasing, acquiring, constructing and installing certain equipment, tooling and improvements at the Facility (the "2022 Project Additions").

The Ordinance to be considered by the City Commission authorizes the issuance of the Series 2022 Bonds; (1) to execute and deliver the Nineteenth Supplemental Trust Indenture for the purpose of issuing and securing the Series 2022 Bonds and (2) to enter into the Nineteenth Supplemental Lease pursuant to which the City shall cause the 2022 Project Additions to be leased to the Company in consideration of payments of Supplemental Basic Rent, Supplemental Additional Rent and other charges provided for therein.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission approved an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds Series 2022 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2022 Bonds.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider authorizing Main Street Bucks as an Employee Appreciation Bonus.

The City of Independence would like to show appreciation to the dedicated

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staff by authorizing a bonus for each full-time regular employee in the form of Main Street Bucks to be utilized at numerous establishments in the community. In 2021, the commission authorized \$100 in Main Street Bucks for each full-time employee.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission authorized Main Street Bucks in the amount of \$110 for each full-time employee.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

D. Consider Change Order for City Hall Phase II.

The fire sprinkler bid at City Hall had a standard system running across the ceiling. Upon review, it was determined the sprinkler system must be in the soffit area because of the historical value of the plaster ceilings. The CO is to relocate the piping to the soffit with sidewall sprinkler heads. The additional cost is mainly labor as we tried to offset the cost with using PVC pipe in lieu of standard iron pipe.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission approved the change order for fire sprinkler relocation.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

E. Consider change orders for the evidence project.

During demolition, a cold water supply line was found to have frozen and burst. The line needs to be replaced.

The overhead door costs less than the authorized amount giving a credit (\$2,290).

For security purposes, city staff recommends removing the skylight and patching the hole. Even with the addition of patching the hole and replacing the line this change order notes an overall project cost reduction of \$662.50.

City staff also recommend that the Commission consider purchasing a new HVAC system versus installing a used system. The current project calls for a

used HVAC system to be installed. The copper lines for this need to be replaced, and two new remote controls and a condensate pump need to be provided for a total cost of \$1,437 (Change Request 11-9-22). The contractor's concern is that this system has been sitting open for a significant period of time, and there is no guarantee the system will work once installed.

The cost to purchase a complete, new, two-ton unit with condensate pump is \$3,795. The cost of installation for either unit is built into the project. To install a new system with warranty protection is \$2,358 more than the used option. However, if the used system is inoperative, we will have to fund removing it and replacing it, including installation costs as only one installation and no removal was built into the project. From a cost-effective perspective, City staff recommends installing a new system.

With the cost reduction of \$662.50 from Change Order #2 the total additional project costs for both change orders will be \$3,132.50 if we opt for the new system, or \$774.50 if we risk installing the used system.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission authorized the items in Change Order #2 and the purchase of the new HVAC system as priced in Change Request 11-9-22.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider allowing the Independence Gun Club to add a berm at the shooting range.

The City was contacted by the Gun Club regarding adding a berm to the west side of the current shooting range berm at the airport. The additional berm would offer protection to the airport runway and maintenance building located west of the shooting range berm. Precision Railway is donating to the Gun Club dirt from the new construction project on Enterprise Drive. The Gun Club will be responsible for the construction and hauling of the dirt to the airport and will not harm the current berm. A berm on the west side of the shooting range has been requested by our insurance carrier, and in my research, this will meet that requirement. City Staff will also work with the Gun Club to ensure proper signage is installed at the site to ensure only the south end of the berm is used for target practice.

The City staff has reviewed this with the City Attorney and our environmental attorney, who have no concerns. Mike Borovetz, with Precision Railway,

confirmed the donation of the dirt to the Gun Club. Mark Leaman will be present to answer any questions the Commission may have.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission allowed the Independence Gun Club to construct a berm on the west side of the current shooting range.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider adopting an ordinance rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district.

On November 1, 2022 the Planning Commission voted 6 - 0 to recommend approving rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district. City staff recommends the following restrictions be included which will be binding on all future owners, assigns or heirs:

1. The applicant will obtain all necessary City of Independence and State of Kansas licenses and/or permits to operate the uses proposed. This would include the requirement to acquire a City occupation license which must be renewed annually. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes.
2. All parking, entrance and exit drives must be designed to minimize traffic congestion on public streets.
3. Any additional exterior lighting on site will be designed in such a way that it will not be directed toward or create a nuisance to any adjoining properties. Such lighting will need to be approved by the Zoning Administrator.
4. The applicant must continue to meet all the "special conditions" set forth in Section 1003.1 a, b, c and d of the Zoning Code as follows:
 - a. City, county and state standards: All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.
 - b. Loading zone: A "hard surfaced" loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.

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- c. Operation: Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.**
- d. Screening required: Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use.**

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission accepted the recommendation of the Planning Commission with the modification as suggested by staff and adopted an ordinance rezoning a tract of land from R-1, large lot single-family dwelling district to C-1, neighborhood business district at 211 Taylor Road with conditions which shall be binding on all future owners, assigns or heirs.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider adopting a resolution for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.**

On November 1, 2022 the Planning Commission voted 5 - 0, with 1 abstaining, to recommend a conditional use permit with conditions for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission accepted the recommendation of the Planning Commission and adopted Resolution 2022-060 for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- I. Consider adopting a resolution for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 W. Laurel Street.**

On November 1, 2022 the Planning Commission voted 6 - 0 to recommend a conditional use permit with conditions for single-family and multi-family dwellings in a C-3, central business district at 113 W. Laurel Street.

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Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission accepted the recommendation of the Planning Commission and adopted Resolution 2022-061 for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 W. Laurel Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- J. Consider adopting a resolution for a conditional use permit for "coffee roasting and coffee products – small scale roasting and retail sales" in a C-3, central business district at 107-109 E. Main Street.

On November 1, 2022, the Planning Commission voted 5 - 0, with 1 abstaining, to recommend a conditional use permit with conditions for coffee roasting and coffee products – small scale roasting and retail sales at 107 - 109 East Main Street.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission accepted the recommendation of the Planning Commission and adopted Resolution 2022-062 for a conditional use permit for "coffee roasting and coffee products – small scale roasting and retail sales" in a C-3, central business district at 107-109 E. Main Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

IV. REPORTS

A. Monthly Public Works and Projects Report

Engineer Garris presented the report.

V. CITY MANAGER'S COMMENTS

City Manager Passauer reminded everyone about the holiday parade on Sunday at 5:30 p.m.

VI. COMMISSIONERS' COMMENTS

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None

VII. PUBLIC CONCERNS

None

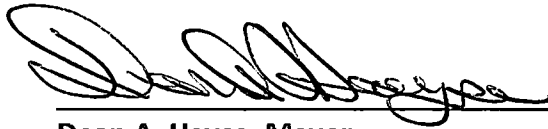
VIII. ADJOURNMENT

Motion:

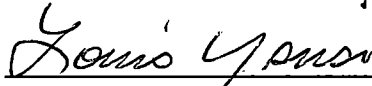
On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None



Dean A. Hayse, Mayor



Louis Ysusi, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer