Minutes of the Independence City Commission's November 18, 2021 Meeting

The Independence City Commission met for a regular meeting on November 18, 2021, at 5:30 P.M. at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch 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 by phone
David Schwenker, City Clerk/City Treasurer
Lacey Lies, Director of Finance
Brian McHugh, Memorial Hall Supervisor
John Garris, City Engineer/Director of Public Works and Utilities
Jerry Harrison, Police Chief
Shawn Wallis, Fire/EMS Chief
Dustin Stafford, Police Officer
Brian Bennett, Firefighter/EMT
Keith Copithke, Captain/EMT
Johnny Boles, Captain/Paramedic
Alex Martin, Firefighter/Paramedic
Tyler Wooten, Firefighter/Paramedic
Kayla Baugher, Firefighter/EMT
Jaracia Brown, Firefighter/Paramedic
David Martin, Police Officer
Seth Lloyd, Police Officer

Visitors
Larry McHugh
Heather Copithke
Yalala Hastings
Joanna Kramer

I. REGULAR SESSION

A. Call to Order

Mayor Ysusi 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 Caflisch, seconded by Commissioner Hayse the Commission adopted the agenda.

Aye: Ysusi, Caflisch, Hayse
Nay: None

II. PRESENTATIONS

A. Swearing in of new Police Officers David Martin and Seth Lloyd.

B. Presentation of Lifesaving Awards for Keith Copithke and Brian Bennett.

III. APPOINTMENTS

A. Park Board – One unexpired term due to a resignation – Applications open until December 1, 202 – This position must be filled by an individual that resides inside the City limits.

IV. 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.)

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted the consent agenda.

Aye: Ysusi, Caflisch, Hayse
Nay: None

A. Appropriations
   1. A-1901
   2. P-1875

B. Consider authorizing a communication with owners for easements and to inform them of future connection requirements.

C. Consider setting the date of December 9, 2021 at 5:30 PM for a public hearing to consider amending the approved 2021 Budget.

D. Consider approving bidding for concrete patching of street utility cuts.

E. Consider authorizing annual holiday Main Street Gift Certificates for City employees.

F. Consider approving a contract amendment with J. Graham Construction, Inc. for additional concrete work.

V. PUBLIC HEARINGS

A. Public hearing to consider condemnation of 800 E. Edison as dangerous and unsafe.

The City of Independence has set the above structure for a public hearing to consider condemnation as dangerous and unsafe. Ms. Wells has contacted the Building Inspector regarding a sibling that will be moving to Independence. The family member is in the process of trying to find a local contractor that will begin repairs of the structure. City Staff recommends adjourning for approximately 90 days.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission adjourned the Public Hearing to consider condemnation of 800 E. Edison as dangerous and unsafe until February 18, 2022 at 5:30 PM.

Aye: Ysusi, Caflisch, Hayse
Nay: None

VI. ITEMS FOR COMMISSION ACTION

A. Consider adopting an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds, series 2021 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2021 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 seventeen series of its taxable industrial revenue bonds in the aggregate principal amount of $112,082,705; 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 2021 (Textron Aviation Inc.) in the aggregate principal amount not to exceed $6,500,000 (the "Series 2021 Bonds") for the purpose of purchasing, acquiring, constructing and

installing certain equipment, tooling and improvements at the Facility (the "2021 Project Additions")

The Ordinance to be considered by the City Commission authorizes the issuance of the Series 2021 Bonds; (1) to execute and deliver the Eighteenth Supplemental Trust Indenture for the purpose of issuing and securing the Series 2021 Bonds, and (2) to enter into the Eighteenth Supplemental Lease pursuant to which the City shall cause the 2021 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.

Approval does not commit the City to any financial obligations for this issuance.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission approved an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds Series 2021 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2021 Bonds.

Aye: Ysusi, Caflisch, Hayse
Nay: None

B. Consider a request from Joshua Anderson to exceed the sewer cost share maximum for property located at 415 Westminster.

This item was tabled from your last two Commission meetings and the October 27, 2021 RCA is attached. City staff recommends authorizing funding the additional $2,800 above the $4,000 grant maximum on the condition that the property owner(s) repay the additional $2,800 over ten years as an assessment on their property taxes at 4% interest. We are recommending this approach because the grant amount was doubled for low-income individuals in 2020, and we need to be consistent as we anticipate additional low income property owners may be in the same situation in the near future.

If the Commission would like to consider modifying the Sewer Cost Share Program to address this issue in the future, the following language could be modified in the last sentence of Section 3.1 as follows:

> *These amounts can be exceeded with approval of the City Commission if the applicant is low income, if more than one estimate is received, and the additional funding is reimbursed to the City in the form of an assessment on the property over ten (10) years at 4% per annum. All owner(s) of record of the property would be required to sign a sewer cost share agreement authorizing the assessment prior to additional funding above the maximums being provided.*

If the Commission wishes to pursue modifying the policy as stated above, we recommend preparing a resolution for consideration at a future Commission meeting.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission denied the request from Joshua Anderson to exceed the sewer cost share maximum for property located at 415 Westminster.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission modified section 3.1 of the City of Independence Sewer Cost Share Program to read as follows: These amounts can be exceeded with approval of the City Commission if the applicant is low income, if more than one estimate is received and the additional funding is reimbursed to the City in the form of an assessment on the property over 10 years at 4% per annum. All owners of record of the property would be required to sign a sewer cost share agreement authorizing the assessment prior to funding exceeding the grant maximum is provided.

Aye: Ysusi, Caflisch, Hayse
Nay: None

C. Consider approving 60% construction documents and setting the date of December 9, 2021 to receive bids for the Fire/EMS Addition.

TreanorHL will present the final design and bid documents to the Commission for approval. 100% bid documents would then be issued on November 19, 2021, with a bid date of December 9, 2021. The Commission would then be presented with a bid recommendation on December 23, 2021 for award. The schedule for the 1916 City Hall Remodel indicates a bid date of February 18, 2022, with a recommendation for award of the bid on March 10, 2022.

We have also visited with bond counsel who advised that they will put together a schedule on how the accelerated project could be funded if bid separately. This information will be forwarded to the Commission after it is received. They will also be available on the phone if there are specific questions relating to financing. However, the Finance Director recommends bidding both projects together due to cash flow and financing implications.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission approved the 60% construction documents and set the date of December 9, 2021 to receive bids for the Fire/EMS Addition at 900 W. Myrtle.

Aye: Ysusi, Caflisch
Nay: Hayse

D. Consider authorizing a contract with TranSystems for engineering and construction management of the Southeast Lift Station modifications.

TranSystems was the original engineering firm that designed the Southeast Lift Station. As modifications as previously described to the Commission are proposed to increase station reliability, TranSystems has a good understanding of the scope as well as the existing installation and is recommended for this work.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission tabled this item until the next Commission meeting.

Aye: Ysusi, Caflisch, Hayse
Nay: None

E. Consider approving a contract amendment with PEC, PA for additional engineering work at the Water Treatment Plant.

PEC has been the lead engineer on the Water Treatment Plant Improvement projects and was commissioned to write the Water Treatment Plant Master Plan that the Commission adopted. The first scheduled capital work that resulted from the Master Plan is scheduled to start in 2022. This amendment allows PEC to begin engineering activities on those projects.

Due to the remaining uncertainty of the ultimate disposal mechanism for the Water Treatment Plant residuals (silt and other particulates found in the raw water) it is likely that this contract will need to be amended at a future point when the final residual disposition is determined.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission amended the contract with PEC in the amount of $14,320 for additional engineering work for the projects planned for 2022 in the Water Treatment Plant Master Plan.

Aye: Ysusi, Caflisch, Hayse
Nay: None

F. Consider a contract amendment with TranSystems Corporation for engineering and inspection relating to additional street improvements to serve the new distribution center.

City Staff has been working with JDKS Bundle, LLC on the infrastructure needs for the new Distribution Center.

An engineering review of the intersection of Main and Laurel and Hackney and Laurel found that the turning radius was not sufficient for truck traffic. TranSystems has reviewed the intersections and developed a plan to widen them.

The proposed amended contract to engineer and manage construction of the change would increase the existing contract with TranSystems by $58,000, to a new total of $288,000.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized the contract amendment for $58,000 with TranSystems Corporation for the engineering and inspection bringing the new total to $288,000.

Aye: Ysusi, Caflisch, Hayse
Nay: None

G. Consider a request for a lien release for property located at 317 S. 14th.

The City of Independence was contacted by Charles Laforte regarding his property at 317 S. 14th. This property was involved in condemnation related to the condition of the property and complaints from the neighbors. The City of Independence approved condemnation on October 23, 2019, after the owner failed to respond to multiple hearings and letters from the City. On March 26, 2020, the demolition was awarded to JRB Industries for $5,500.00 to remove the structure. The cost to remove the structure was then assessed on the property.

The owner hired a local realtor to sell the property and listed the property for $2,500 and sold the property, and, during title work discovered the lien. He is requesting the City forgive the lien to sell the property. Mr. Laforte was the owner of record when the property was condemned and subsequently removed by the City.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized city staff to negotiate with the seller of the property at 317 S. 14th for the release of the lien for the balance of the net proceeds from

the sale of the property.

Aye: Ysusi, Caflisch, Hayse
Nay: None

VII. REPORTS

A. November 2021 Public Works Report

B. City Board Minutes

1. September 7, 2021 Planning Commission
2. September 13, 2021 Park Board
3. October 4, 2021 Park Board

VIII. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan notified the Commissioners that the City was denied funding for the Sycamore street project and the sale of land for the distribution plant has been completed and a site work permit has been issued.

IX. COMMISSIONERS' COMMENTS

None

X. PUBLIC CONCERNS

None

XI. ADJOURNMENT

Motion:
Mayor Ysusi moved to adjourn. Commissioner Caflisch seconded.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Dean Hayse, Commissioner

Attest:

City Clerk/Treasurer