Minutes of the Independence City Commission's October 23, 2019 Meeting

The Independence City Commission met for a regular meeting on October 23, 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
Jeff Chubb, City Attorney
Kelly Passauer, Assistant City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
Terry Lybarger, Director of Utilities
David Cowan, Director of Safety/ADA Coordinator
Shawn Wallis, Fire/EMS Chief
Lacey Lies, Finance Director
Jerry Harrison, Police Chief
April Nutt, Director of Housing Authority

Visitors
Susan Scovel
Larry McHugh
Ken Brown
Jim Hayward
Mark Leaman
Christy Mavers
Brent Julian
Jerry Bright
Melvin Dick
Jeri Hammerschmidt
Rick Hills
Nick McBride
Tabatha Snodgrass
Anthony Medrano
Samantha Jay
Jordin S
Brooklyn Weller
Maeson Bryant

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. Adoption of Agenda

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission adopted the agenda.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

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-1848A
   2. A-1849
   3. D-1909
   4. P-1821

B. Consider a contract for sale of 1902 Bradley Court.

C. Consider allowing Shift Sector to hold their racing event at the Independence Municipal Airport on April 18th and April 19th, 2020.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission adopted the consent agenda.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

III. PUBLIC HEARING

A. Public hearings to consider condemnation of the following properties:
   1. 713 E. Magnolia Street

Director Cowan gave a report on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission condemned the structure located at 713 E. Magnolia Street as

dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

2. 816 S. 17th Street

Director Cowan gave a report on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission condemned the structure located at 816 S. 17th Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

3. 904 W. Main Street

Director Cowan gave a report on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission condemned the structure located at 904 W. Main Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

4. 112 W. Chestnut Street

Director Cowan gave a report on the property and noted that the owner has signed the release to begin demolition on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the

Commission condemned the structure located at 112 W. Chestnut Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

5. 305 S. 18th Street

Director Cowan gave a report on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission condemned the structure located at 305 S. 18th Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

6. 305 S. Burns Street

Director Cowan gave a report on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission condemned the structure located at 305 S. Burns Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

7. 317 S. 14th Street

Director Cowan gave a report on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the

Commission condemned the structure located at 317 S. 14th Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

8. 325 N. 19th Street

Director Cowan gave a report on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission condemned the structure located at 325 N. 19th Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

9. 409 S. 6th Street

Director Cowan reported that this house was potentially dangerous and unsafe. A search warrant was secured and during the inspection of the house a police officer almost fell through the floor into the basement. It was determined that the structure would need to be demolished immediately and quotes were asked for removal of the structure. Director Cowan reported that only G & G Dozer with a quote of $10,800 responded to the request.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Commissioner Caflisch inquired about asbestos removal.

Director Cowan stated that he would contact the State but feels that by using the Fire Department to spray the house as it is being demolished would satisfy that requirement.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission condemned the structure located at 409 S. 6th Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission accepted the quote to remove the house at 409 S. 6th Street from G & G for $10,800 as it is an immediate hazard to public safety.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

10. 613 W. Chestnut Street

Director Cowan gave a report on the property.

Mayor Ysusi opened the public hearing and with no one in attendance to speak about the structure, Mayor Ysusi closed the public hearing.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission condemned the structure located at 613 W. Chestnut Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

IV. ITEMS FOR COMMISSION ACTION

A. Consider a request from Jim Hayward to donate and install a large art piece at Memorial Hall celebrating the City's upcoming 150th Birthday.

Jim Hayward reviewed the art piece he is wishing to donate and install in Memorial Hall.

Each Commissioner expressed their support for the project.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission accepted the donation from Jim Hayward to install a large art piece at Memorial Hall celebrating the City's upcoming 150th Birthday.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

B. Consider adopting an ordinance amending the National Electric Code as previously adopted.

Director Cowan reported that the Electrical Board wants to amend the 2011 National Electric Code to include Service Disconnects on any new commercial or residential service and allow the Building Inspector to grant temporary service for up to 45 days while repairs or upgrades are being made.

Commissioner Caflisch asked if this is only for new service.

Director Cowen stated that was correct.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission amended Ordinance No 4313, Section 1. City Code Section 18-122(b) as presented.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

C. Consider a recommendation from the Planning Commission to adopt an ordinance amending Appendix B-Zoning of the City Code relating to "Indoor firing ranges."

Assistant City Manager Passauer reviewed the Planning Commission's decision and recommendation.

Mark Leaman, President of the Gun Club was available to answer questions from the Commissioners.

Commissioner Caflisch asked if they envision the building to house an indoor firing range only.

Mr. Leaman replied that it would be an indoor firing range, training room and a retail outlet.

Commissioner Hogsett asked if there would be a requirement to purchase the ammunition at the facility.

Mr. Leaman responded that it is not a requirement yet but, they would make one.

Commissioner Hogsett inquired about the noise levels.

Mr. Leaman responded that there are guidelines they will have to follow for ventilation, noise and safety.

Ken Brown addressed the Commission and voiced his opposition to having a gun range in the downtown area.

Mr. Leaman noted that this would be a handgun shooting range and not a rifle shooting range.

Commissioner Caflisch asked if they would publish what would be allowed at the indoor firing range.

Mr. Leaman said that they would.

Commissioner Caflisch noted that the State of Kansas is a conceal and open carry State and asked if people would have to unload their guns before bring them in to the facility.

Mr. Leaman noted that they had not addressed that issue but would probably have the customer empty their gun before entering the facility.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission accepted the recommendation of the Planning Commission and adopted an ordinance amending Appendix B-Zoning of the City Code relating to "Indoor firing ranges."

Aye: Ysusi, Caflisch, Hogsett
Nay: None

V. DISCUSSION

A. Consider discussing a proposed soccer complex with the Independence Recreation Commission.

Assistant City Manager Passauer reviewed a previous park plan from 2007 that included soccer fields on Park Street.

Brent Julian reviewed the improvements the Recreation Commission would like to make and is seeking the City's permission to move forward with the project.

City Attorney Chubb stated that a simple memorandum of understanding could be drawn up.

Commissioner Caflisch noted that the Recreation Commission would have to deal with any ADA issues for the complex.

The Commission directed the City Attorney to add the land west of Park Street to the original agreement between the City and the Recreation Commission.

VI. REPORTS

A. 223 W. Main Street Update.

Director Cowan reported that a temporary partial occupancy was issued for the brewery. He also spoke to Mr. Morrison as to the status of the rest of the building and was told that the plans have been submitted to the State Fire Marshalls office for their approval.

Commissioner Caflisch noted that the Fire Marshall only looks at the fire alarm and sprinkler drawings and the City needs to clarify that the revised plans need to be submitted to the City.

B. City Board Minutes

1. September 9, 2019 Electrical Board.

VII. CITY MANAGER'S COMMENTS

A. KDOT Consult Meeting in Pittsburg, Tuesday, October 29th from 1:30 PM – 4:30 PM

Assistant City Manager Passauer asked if any Commissioners are interested in attending the KDOT Consult Meeting in Pittsburg.

Commissioner Caflisch said he would need to check his schedule.

Assistant City Manager Passauer noted that the Peter Pan Road Improvements would be delayed approximately two weeks.

VIII. COMMISSIONERS' COMMENTS

Commissioner Caflisch discussed the training he received on economic development at the league meetings.

Mayor Ysusi noted that he contacted Nikki Harrison and she reported that interview and review process information is complete but, she would like to wait until after the election to present it to the Commissioners.

IX. PUBLIC CONCERNS

No public concerns

X. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Hogsett 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. The open meeting will resume at 7:25 P.M.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

The meeting resumed at 7:25 PM.

XI. ADJOURNMENT

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

Aye: Ysusi, Caflisch, Hogsett
Nay: None

Louis Ysusi

Louis Ysusi, Mayor

Leonhard Caflisch

Leonhard Caflisch, Commissioner

Gary Hogsett

Gary Hogsett, Commissioner

Attest:

David Schumacher

City Clerk/Treasurer