

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

August 11, 2022

5:30 PM

Civic Center Memorial Hall

To participate by conference call:
1 785-289-4727 Conference ID: 592 706 042#

The Agenda shall be as follows:

I. REGULAR SESSION

- A. Call to Order
- B. Pledge of Allegiance to the United States of America
- C. Adoption of Agenda

II. APPOINTMENTS

- A. Independence Historic Preservation and Resource Commission (IHRPC) -- Three Openings -- Two Applications -- Applications due by noon on August 19, 2022
- B. Park Board -- One Opening -- Applications due by noon on August 19, 2022
- C. Board of Examiners - Plumbers -- Four positions expire on August 15, 2022 -- No applications received by the August 3, 2022 deadline

III. PRESENTATIONS

- A. Presentation of 2023 Library Budget request.

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.)

- A. Consider authorizing the use of traffic barricades during the 15th annual Yona Strong 5K Run at Riverside Park.
- B. Consider a request from Four County to waive the fees for the Health On Purpose Health Fair on September 30, 2022 at the Independence Memorial Hall.
- C. Consider rescinding authorization for Graham to construct an ADA curb ramp at 4th and Beech Streets due to planned work in that area by Atmos.
- D. Consider Participating in Airport Pavement Treatment Research at the Independence Municipal Airport.
- E. Consider adopting Amended Resolution 2022-034 for a conditional use permit for a day care at 436 Pearl Avenue.

V. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 515 South 10th Street as dangerous and unsafe.
- B. Public Hearing to consider condemnation of 1117 West Laurel Street as dangerous and unsafe.
- C. Public Hearing to consider condemnation of 1105 West Myrtle Street as dangerous and unsafe.
- D. Public Hearing to consider condemnation of 1109 West Myrtle as dangerous and unsafe.

VI. ITEMS FOR COMMISSION ACTION

A. Consider broadband expansion incentive.

B. Consider adopting the following ordinances:

1. An Ordinance adopting the 2018 Edition of the International Residential Code with amendments and deletions;
2. An ordinance adopting the 2018 Edition of the International Building Code with amendments and deletions;
3. An ordinance adopting the 2020 Edition of the National Electric Code with amendments and deletions;
4. An ordinance adopting the 2018 Edition of the Uniform Public Plumbing Code with amendments and deletions;
5. An ordinance adopting the 2018 Edition of the Uniform Swimming Pool, Spa, & Hot Tub Code;
6. An ordinance adopting the 2018 Edition of the International Existing Building Code;
7. An ordinance adopting the 2018 Edition of the Uniform Mechanical Code with amendments and deletions; and
8. An ordinance amending and supplementing Appendix D regarding Building Permit Fees.

C. Consider adopting a resolution rescinding condemnation action for 712 South 6th Street.

D. Consider approval of demolition bids.

VII. REPORTS

A. City Board Minutes

B. Abatement of nuisances 314 South 4th Street and 521 South 15th Street.

VIII. CITY MANAGER'S COMMENTS

IX. COMMISSIONERS' COMMENTS

X. PUBLIC CONCERNS

XI. EXECUTIVE SESSION

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

B. Personnel matters of non-elected personnel.

XII. ADJOURNMENT



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Independence Historic Preservation and Resource Commission (IHRPC) -- Three Openings -- Two Applications -- Applications due by noon on August 19, 2022

SUMMARY RECOMMENDATION Appoint selected applicant(s) as recommended by the Mayor.

BACKGROUND There are three openings on the IHRPC due to resignations for unexpired terms. We have received two applications by the previous deadline. The application period has been reopened to end on August 19, 2022 at noon.

Below is some information regarding the IHRPC:

The Independence Historic Preservation and Resource Commission shall consist of seven members who shall be appointed by the mayor subject to confirmation by a majority vote of the governing body of the city. Members whose terms have expired shall continue to serve until their successors have been appointed. The following qualifications shall apply to appointees to the IHRPC:

1. All appointees shall be residents of the city.
2. All appointees shall be persons who have demonstrated interest, knowledge or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archeology, planning, real estate, law, finance, building trades, urban design and geography.
3. Not less than three appointees shall be composed of persons who are engaged in or retired from preservation-related professions such as archeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic preservation planning, historic preservation and history; provided, however, that upon a demonstration that the required number of positions for preservation-related professionals could not be filled despite a reasonable effort to do so, the governing body may waive this requirement. What constitutes a reasonable effort to fill such positions shall take into consideration the possibility that the absence of certain preservation-related professions on the IHRPC may necessitate the retaining of consultants.

More information regarding this opening can be found at this link: <http://www.independenceks.gov/CivicAlerts.aspx?AID=415>

Applications can be submitted at this link: <http://www.independenceks.gov/FormCenter/Board-Application-7/Board-Application-47>

FINANCIAL INFORMATION N/A

SUGGESTED MOTION

1. I move to appoint _____ to an unexpired term ending on January 1, 2023.
2. I move to appoint _____ to an unexpired term ending on January 1, 2024.

SUPPORTING DOCUMENTS

1. RutledgeJason-IHPRC-Online Form Submittal_ Board Application_Redacted
2. WhiteTim-IHPRC-Online Form Submittal_ Board Application_Redacted

From: noreply@civicplus.com
To: [Kelly Passauer](#)
Subject: Online Form Submittal: Board Application
Date: Friday, July 29, 2022 5:25:18 PM

Board Application

Board Applying For:	IHPRC
Name	Jason Rutledge
Date	7/29/2022
Address	1400 Rainbow Dr Independence, Ks
Email Address	[REDACTED]
Phone Number	[REDACTED]
Educational Background:	
High School Name and Location	<i>Field not completed.</i>
Graduated/Degree	<i>Field not completed.</i>
College Name and Location	Tabor College
Graduated/Degree	BS
Major	Management and Organizational Leadership
Other Education Name and Location	<i>Field not completed.</i>
Graduated/Degree	<i>Field not completed.</i>
Emphasis	<i>Field not completed.</i>
Do you reside inside the corporate limits of the City of Independence?	Yes
If no, do you reside within 3 miles of the corporate limits of the City of Independence?	<i>Field not completed.</i>

What experiences have you had that you feel would assist you as a board member?	Financial Leadership Organizational Development
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Why do you want to become a member of the board?	To assist in our community
--	----------------------------

Do you feel that there are any issues needing immediate attention by the board? If so, please explain.	na
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Other comments:	<i>Field not completed.</i>
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Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Kelly Passauer](#)
Subject: Online Form Submittal: Board Application
Date: Tuesday, August 02, 2022 9:24:21 PM

Board Application

Board Applying For: Independence Historic Preservation Commission

Name Tim White

Date 8/2/2022

Address 3001 Lakeview Lane

Email Address [REDACTED]

Phone Number [REDACTED]

Educational Background:

High School Name and Location Independence High School

Graduated/Degree 1979

College Name and Location Independence Community College

Graduated/Degree 1981

Major *Field not completed.*

Other Education Name and Location *Field not completed.*

Graduated/Degree *Field not completed.*

Emphasis *Field not completed.*

Do you reside inside the corporate limits of the City of Independence? Yes

If no, do you reside within 3 miles of the corporate limits of the City of Independence? *Field not completed.*

What experiences have you had that you feel would assist you as a board member?	Have had a 40-year career working with Independence real estate Served as city commissioner Served as mayor
Why do you want to become a member of the board?	Our historic buildings are a tremendous asset for our city, and I am eager to assist in their preservation and renewal.
Do you feel that there are any issues needing immediate attention by the board? If so, please explain.	No
Other comments:	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)



Report
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Park Board -- One Opening -- Applications due by noon on August 19, 2022

BACKGROUND We have had a resignation from the Park Board. Applications are being received through noon on August 19, 2022. City code provides that the Independence Park Board shall consist of nine members. Members shall be appointed by the Mayor subject to confirmation by a majority vote of the Governing Body of the City. Six members must be residents of the City. There is no residency requirement for the remaining three members. The purpose of the Independence Park Board is to act as an advisory board to the Governing Body of the City concerning all matters pertaining to the municipally owned zoo and parks.

For more information, visit this

link: <https://www.independenceks.gov/CivicAlerts.aspx?AID=416>

To apply, visit this link: <https://www.independenceks.gov/FormCenter/Board-Application-7/Board-Application-47>

SUPPORTING DOCUMENTS

1. OreckResignation

All, it is truly with sadness that I must resign from the park board. I have moved to Kansas City and though I will be back in Indy often, it won't line up with meetings. It's been such a pleasure to get to know you each, and to harass each of you, especially you Jim. ;). I'll miss our time together, and being part of such a great community.

Come visit!

Alix Oreck



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Board of Examiners - Plumbers -- Four positions expire on August 15, 2022
-- No applications received by the August 3, 2022 deadline

SUMMARY RECOMMENDATION Reappoint the current four board members due to no new applications received.

BACKGROUND Four terms are expiring on August 15, 2022. Plumbing Board Applications were due by 12 PM on August 3, 2022. Applicants must have a current City plumbing license to apply. No applications were received by the deadline. It is recommended to reappoint the existing members who hold current City plumbing licenses.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION

1. I move to reappoint Pat Howe to a 9th term on the Board of Examiners - Plumbers expiring on August 15, 2025.
2. I move to reappoint Wayne Sundquist to a 9th term on the Board of Examiners - Plumbers expiring on August 15, 2025.
3. I move to reappoint Doug Rinck to an 8th term on the Board of Examiners - Plumbers expiring on August 15, 2025.
4. I move to reappoint Paul Lemon to a 4th term on the Board of Examiners - Plumbers expiring on August 15, 2025.

SUPPORTING DOCUMENTS



Presentation
CITY OF INDEPENDENCE
August 11, 2022

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Presentation of 2023 Library Budget request.

BACKGROUND The library has provided their draft 2023 Library budget request.

SUPPORTING DOCUMENTS

1. Library District Draft Budget 2023

Proposed Budget for the Independence Public Library
Fiscal Year, January 1 - December 31

								2021	Estimate 2022	Year 2023
								Actual	Adopted	Proposed Budget
General Fund Income/Expense										
		Income								
			Carry Forward Balance					182,763	127,969	52,940
			District Funding					301,176	300,622	386,322
			City Funding					290,431	227,455	244,909
			Desk Collections					3,132	9,000	3,500
			Interest					250	500	250
			Other Income					3,483	7,300	6,900
Total Income								781,235	672,846	694,821
Gross Profit								781,235	672,846	694,821
		Expense								
			Capital Outlay					21,932	5,000	5,000
			Library Materials Expense					58,093	42,600	56,000
			Operating Expense							
			Classes, Events and Outreach					1,194	3,128	4,696
			Contingency Fund					3,650	1,087	1,457
			Dues and Education					1,876	2,100	2,300
			Furniture & Equipment					18,277	4,500	10,000
			Legal Publishing					0	250	100
			Liability Insurance					0	350	
			Library & Office Supplies					8,613	10,000	8,000
			Miscellaneous					292		
			Professional Services					5,619	6,300	6,300
			Repair & Maintenance					44,180	10,650	17,175
			Shipping					2,064	6,500	6,300
			Software, Systems					8,496	4,970	4,585
			Utilities					36,594	31,500	37,000
			Total Operating Expense					130,855	78,207	97,913
			Personnel Expense							
			Payroll and Taxes					347,269	386,632	377,443
			Employee Benefits					95,117	107,467	105,525
			Total Personnel Expense					442,386	494,099	482,968
Total Expense								653,266	619,906	641,881
Net Income								127,969	52,940	52,940
Restricted Funds Income/Expense										
		Income								
			Carry Forward Balance					48,666	36,573	26,573
			Other Income - Grants, Donation					67,213	20,000	20,000
Total Income								115,879	56,573	46,573
		Expense								
			Library Materials Expense					13,831	10,500	13,000
			Other Expense					65,475	19,500	17,000
Total Expenses								79,306	30,000	30,000
Net Income								36,573	26,573	16,573



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Park, Zoo & Cemetery

Director Approval Scott Patton

AGENDA ITEM Consider authorizing the use of traffic barricades during the 15th annual Yona Strong 5K Run at Riverside Park.

SUMMARY RECOMMENDATION Authorize the use of traffic barricades at Riverside Park on September 10th, 2022 from 7:00 A.M. to 11:00 A.M. during the 15th Annual Yona Strong 5K Run.

BACKGROUND The Yona Strong 5K Run is an annual event held at Riverside Park in memory of Yona Julian, who was a well known member of the Independence Community. This will be the event's 15th year.

FINANCIAL INFORMATION There will not be a significant financial impact due to this event.

SUGGESTED MOTION I move to authorize the use of traffic barricades at Riverside Park on September 10th from 7:00 A.M. to 11:00 A.M. during the 15th Annual Yona Strong 5K Run.

SUPPORTING DOCUMENTS

1. Yona Julian 5K 2022 Park Activity Application - Redacted
2. Yona Julian 5K 2022 Map

City of Independence
Park Activity Application

Event Date: Sept 10, 22 Time: Start 8:00 am Ending 11:00 am

Size of Group 150

Type of Event: Concert: _____ Display: _____ Exhibit: _____ Other: Run

Individual/Business/ Organization: Yona Strong Run

Individual/Business Address: _____

Non-Profit Organization ☒ Yes _____ No _____ If yes - provide documentation.

If this activity is for profit and/or limiting or restricting free public access to the event, then said individual, business and/or organization will be required to obtain a "Park Event Permit" Contact the City Clerk Office at City Hall 811 W. Laurel Street, Independence, KS 67301 620-332-2500 for the proper form.

If not for profit complete the following:

Contact Person: Ken Brown Phone Number: [REDACTED]

Are you renting a building? no

Please describe your event: 5K run - 15th annual

Area of the park you are planning on using: oval plus up 5th street

Services Needed: Barricades ☒ Yes _____ No _____ If yes, provide a map for placement.

Barricades must be maned during the event. During breaks of event participates those that are renting facilities must be given access. Barricades must be removed 15 minutes past the end of the event.

Street Closing Needed: ☒ Yes _____ No _____ If yes, provide a map for location.

Time of street closing: From: 8:00 am To: 11:00 am N. 5th

Times must be approved by park staff.

Electricity _____ Yes ☒ No _____ If so provide the location. _____

Trash Containers Needed: _____

Special Arrangements: _____

Police, EMS or Fire Department Needed: _____ Yes ☒ No If yes, please provide details. _____

Other City Equipment Requested: _____

Attachments:

1. A site plan of the event indicating the area being requested and how it will be secured.
2. Proof of general liability insurance against damage caused by the applicant, agents, employees, guests and participants in the event in the amount of not less than \$500,000 single limit per occurrence for bodily injury, personal injury and property damage from a company licensed to do business in the State of Kansas and naming the City and its officers and employees as an additional insured.

Signature of Renter: Qued. Brown

Date: 26 July 22

Approved by: _____ Date: _____

Morningside Dr

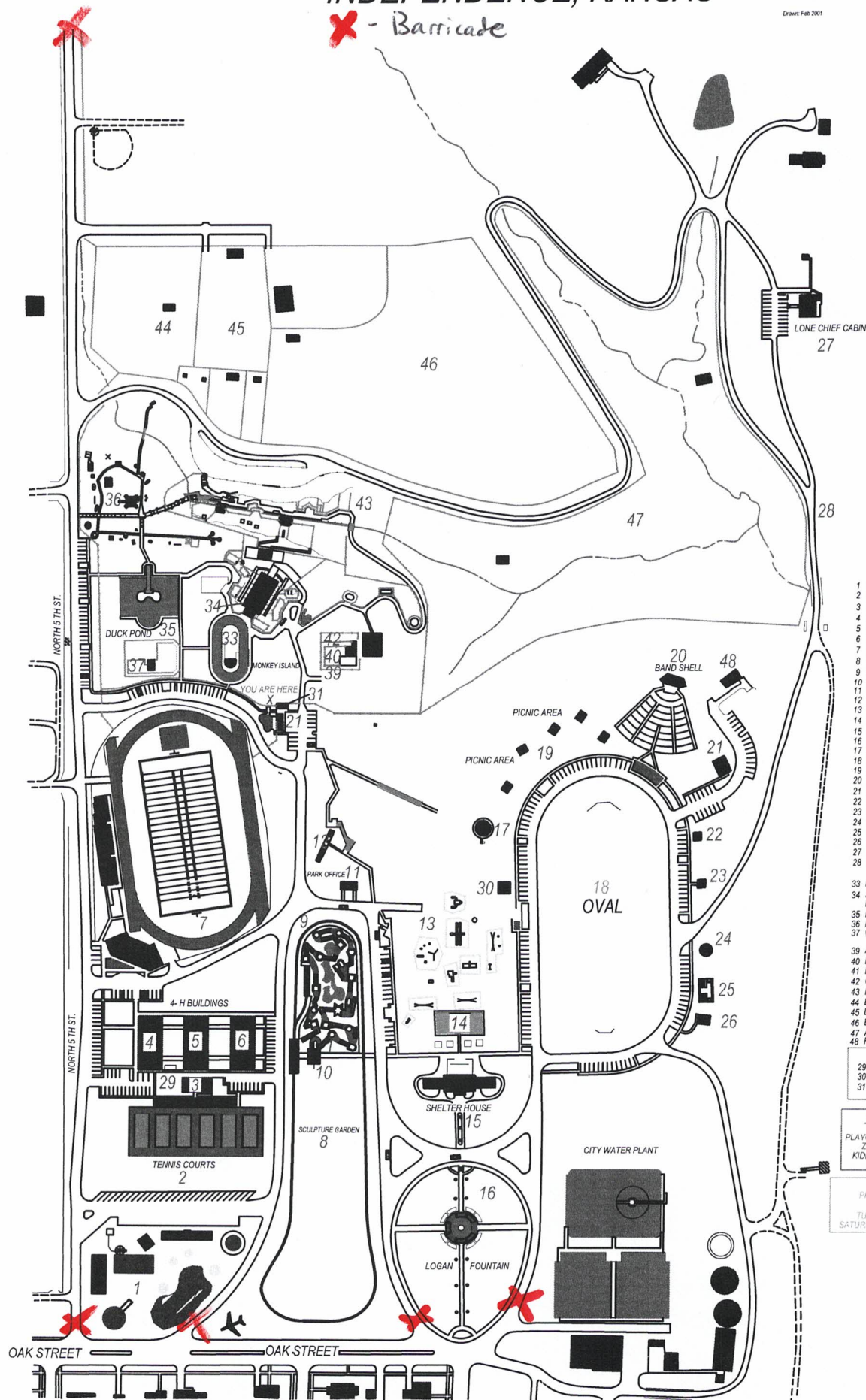
RIVERSIDE PARK INDEPENDENCE, KANSAS

✗ - Barricade



Drawn Feb 2001

VERDIGRIS RIVER



- 1 RIVERSIDE BEACH FAMILY AQUATIC CENTER
- 2 KEN BROWN TENNIS COURTS
- 3 TENNIS CLUB HOUSE
- 4 ENCLOSED 4-H BUILDING
- 5 MIDDLE OPEN 4-H BUILDING
- 6 EAST OPEN 4-H BUILDING
- 7 EMMOT FIELD
- 8 SCULPTURE GARDEN
- 9 MINIATURE GOLF COURSE
- 10 MINIATURE TRAIN
- 11 GARDEN CLUB HOUSE & PARK OFFICE
- 12 SANTA FE 1050 TRAIN
- 13 HORNER PLAYGROUND
- 14 CORYTHOSAURUS DINOSAUR
- 15 STICH SHELTER HOUSE
- 16 LOGAN FOUNTAIN
- 17 CAROUSEL
- 18 PARK OVAL
- 19 KIWANIS SHELTERS
- 20 BOB HILLE RIVERSIDE BOWL (BANDSHELL)
- 21 CONCESSION HOUSE
- 22 SCHOOL HOUSE SHELTER
- 23 OPEN SHELTER
- 24 LEONARD OPEN SHELTER
- 25 HORSE SHOE PIT
- 26 OPEN SHELTER
- 27 LONE CHIEF CABIN
- 28 WELLS DRIVE- ONE WAY
- 30 MONKEY ISLAND
- 34 STEVENS BUILDING
- 35 MAIN ZOO EXHIBIT BUILDING
- 36 DUCK POND
- 37 KIDDY LAND
- 39 WALLABY EXHIBIT & EMU EXHIBIT
- 40 AFRICAN SPURRED TORTOISES
- 41 DONKEY EXHIBIT
- 42 KIDDY LAND
- 43 QUAIL EXHIBIT
- 44 RAVINE- NATIVE KANSAS ANIMALS
- 45 ELK PEN
- 46 LLAMA PEN
- 47 BISON AND DEER PEN
- 48 ALOUDA PEN
- 49 ROCK KITCHEN

RESTROOMS

- 29 4-H BUILDING
- 30 HORNER PLAYGROUND
- 31 RALPH MITCHELL ZOO

DRINKING FOUNTAINS

- CAROUSEL AREA
- PLAYGROUND RESTROOM AREA
- ZOO RESTROOM AREA
- KIDDY LAND PLAYGROUND
- TENNIS COURTS

CONCESSIONS

- PROVIDED BY LONE CHIEF CLUB
- HOURS
- TUES- FRIDAY- EVENINGS
- SATURDAY & SUNDAY 1:00 PM- 6 PM

UPDATED JUNE 27 TH. 2011



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider a request from Four County to waive the fees for the Health On Purpose Health Fair on September 30, 2022 at the Independence Memorial Hall.

SUMMARY RECOMMENDATION City staff recommend waiving the fees.

BACKGROUND Four County Mental Health is sponsoring the Health On Purpose Health Fair on September 30, 2022 at the Independence Memorial Hall. The Health on Purpose initiative moves around yearly in the three county areas and provides access to health fair screening at discounted rates. The fair is supported by multiple agencies and services that provide their services at discounted or no fee to the participants. They've requested the City to waive the fees, and the City has waived these fees for past events at Memorial Hall. They will be setting up on September 29, 2022.

FINANCIAL INFORMATION No financial impact

SUGGESTED MOTION I move to waive the rental fees at Memorial Hall for the HOP Health Fair on September 29 and 30, 2022.

SUPPORTING DOCUMENTS

1. Memorial Hall Request - HOP

From: [Anthony Vaughan](#)
To: [David Cowan](#); kshepard@fourcounty.com
Subject: Memorial Hall
Date: Monday, August 8, 2022 7:56:55 AM

Good morning, David! As you are aware this years HOP (Health On Purpose) fair will be held on September 30, 2022 from 7am – 12pm. This fair attracts hundreds of individuals that come out to see what our community has to offer in regards to health care, insurance, home health, and services based on individuals. As we have done in the past, we are offering, oral screenings, lab work, height and weight, skin screenings, and etc. We are asking the city of Independence if they will waive the rental fee for Memorial Hall for this free public health event. Please let us know if you have any questions and we look forward to hearing from you.

Anthony Vaughan
VP of Business Development
Foundation Executive Director
1902 S. US Hwy 59
Parsons, KS 67357
O: (620) 820-5243 / C: (918) 914-2182
avaughan@labettehealth.com

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REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider rescinding authorization for Graham to construct an ADA curb ramp at 4th and Beech Streets due to planned work in that area by Atmos.

SUMMARY RECOMMENDATION The City staff recommends rescinding authorization for Graham to perform this work and approving the request for Atmos to install the ramp at a later date.

BACKGROUND The City of Independence was contacted by Atmos Energy regarding the ADA ramp on the northwest corner of 4th and Beech. A gas line is running underneath the northwest corner, and Atmos Energy is planning on replacing gas lines in that area in the spring of 2023. Atmos Energy has agreed to install the ADA ramp when the gas line is replaced in the spring of 2023. I visited Mr. Folk and discussed the request, and he agreed that waiting until the spring and doing all the work at once was the correct approach.

FINANCIAL INFORMATION Atmos will pay for the ramp.

SUGGESTED MOTION I move to rescind the 4th and Beech ADA ramp approved to Graham Construction for \$9,573.00 and allow Atmos Energy to install the ramp to ADA standards in the spring of 2023.

SUPPORTING DOCUMENTS

1. Re_ 4th and Beech ADA ramp - Atmos Gas

From: [Rodgers, Eddie](#)
To: [David Cowan](#)
Subject: Re: 4th and Beech ADA ramp
Date: Friday, August 5, 2022 8:00:51 PM

Yes. I visited with the Sr. Engineer this morning. Atmos will have the ADA ramp installed after the completion of the 6th and Oak St project. This project is scheduled for May 2023. We will be installing a new gas line on the west side of 4th street from Oak St going south to the dead end of 4th. If you have any questions, please give me a call. Eddie

Eddie Rodgers

From: David Cowan <davidc@independenceks.gov>
Sent: Friday, August 5, 2022 12:19:46 PM
To: Rodgers, Eddie <Eddie.Rodgers@atmosenergy.com>
Subject: [EXT] 4th and Beech ADA ramp

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Eddie,

Can you respond or send me an email agreeing to install the ramp at 4th and Beech with the upgrade of the gas line along the 4th and Beech next spring 2023 (around May 2023)? I will place this on the 11th Commission agenda.

Thanks,
David

David J. Cowan

Assistant City Manager-Director of Safety

davidc@independenceks.gov

P +1.620.332.2528 | **M** +1.620.330.0056 | **F** + 1.620.331.1628

City of Independence | 811 W. Laurel Street | Independence, Kansas 67301

<http://secure->

[web.cisco.com/1BIh1ICN__fiBi_K4wpVLxed46p39zxBKXlhnT37ZjOiRkY3OxktVMwQgqBx76fH2Fq0iY_bSIj5HBmVXi8tanZQ0Vo5YUjmvvUG4eit9QNA038BmsG-HloOOW4oy3rYJsLiHs2ub40N2jv326yjklnlxMm66FOfMao6N3MnXD2AxluRiZAlxns3aGa1lE12BRZ4kwJS_U0hCJHiCrFP72UpCTfnT_dFHjUaRmVlgI6qRB0eGQZbdTxCbzZATwShLazUKvdJu-Lh0ZqFiaEpoA/http%3A%2F%2Fwww.independenceks.gov](http://secure-web.cisco.com/1BIh1ICN__fiBi_K4wpVLxed46p39zxBKXlhnT37ZjOiRkY3OxktVMwQgqBx76fH2Fq0iY_bSIj5HBmVXi8tanZQ0Vo5YUjmvvUG4eit9QNA038BmsG-HloOOW4oy3rYJsLiHs2ub40N2jv326yjklnlxMm66FOfMao6N3MnXD2AxluRiZAlxns3aGa1lE12BRZ4kwJS_U0hCJHiCrFP72UpCTfnT_dFHjUaRmVlgI6qRB0eGQZbdTxCbzZATwShLazUKvdJu-Lh0ZqFiaEpoA/http%3A%2F%2Fwww.independenceks.gov)



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REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider Participating in Airport Pavement Treatment Research at the Independence Municipal Airport.

SUMMARY RECOMMENDATION Allow the City to Express Interest.

BACKGROUND The FAA, as part of a surface treatment research project is looking for airports to participate. These airports would receive free surface treatments over a portion of runway/taxiway to allow the FAA to review the performance of the surface treatment over time. The advantage to the City is that the life of the pavement will certainly be extended by these surface treatments.

Subject primarily to technical considerations (for instance, if, over time, the differing treatments oxidize and change the color of the pavement significantly and change the appearance, will the FAA pay to have this section re-sealed to provide a uniform appearance), it is thought that this would provide a way to extend the life of the airport with zero capital cost. The City would also make sure that this research did not significantly impact the Textron business or runway operations.

FINANCIAL INFORMATION There is zero capital cost to the City.

SUGGESTED MOTION I move to approve expressing interest in the pavement surface treatment research project with the FAA, subject to the work being technically satisfactory and impacting airport operations minimally.

SUPPORTING DOCUMENTS

1. FAA Surface Treatment Flyer-June 23

FAA-Sponsored Study on Airfield Pavement Surface Treatments

The Federal Aviation Administration (FAA) Airport Technology Research and Development Branch is sponsoring a field study of airfield pavement surface treatments. The results of this experience-based study will be used to improve and expand upon guidance on the use of airfield surface treatments. The FAA is looking for airports to participate as field evaluation sites to receive FAA-funded and approved surface treatments.

INTERESTED?

What to Expect

- ▶ Participating airports will receive **4 different surface treatments** at **no expense** to the airport.
- ▶ Surface treatments will be located on asphalt-surfaced taxiways that have not previously received a treatment. **The test section for each treatment will be at least 500 feet long.**
- ▶ Application of surface treatments is expected to occur on up to 4 separate days (single day application for each surface treatment) and will be coordinated with the airport and users to minimize potential disruptions.
- ▶ **New paint markings will be applied throughout the evaluation area.**
- ▶ The FAA's consultant will need access to the site to perform evaluations (visual and friction testing) immediately before application, immediately following application, and at approximately 6-month intervals for approximately 3 years. These will be provided **at no cost** to the airport.

Additional Benefits of Participation

- ▶ Receive surface treatments funded by the FAA.
- ▶ Receive site-specific treatment recommendations for your airfield.
- ▶ Learn from on-site pavement specialists during application and site evaluations.
- ▶ Observe performance of various surface treatments at your airfield and learn which treatments work best.
- ▶ Inform future FAA guidance on airfield pavement surface treatments with your site-specific results and constraints.
- ▶ Receive national recognition for participation the FAA study.
- ▶ Receive a final copy of the resulting technical report.

Candidate Surface Treatments

- ▶ P-608, emulsified asphalt seal coat
- ▶ P-623, emulsified asphalt spray seal coat
- ▶ P-629, thermoplastic coal tar emulsion surface treatment (micro-surface)
- ▶ P-632, asphalt pavement rejuvenation

CONTACT

Matthew T. Brynick, P.E.

Federal Aviation Administration Airport Technology Research and Development

National Airport Pavement Testing Facility—Bldg 296

Atlantic City Intl Airport, NJ 08405

Phone: 609.485.8180

Matthew.T.Brynick@faa.gov

Peter-Paul Dzwilewski, P.E.

Applied Pavement Technology, Inc.

115 West Main Street, Suite 400

Urbana, IL 61801

Phone: 303.489.6137

pdzwilewski@appliedpavement.com





REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval David Schwenker

AGENDA ITEM Consider adopting Amended Resolution 2022-034 for a conditional use permit for a day care at 436 Pearl Avenue.

SUMMARY RECOMMENDATION Adopt the amended resolution.

BACKGROUND The City Attorney has advised that the legal was incorrect in the previously adopted resolution. He is recommending adopting an amended resolution to correct this.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt Amended Resolution 2022-034 for a conditional use permit for a day care at 436 Pearl Avenue.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-034 - CUP - 436 Pearl Avenue - Amended

AMENDED RESOLUTION 2022-034

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO OPERATE A DAYCARE AT 436 PEARL AVENUE

WHEREAS, at a public hearing conducted on July 5, 2022, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit to operate a daycare at 436 Pearl Avenue.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit to operate a daycare at 436 Pearl Avenue, is approved as hereinafter modified.

The property in question has the following legal description:

Beginning 98 1/3 feet East of NW corner of Lot 5, Scott Addition to the City of Independence, a sub-division of Lots 3 and 4, Block 4, Highland Park Addition, thence East 76 1/3 feet, thence South 131 feet, thence West 76 1/3 feet, thence North 131 feet to point of beginning, City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. 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.

- 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.

2. The conditional use permit is not transferable to another property owner or to another location.

3. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 11th day of August, 2022.

(Attest)

Dean A. Hayse, Mayor

David Schwenker, City Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 515 South 10th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends condemnation as dangerous and unsafe.

BACKGROUND The City of Independence has attempted to contact the registered owner and the lien holder, Bank of America. The City of Independence has not received any responses from them. This structure was involved in the 2007 flood and City records show the current owner opened a utility account in 2013 but disconnected it in October of 2013, and the house has been abandoned since that time. The structure is in disrepair, and the staff recommends condemnation as dangerous and unsafe.

FINANCIAL INFORMATION The cost of demolition if the owner fails to commence repair or removal of the structure.

SUGGESTED MOTION I move to adopt Resolution No. 2022-038 to condemn 515 S. 10th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-038 - CONDEMNATION - DAYS - 515 S 10th
2. 515 S. 10th - Notice of Public Hearing - Aug 11 2022
3. Parcel
4. O & E Report
5. Photo - IMG_1267
6. Photo - IMG_1270
7. Photo - IMG_1272
8. Photo - IMG_1264
9. Photo - IMG_1266

RESOLUTION NO. 2022-038

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description

Lot 3, Block 97 of the Original Plat to the City of Independence, Montgomery County, Kansas

Common Address

515 S 10th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 26th day of May, 2022, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2022—018**, dated **May 26, 2022**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **June 1, 2022 and June 8, 2022**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description

Lot 3, Block 97 of the Original Plat to the City of Independence, Montgomery County, Kansas

Common Address

515 S 10th Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 11th day of August, 2022.

(SEAL)

Mayor

City Clerk



July 29, 2022

John Fajarczyk
604 W. 98th St.
Loveland, Co. 80537-4213

Dear John:

I am writing to inform you that a Public Hearing for consideration of condemnation as dangerous and unsafe of 515 So. 10th Street. The hearing will occur at the City Commission meeting that starts at 5:30 p.m. in the Civic Center.

The City Commission meetings are held at 410 N. Penn Ave, Memorial Hall Civic Center.

Please feel free to contact me by calling 620-332-2528 or by email davidc@independenceks.gov in regards to the residence and your plans to immediately commence repair or removal of the structure.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas

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The Parcel Number for this Property is 063-087-36-0-10-46-004.00-0
Quick Ref ID: 4180

Owner Information

Owner Name	FUJARCZYK, JOHN
Address	604 W 9TH ST SW LOVELAND, CO 80537-4213

Property Situs Address

Address	515 S 10TH ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.A
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	10,550	26,890	37,440
Total	10,550	26,890	37,440

2021 Appraised Value

Class	Land	Building	Total
Residential - R	5,930	26,630	32,560
Total	5,930	26,630	32,560

Tract Description

ORIG PLAT, S36, T32, R15, S 50' LOT 3 BLK 97; Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 1 /6&7 Deed Book/Page 606 /1160 600 /990 559 /527 485 /358 449 /434 403 /056 388 /503 388 /041 352 /389

Building Permit Information

Permit Number	Amount	Issue Date	Description
2007004701	1,000	7/26/2007	Emergency Damage - Fire/Storm Damage

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
606	1160	600	990				

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7000										10,550

Dwelling Information

Dwelling Information					Comp Sales Information				
Res Type	Single-family Residence				Arch Style	Bungalow			
Quality	AV				Bsmt Type	Partial - 3			
Year Built	1910				Total Rooms	6			
Eff Year					Bedrooms	3			
MS Style	1 1/2 Story Finished				Family Rooms	1			
LBCSStruct	Detached SFR unit				Full Baths	2			
No. of Units					Half Baths				
Total Living Area					Garage Cap				
Calculated Area	1,566				Foundation	Block - 3			
Main Floor Living Area	938								
Upper Floor Living Area Pct.	67								
CDU	FR-								
Phys/Func/Econ	FR/ /								
Ovr Pct Gd/RCN	/165,110								
Remodel									
Percent Complete									
Assessment Class									
MU Cls/Pct									

Dwelling Components				
Code	Units	Pct	Quality	Year
Wood Deck (SF)	78			
Enclosed Wood Deck (SF), Solid Wall	98			

Enclosed Wood Deck (SF), Solid Wall	42			
Wood Deck (SF) with Roof	202			
Frame, Wood Shake		100		
Composition Shingle		100		
Total Basement Area (SF)	381			
Raised Subfloor (% or SF)		100		
Electric Baseboard		100		
Plumbing Fixtures (#)	8			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

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TECHNOLOGIES

Date: June 10, 2022

File No: 2524986

Property Address: 515 S. 10th St., Independence,
KS 67301

Title Officer: Mary Jo Wallis

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence

811 W. Laurel

Independence, KS 67301

Attn: David Schwenker

Email: davids@independenceks.gov

Phone: 620-332-2528

Fax: 620-331-1628

Effective Date of this Report: June 1, 2022 at 7:30 A.M.

On Real Estate described as:

South 50 feet of Lot 3, Block 97, Original City of Independence, Montgomery County, Kansas

The County Register of Deeds records indicate that:

- A. The Grantees on the last deed of record are:

John Fujarczyk

- B. The Real Estate is encumbered by the following Mortgages, Contracts for Deed, Federal Tax Liens, State Tax Liens, Bankruptcies, and Judgments:

(A) A mortgage to secure an original principal indebtedness of \$39,000.00 and any other amounts or obligations secured thereby, dated February 28, 2007, recorded March 23, 2007, as Book 564, page 744.

Title Insurance		Closings		1031 Exchange		Contract Servicing
Telephone	620-577-4268	Fax	620-577-4287	Address	114 N. Pennsylvania, Independence, KS	67301

Mortgagor: Jennifer L. Freel, Richard E. Freel, married to each other

Mortgagee: Bank of America, NA

In Tax Sale Case #11 CV-20 C. personal service was not obtained on Bank of America, N.A. If release cannot be acquired, the following exception will be set out on Schedule B on final title policy, if we are asked to insure: "Consequences of the failure to obtain personal service against Bank of America, NA in the tax foreclosure case #11 CV-20 C.

- (B) Consequences of the failure to obtain personal service against Jennifer Freel in the tax foreclosure case #11 CV-20 C.
- (C) Neighborhood Revitalization Plan filed June 1, 2020 and Recorded in Book 690, page 1270.
- (D) Ordinance No. 4323 levying a special tax for the purpose of paying the costs and expense of abating nuisances; filed June 1, 2020 and Recorded in Book 690, page 1223
- (E) Resolution No. 2022-018 fixing a time and place and providing for notice of hearing regarding condemnation; filed May 31, 2022 and Recorded in Book 715, page 1057

The County Tax Records indicate that the real estate taxes are:

- (A) General taxes and special assessments for the fiscal year 2016 in the amount of \$599.78, DELINQUENT.
Property ID # 0630873601046004000
- (B) General taxes and special assessments for the fiscal year 2017 in the amount of \$540.92, DELINQUENT.
Property ID # 0630873601046004000

(C) General taxes and special assessments for the fiscal year 2018 in the amount of \$399.88, DELINQUENT.

Property ID # 0630873601046004000

(D) General taxes and special assessments for the fiscal year 2019 in the amount of \$789.32, DELINQUENT.

Property ID # 0630873601046004000

(E) General taxes and special assessments for the fiscal year 2020 in the amount of \$971.82, DELINQUENT (This amount includes specials in the amount of \$200.00).

Property ID # 0630873601046004000

(F) General taxes and special assessments for the fiscal year 2021 in the amount of \$719.04, DELINQUENT.

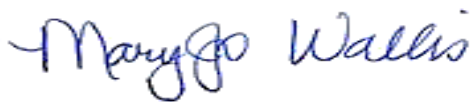
Property ID # 0630873601046004000

This Report is limited to only the information described above.

This report is not nor is to be construed as, an Abstract of Title, title opinion, or title insurance policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report, is limited to the fee it received for the preparation and issuance of this report.

SECURITY 1ST TITLE

By: 

LICENSED ABSTRACTER



05/12/2022



05/12/2022



05/12/2022

TRUCK



05/12/2022



05/12/2022



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 1117 West Laurel Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends condemnation as dangerous and unsafe.

BACKGROUND City Staff has received multiple complaints about this structure related to the condition of the structure and activity occurring at the property. The building department has found the structure to be in disrepair with holes in the roof, windows missing, and open and uninhabitable. The City has not been contacted by the owner regarding the condition or the intentions to repair or remove the structure. The structure last had City utilities in January 2017. Staff recommends condemnation as dangerous and unsafe

FINANCIAL INFORMATION The cost of removal if the owner fails to commence repair or removal.

SUGGESTED MOTION I move to adopt Resolution No. 2022-039 to condemn 1117 West Laurel Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-039 - CONDEMNATION - DAYS - 1117 W Laurel
2. 1117 W. Laurel - Notice of Public Hearing - Aug 11 2022
3. PARCEL - 1117 W. LAUREL
4. O & E Report
5. Photo - IMG_1280
6. Photo - IMG_1281
7. Photo - IMG_1282
8. Photo - IMG_1284
9. Photo - IMG_1275
10. Photo - IMG_1276
11. Photo - IMG_1277
12. Photo - IMG_1278
13. Photo - IMG_1279

RESOLUTION NO. 2022-039

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description

Lot 6 of the McLaughlin Addition to the City of Independence, Montgomery County, Kansas

Common Address

1117 W Laurel Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 26th day of May 2022, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above-described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2022—019**, dated **May 26, 2022**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **June 2, 2022 and June 9, 2022**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description

Lot 6 of the McLaughlin Addition to the City of Independence, Montgomery County, Kansas

Common Address

1117 W Laurel Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 11th day of August, 2022.

(SEAL)

Mayor

City Clerk



July 29, 2022

Eleazar Garcia
1205 W. Myrtle
Independence, Kansas 67301

Dear Eleazar:

I am writing to inform you that a Public Hearing for consideration of condemnation as dangerous and unsafe of 1117 W. Laurel Street. The hearing will occur at the City Commission meeting that starts at 5:30 p.m. in the Civic Center.

The City Commission meetings are held at 410 N. Penn Ave, Memorial Hall Civic Center.

Please feel free to contact me by calling 620-332-2528 or by email davidc@independenceks.gov in regards to the residence and your plans to immediately commence repair or removal of the structure.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas

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The Parcel Number for this Property is 063-087-36-0-20-01-005.00-0
Quick Ref ID: 4186

Owner Information

Owner Name	GARCIA, ELEAZAR
Address	1205 W MYRTLE INDEPENDENCE, KS 67301

Property Situs Address

Address	1117 W LAUREL ST, Independence, KS 67301
----------------	--

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	2,100	10,900	13,000
Total	2,100	10,900	13,000

2021 Appraised Value

Class	Land	Building	Total
Residential - R	1,420	9,880	11,300
Total	1,420	9,880	11,300

Tract Description

MCLAUGHLIN ADD, S36, T32, R15, Lot 6, Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 4 /28 Deed Book/Page 655 /1496 649 /1421 598 /695 582 /490 367 /009

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
649	1421	598	695	582	490		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7000				8	50					2,100

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR-	Bsmt Type	Crawl - 2
Year Built	1900	Total Rooms	4
Eff Year		Bedrooms	1
MS Style	One Story	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	975	Foundation	Block - 3
Main Floor Living Area	975		
Upper Floor Living Area Pct.			
CDU	FR		
Phys/Func/Econ	PR/ /		
Ovr Pct Gd/RCN	/86,750		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Enclosed Porch (SF), Screened Walls	120			
Enclosed Wood Deck (SF), Solid Wall	70			
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Wall Furnace		100		
Plumbing Fixtures (#)	5			

Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

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TECHNOLOGIES

Date: June 4, 2022

File No: 2524914

Property Address: 1117 W. Laurel St.,
Independence, KS 67301

Title Officer: Mary Jo Wallis

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:
City of Independence
811 W. Laurel
Independence, KS 67301
Attn: David Schwenker
Email: davids@independenceks.gov
Phone: 620-332-2528
Fax: 620-331-1628

Effective Date of this Report: June 20, 2022 at 7:30 A.M.

On Real Estate described as:

Lot 6, McLaughlin's First Addition to the City of Independence, Montgomery County, Kansas

The County Register of Deeds records indicate that:

A. The Grantees on the last deed of record are:

Eleazar Garcia

B. The Real Estate is encumbered by the following Mortgages, Contracts for Deed, Federal Tax Liens, State Tax Liens, Bankruptcies, and Judgments:

NONE

Security 1st Title

The County Tax Records indicate that the real estate taxes are:

- (A) General taxes and special assessments for the fiscal year 2017 in the amount of \$146.02, DELINQUENT.
Property ID # 063-087-36-0-20-01-005.00-0
- (B) General taxes and special assessments for the fiscal year 2018 in the amount of \$148.90, DELINQUENT.
Property ID # 063-087-36-0-20-01-005.00-0
- (C) General taxes and special assessments for the fiscal year 2019 in the amount of \$214.14, DELINQUENT.
Property ID # 063-087-36-0-20-01-005.00-0
- (D) General taxes and special assessments for the fiscal year 2020 in the amount of \$493.14, DELINQUENT.
Property ID # 063-087-36-0-20-01-005.00-0
- (E) General taxes and special assessments for the fiscal year 2021 in the original amount of \$239.44.
First Installment: \$119.72, DELINQUENT
Second Installment: \$119.72, DELINQUENT
Property I.D. # 063-087-36-0-20-01-005.00-0
PIN #IC 3292

This Report is limited to only the information described above.

This report is not nor is to be construed as, an Abstract of Title, title opinion, or title insurance policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report, is limited to the fee it received for the preparation and issuance of this report.

SECURITY 1ST TITLE

By: 

LICENSED ABTRACTER



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



FedEx
lope
KA PPFA

05/12/2022



05/12/2022



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 1105 West Myrtle Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends condemnation as dangerous and unsafe.

BACKGROUND City staff has received multiple complaints about 1105 W. Myrtle regarding activity occurring at the property and the condition of the property. City staff have attempted to contact the property owner and have not received any communication regarding the current condition and the activity occurring. The only response the City has received is from Morningstar Properties, which has a lien on the property and previously acquired this property in a tax sale. City staff recommends condemnation as dangerous and unsafe as the house is uninhabitable and unsafe.

FINANCIAL INFORMATION The structure's removal cost if the owner fails to commence repair or removal.

SUGGESTED MOTION I move to adopt Resolution No. 2022-040 condemning 1105 W. Myrtle Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-040 - CONDEMNATION - DAYS - 1105 W Myrtle
2. 1105 W. Myrtle - Notice of Public Hearing - Aug 11 2022
3. PARCEL - 1105 W. MYRTLE
4. O & E Report
5. Photo - IMG_1303
6. Photo - IMG_1304
7. Photo - IMG_1305
8. Photo - IMG_1306
9. Photo - IMG_1307
10. Photo - IMG_1308
11. Photo - IMG_1309
12. Photo - IMG_1310
13. Photo - IMG_1311

RESOLUTION NO. 2022-040

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description

Lot 25 of the Westside Addition to the City of Independence, Montgomery County, Kansas

Common Address

1105 W Myrtle Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 26th day of May 2022, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above-described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2022—020**, dated **May 26, 2022**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **June 2, 2022 and June 9, 2022**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description

Lot 25 of the Westside Addition to the City of Independence, Montgomery County, Kansas

Common Address

1105 W Myrtle Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 11th day of August, 2022.

(SEAL)

Mayor

City Clerk



July 29, 2022

Dr. Ethenia Scott
PO Box 583
Clarkston, Ga. 30021

Dear Ethenia:

I am writing to inform you that a Public Hearing for consideration of condemnation as dangerous and unsafe of 1105 W. Myrtle Street. The hearing will occur at the City Commission meeting that starts at 5:30 p.m. in the Civic Center.

The City Commission meetings are held at 410 N. Penn Ave, Memorial Hall Civic Center.

Please feel free to contact me by calling 620-332-2528 or by email davidc@independenceks.gov in regards to the residence and your plans to immediately commence repair or removal of the structure.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas

Print Page

These Links May Require Adobe Acrobat Reader, Click [here](#) to Download it.[View Sketch](#) --- [Back to Search Page](#) --- [Home](#)**The Parcel Number for this Property is 063-087-36-0-20-06-002.00-0****Quick Ref ID: 4240****Owner Information**

Owner Name	SCOTT DBS, DR. ETHENIA A
Address	PO BOX 583 CLARKSTON, GA 30021

Property Situs Address

Address	1105 W MYRTLE ST, Independence, KS 67301
----------------	--

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	4,030	780	4,810
Total	4,030	780	4,810

2021 Appraised Value

Class	Land	Building	Total
Residential - R	2,490	1,020	3,510
Total	2,490	1,020	3,510

Tract Description

WESTSIDE ADD, S36, T32, R15, Lot 25, Lot Width: 040.0 Lot Depth: 150.0 Plat Book/Page A /3 Deed Book/Page 707 /857 676 /573 589 /218 552 /358 418 /162 415 /259 405 /163 337 /116

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
707	857	676	573	589	218		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	6000										4,030

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	UN Dwelling (shed)
Quality	LO-	Bsmt Type	Crawl - 2
Year Built	1905	Total Rooms	5
Eff Year		Bedrooms	2
MS Style	One Story	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	901	Foundation	Stone - 4
Main Floor Living Area	901		
Upper Floor Living Area Pct.			
CDU	UN		
Phys/Func/Econ	UN/ /		
Ovr Pct Gd/RCN	/78,170		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Wood Deck (SF) with Roof	192			
Enclosed Wood Deck (SF), Solid Wall	70			
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Open Slab Porch (SF)	56		2	1980
Wall Furnace		100		

Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Bld	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
07	Tool Shed	D	1.00	1	1940			240	64	8	20 X 12	1	0	0					2,740	0	0

Building Improvement Components

Id	Code	Units	Pct	Size	Other	Rank	Year
07	Single -Wall-Boards on Wood		100				

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Date: June 4, 2022

File No: 2524930

Property Address: 1105 W. Myrtle St.,
Independence, KS 67301

Title Officer: Mary Jo Wallis

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence

811 W. Laurel

Independence, KS 67301

Attn: David Schwenker

Email: davids@independenceks.gov

Phone: 620-332-2528

Fax: 620-331-1628

Effective Date of this Report: May 20, 2022 at 7:30 A.M.

On Real Estate described as:

Lot 25, West Side Addition to the City of Independence, Montgomery County, Kansas

The County Register of Deeds records indicate that:

A. The Grantees on the last deed of record are:

Dr. Ethenia A. Scott, DBS

B. The Real Estate is encumbered by the following Mortgages, Contracts for Deed, Federal Tax Liens, State Tax Liens, Bankruptcies, and Judgments:

(A) A mortgage to secure an original principal indebtedness of \$9,154.00 and any other amounts or obligations secured thereby, dated May 21, 2020, recorded September 9, 2021, as Book 707, page 858.

Mortgagor: Dr. Ethenia A. Scott, DBA

Mortgagee: Morning Star Management, LLC

Title Insurance | Closings | 1031 Exchange | Contract Servicing

Telephone 620-577-4268 **Fax** 620-577-4287 **Address** 114 N. Pennsylvania, Independence, KS 67301

- (B) ORDINANCE NO. 4323 levying a special tax for the purpose of paying the cost and expense of abating nuisances; filed June 1, 2020 and Recorded in Book 690, page 1223.
- (C) Consequences of the failure to obtain personal service against William E. Blevins, Jr. and Christie Blevins in the tax foreclosure case #18 CV-29 C. filed September 5, 2018.

The County Tax Records indicate that the real estate taxes are:

- (A) General taxes and special assessments for the fiscal year 2018 in the amount of \$113.00, DELINQUENT.
Property ID # 063-087-36-0-20-06-002.00-0
- (B) General taxes and special assessments for the fiscal year 2019 in the amount of \$290.32, DELINQUENT.
Property ID # 063-087-36-0-20-06-002.00-0
- (C) General taxes and special assessments for the fiscal year 2020 in the amount of \$277.54, DELINQUENT. (This amount includes specials in the amount of \$100.00)
Property ID # 063-087-36-0-20-06-002.00-0
- (D) General taxes and special assessments for the fiscal year 2021 in the original amount of \$74.28.
First Installment: \$37.14, DELINQUENT
Second Installment: \$37.14, DELINQUENT
Property I.D. # 063-087-36-0-20-06-002.00-0
PIN #IC 4970

This Report is limited to only the information described above.

This report is not nor is to be construed as, an Abstract of Title, title opinion, or title insurance policy.



The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report, is limited to the fee it received for the preparation and issuance of this report.

SECURITY 1ST TITLE

By: Marygo Wallis
LICENSED ABTRACTER



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 1109 West Myrtle as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends condemnation as dangerous and unsafe.

BACKGROUND City staff has received multiple complaints about 1109 W. Myrtle regarding activity occurring at the property and the condition of the property. City staff have attempted to contact the property owner and have not received any communication regarding the current condition and the activity occurring. The only response the City has received is from Morningstar Properties, which has a lien on the property and previously acquired this property in a tax sale. City staff recommend condemnation as dangerous and unsafe as the house is uninhabitable and unsafe.

FINANCIAL INFORMATION The cost of removal if the owner fails to start repair or removal of the structure.

SUGGESTED MOTION I move to adopt Resolution No. 2022-041 condemning 1109 W. Myrtle as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-041 - CONDEMNATION - DAYS - 1109 W Myrtle
2. 1109 W. Myrtle - Notice of Public Hearing - Aug 11 2022
3. PARCEL - 1109 W. MYRTLE
4. O & E Report
5. Photo - IMG_1295
6. Photo - IMG_1296
7. Photo - IMG_1297
8. Photo - IMG_1298
9. Photo - IMG_1299
10. Photo - IMG_1300
11. Photo - IMG_1301
12. Photo - IMG_1302

RESOLUTION NO. 2022-041

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description

Lot 1, Pavys 2nd Addition and Lot 26, of the Westside Addition to the City of Independence, Montgomery County, Kansas

Common Address

1109 W Myrtle Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 26th day of May 2022, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above-described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2022—017**, dated **May 26, 2022**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **June 1, 2022 and June 8, 2022**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description

Lot 1, Pavys 2nd Addition and Lot 26, of the Westside Addition to the City of Independence, Montgomery County, Kansas

Common Address

1109 W Myrtle Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 11th day of August, 2022.

(SEAL)

Mayor

City Clerk



July 29, 2022

Dr. Ethenia Scott
PO Box 583
Clarkston, Ga. 30021

Dear Ethenia:

I am writing to inform you that a Public Hearing for consideration of condemnation as dangerous and unsafe of 1109 W. Myrtle Street. The hearing will occur at the City Commission meeting that starts at 5:30 p.m. in the Civic Center.

The City Commission meetings are held at 410 N. Penn Ave, Memorial Hall Civic Center.

Please feel free to contact me by calling 620-332-2528 or by email davidc@independenceks.gov in regards to the residence and your plans to immediately commence repair or removal of the structure.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas

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The Parcel Number for this Property is 063-087-36-0-20-06-003.00-0
Quick Ref ID: 4241

Owner Information

Owner Name	SCOTT DBS, DR. ETHENIA A
Address	PO BOX 583 CLARKSTON, GA 30021

Property Situs Address

Address	1109 W MYRTLE ST, Independence, KS 67301
----------------	--

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	5,350	6,960	12,310
Total	5,350	6,960	12,310

2021 Appraised Value

Class	Land	Building	Total
Residential - R	4,120	6,580	10,700
Total	4,120	6,580	10,700

Tract Description

WESTSIDE ADD, S36, T32, R15, LT 1; PAVYS 2ND ADD; LT 26; WESTSIDE ADD; Lot Width: 092.5 Lot Depth: 150.0 Plat Book/Page A /3 Deed Book/Page 707 /857 676 /573 601 /800 561 /266 549 /417 547 /486 547 /485 477 /208 476 /395 467 /467 422 /365 420 /042 420 /026

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
707	857	676	573	601	800		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	13350										5,350

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Old Style
Quality	FR-	Bsmt Type	Crawl - 2
Year Built	1900	Total Rooms	6
Eff Year		Bedrooms	4
MS Style	1 1/2 Story Finished	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	1,127	Foundation	Stone - 4
Main Floor Living Area	860		
Upper Floor Living Area Pct.	31		
CDU	UN		
Phys/Func/Econ	UN/ /		
Ovr Pct Gd/RCN	/85,340		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components				
Code	Units	Pct	Quality	Year
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Wall Furnace		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			

Automatic Floor Cover Allowance				
Open Slab Porch (SF)	80		2	1950
Wood Deck (SF)	32		1	2000
Wall Furnace		100		

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Date: June 10, 2022

File No: 2524976

Property Address: 1109 W. Myrtle St.,
Independence, KS 67301

Title Officer: Mary Jo Wallis

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence

811 W. Laurel

Independence, KS 67301

Attn: David Schwenker

Email: davids@independenceks.gov

Phone: 620-332-2528

Fax: 620-331-1628

Effective Date of this Report: June 1, 2022 at 7:30 A.M.

On Real Estate described as:

Lot 1, Pavy's Second Addition to Independence AND Lot 26, West Side Addition to the City of Independence, Montgomery County, Kansas

The County Register of Deeds records indicate that:

A. The Grantees on the last deed of record are:

Dr. Ethenia A. Scott, DBS

B. The Real Estate is encumbered by the following Mortgages, Contracts for Deed, Federal Tax Liens, State Tax Liens, Bankruptcies, and Judgments:

(A) A mortgage to secure an original principal indebtedness of \$9,154.00 and any other amounts or obligations secured thereby, dated May 21, 2020, recorded September 9, 2021, as Book 707, page 858.

Title Insurance | Closings | 1031 Exchange | Contract Servicing

Telephone 620-577-4268 **Fax** 620-577-4287 **Address** 114 N. Pennsylvania, Independence, KS 67301

Mortgagor: Dr. Ethenia A. Scott, DBA
Mortgagee: Morning Star Management, LLC

- (B) Consequences of the failure to obtain personal service against William E. Blevins, Jr. and Christie Blevins in the tax foreclose case #18 CV-29 C. filed September 5, 2018.
- (C) Resolution No. 2022-017 fixing a time and place and providing for notice of hearing for condemnation; filed May 31, 2022 and Recorded in Book 715, page 1055.

The County Tax Records indicate that the real estate taxes are:

- (A) General taxes and special assessments for the fiscal year 2018 in the amount of \$156.88, DELINQUENT.
Property ID # 0630873602006003000
- (B) General taxes and special assessments for the fiscal year 2019 in the amount of \$233.58, DELINQUENT.
Property ID # 0630873602006003000
- (C) General taxes and special assessments for the fiscal year 2020 in the amount of \$234.36, DELINQUENT.
Property ID # 0630873602006003000
- (D) General taxes and special assessments for the fiscal year 2021 in the amount of \$226.92, DELINQUENT.
Property ID # 0630873602006003000



This Report is limited to only the information described above.

This report is not nor is to be construed as, an Abstract of Title, title opinion, or title insurance policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report, is limited to the fee it received for the preparation and issuance of this report.

SECURITY 1ST TITLE

By: Marygo Wallis
LICENSED ABTRACTER



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



05/12/2022



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider broadband expansion incentive.

SUMMARY RECOMMENDATION Approve an incentive amount for broadband.

BACKGROUND The Independence Economic Development Advisory Board's Broadband Subcommittee has been working on opportunities to expand broadband within the community. Representatives of the committee will address the Commission at the meeting and recommend any potential action.

FINANCIAL INFORMATION Up to \$150,000 incentive, including cash from the economic development fund and/or in-kind.

SUGGESTED MOTION I move to approve an incentive amount of up to \$150,000, including cash and/or in-kind, for broadband expansion.

SUPPORTING DOCUMENTS



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider adopting the following ordinances:

1. An Ordinance adopting the 2018 Edition of the International Residential Code with amendments and deletions;
2. An ordinance adopting the 2018 Edition of the International Building Code with amendments and deletions;
3. An ordinance adopting the 2020 Edition of the National Electric Code with amendments and deletions;
4. An ordinance adopting the 2018 Edition of the Uniform Public Plumbing Code with amendments and deletions;
5. An ordinance adopting the 2018 Edition of the Uniform Swimming Pool, Spa, & Hot Tub Code;
6. An ordinance adopting the 2018 Edition of the International Existing Building Code;
7. An ordinance adopting the 2018 Edition of the Uniform Mechanical Code with amendments and deletions; and
8. An ordinance amending and supplementing Appendix D regarding Building Permit Fees.

SUMMARY RECOMMENDATION City Staff recommends approval

BACKGROUND Attached are the updated codes to be included in Chapter 18 of the City Code, Buildings and Building Regulations with amendments and deletions that are recommended for adoption. The results of this recommendation were in partnership with the Plumbing Board, the Building Inspector, Electrical Board, the City Attorney, and Miranda Bruening. The City made an update in 2017, moving building codes from 1990's to 2000's and should be keeping our codes within 3-5 years of the current nationally approved codes. The City's ISO rating in 2021 noted our failure to keep the building codes current and staff has been working with the boards for the past year to accomplish this update.

FINANCIAL INFORMATION The modifications of the fees will result in additional revenue; however, it is not anticipated to be a significant amount.

SUGGESTED MOTION I move to adopt the following ordinances:

1. An Ordinance adopting the 2018 Edition of the International Residential Code with amendments and deletions;
2. An ordinance adopting the 2018 Edition of the International Building Code with amendments and deletions;

3. An ordinance adopting the 2020 Edition of the National Electric Code with amendments and deletions;
4. An ordinance adopting the 2018 Edition of the Uniform Public Plumbing Code with amendments and deletions;
5. An ordinance adopting the 2018 Edition of the Uniform Swimming Pool, Spa, & Hot Tub Code;
6. An ordinance adopting the 2018 Edition of the International Existing Building Code;
7. An ordinance adopting the 2018 Edition of the Uniform Mechanical Code with amendments and deletions; and
8. An ordinance amending and supplementing Appendix D regarding Building Permit Fees.

SUPPORTING DOCUMENTS

1. Ordinance 4399 - 2018 Edition of the International Residential Code
2. Ordinance 4400 - 2018 Edition of the International Building Code
3. Ordinance 4401 - 2020 Edition of the National Electric Code
4. Ordinance 4402 - 2018 Edition of the Uniform Public Plumbing Code
5. Ordinance 4403 - 2018 Edition of the Uniform Swimming Pool Code
6. Ordinance 4404 - 2018 Edition of the International Existing Building Code
7. Ordinance 4405 - 2018 Edition of the Uniform Mechanical Code
8. Ordinance 4406 - Amending Building Permit Fees

ORDINANCE NO. 4399

AN ORDINANCE ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS AND DELETIONS

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

The 2018 Edition of the International Residential Code is adopted and is incorporated by reference as if fully set forth herein subject to the following amendments and deletions. Any prior version of this code previously adopted is hereby repealed.

Section 2. References deleted.

- a) All references to the International Private Sewage Disposal Code, and InternationalEnergy Conservation Code are hereby deleted.
- b) All references to Automatic Sprinkler Systems for one and two family dwellings are hereby deleted in their entirety in accordance with K.S.A. 12-16,219.

Section 3. References modified.

- a) All references to the International Code Council Electrical Code shall be changed to the current adopted National Electric Code (NEC).
- b) All references to the International Plumbing code shall be changed to the current adopted Uniform Plumbing Code.
- c) All references to the International Mechanical Code (IMC) shall be changed to the current adopted Uniform Mechanical Code (UMC).

Section 4. Amendments, modifications and supplements.

Section 103. Appointment and Liability.

- a) Section 103 of the 2018 Edition of The International Residential Code is hereby amended as follows:

103.1 Deputies. In accordance with the he prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint deputies. Such employees shall have powers as delegated by the Building Official.

104.8 Liability. The Building Official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for costs in any action, suit or proceeding instituted for the good faith discharge of duties under the provisions of this code.

- b) Section R106.1.1 Construction Documents of the 2018 Edition of the International Residential Code is hereby amended, and shall read as follows:

Section R106.1.1 Construction Documents.

1. One and Two-Family Dwellings: Two set of drawings & pdf electronic copy will be required for new, remodel and alterations. Previously approved plans for identical improvements proposed on a different lot may be referenced.
2. Drawings Required:
 - a) Site Plan:
 - (1) Interior renovations with no exterior improvements (i.e. paving or structures) a site plan will not be required.
 - (2) For additions or new construction, the following will be required to addressed on the site plan:
 - i. Clearly identify the property lines and the distance of the new structure and or addition from the property lines.
 - ii. Clearly identify all building setback requirements as well as the distance of the new structure and or addition is from said setback.
 - iii. Clearly identify all public, private and utility easements as well as the distances of the new structure and or addition is from said easements.
 - iv. Indicate new grading details (i.e. topographic information whether by grading lines or by regularly spaced spot elevations. If spot elevations are utilized existing grade and new grade should be noted at each point or spot.
 - v. Indicate any and all structures on the site that currently exist or that will be constructed. If structures are being removed they should be noted as such.
 - vi. For new construction and or new additions that are increasing the hard surface area of the site over what currently exists provide documentation that the increased run off of surface water will not adversely affect adjoining neighbor properties or structures.
 - vii. For new construction, additions or site improvements where new paving intersects with existing public sidewalks provide details on ADA accessible improvements to be performed where new private work intersects with public sidewalks.
 - b) Footing and foundation details.
 - c) Floor joist and rafter layout plan, showing sizes, spacing types including beams.

- d) Wall sections, (specify joists, rafters) indicating truss or hand stacked. If prefabricated roof trusses are used, a component design sheet shall be submitted.
- e) Insulation in walls, ceilings and floors.
- f) Elevations; front only if the ground is level
- g) Front, back, and side elevations if the ground is not level.
- h) Floor plans, basement, and other. For remodels and alterations, floor plan shall show existing and proposed walls, including floor joist and rafter layout. Showing spacing, type sizes and beam placement.
- i) Plumbing, mechanical, and electrical diagrams as required to determine adequate size of services.

Exception: The Building Official is authorized to waive any of the above requirements to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the inclusion of the above requirements is not necessary to obtain code compliance.

- c) Section R108.2 Schedule of Permit Fees of the 2018 Edition of the International Residential Code is hereby amended as follows:

PERMIT FEE SCHEDULE

TOTAL VALUATION	FEE
\$1.00 to 500.00	\$22.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 TO \$25,000.00	\$70.00 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 TO \$50,000.00	\$395.00 for the first \$25,000.00 plus \$10.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$650.00 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 TO \$500,000.00	\$950.00 for the first \$100,000.00 plus \$5.50 for each additional \$1,000 or fraction thereof, to and including \$500,000.00
\$500,001.00 TO \$1,000,000.00	\$3,200.00 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 TO \$5,000,000.00	\$5,500.00 for the first \$1,000,000.00 plus \$3.25 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 TO \$15,000,000.00	\$17,750.00 for the first \$5,000,000.00 plus \$1.50 for each additional \$1,000.00 or fraction thereof, to and including \$15,000,000.00

\$15,000,001.00 and above	\$33,500.00 for the first \$15,000,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000.00
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- d) Section R319 Site Address of the 2018 Edition of the International Residential Code is hereby amended as follows:

Section R319 Site Address.

New and existing buildings shall be provided with approved address numbers or letters by the provisions of City Code.

- e) Section R320.1 Scope of the 2018 Edition of the International Residential Code is hereby amended as follows:

Section R320.1 Scope.

Where there are four or more dwelling units or sleeping units in a single structure, the provisions of current edition of the Department of Justice's "ADA Standards for Accessible Design" shall apply.

- f) Section R403.1.1 Minimum Size of the 2018
g) Edition of the International Residential Code is hereby amended as follows:

Section R403.1.1 Minimum Size.

Minimum size for concrete and masonry foundations walls shall be as follows:

For structures supporting one to two (1 to 2) stories and no masonry veneer and only eight (08) foot in height basement walls the foundation wall shall be a minimum of eight (08) inches in thickness.

For structures supporting more than 2 stories and or supporting masonry veneer or with greater than eight (08) foot in height foundation walls the foundation wall shall be a minimum of twelve (12) inches in thickness.

The minimum size for spread footings shall be as follows:

For structures one to two (1 to 2) stories in height and not supporting masonry veneer and basement heights eight feet or less the minimum spread footing dimension shall be ten (10) inches in thickness by twenty (20) inches in width.

For structures supporting more than 2 stories and or supporting masonry veneer or with greater than eight (08) foot in height foundation walls the minimum spread footing dimensions shall be twelve (12) inches in thickness by twenty-four (24) inches in width.

The minimum size for trench footings supporting structures one to two (1 to 2) stories and no masonry veneer shall be sixteen (16) inches in width by thirty (30) inches in depth.

The minimum size for trench footings supporting structures more than 2 stories or supporting masonry veneer shall be twenty-two (22) inches wide by thirty (30) inches in depth.

- h) Section R403.1.4 Minimum Depth of the 2018 Edition of the International Residential Code is hereby amended as follows:

Section R403.1.4 Minimum depth.

All exterior footings shall extend a minimum of thirty (30) inches below adjacent finish grade or into undisturbed soil whichever is the greatest depth. Where applicable, the depth of footings shall also conform to Sections R403.1.4.1 through R403.1.4.2.

- i) Section R403.1.3.1 Footing Reinforcement of the 2012 Edition of the International Residential Code is hereby amended as follows:

Section R403.1.3.1 Footing reinforcement.

Spread footings with stem walls shall have a minimum of two (2) horizontal #4 bars running continuously throughout the footing placed no closer than three (3) inches from the bottom. Trenched footings (foundation) shall have a minimum of three (3) horizontal #4 bars spaced no more than twenty-four (24) inches apart continuously throughout the footing and vertical #4 bars

placed no more than twenty-four (24) inches apart around the perimeter of the footing. Spread footings shall be tied/connected to the concrete/masonry foundation wall with an #4 "L" bar whose minimum dimensions shall be thirty (30) inches on the long leg and seven (07) inches on the short leg. The short leg shall be tied to the horizontal spread footing reinforcement. The minimum spacing on this "L" bar shall be twenty-four (24) inches on centers.

Trench footings shall be tied to the concrete slab by a #4 bar with a ninety (90) degree bend creating two (02) equal length legs each measuring a minimum of eighteen (18) inches in length. The minimum spacing for this bar shall be twenty-four inches on centers.

- j) Section R404.1.2.2 Reinforcement for Foundation Walls of the 2018 Edition of the International Residential Code is hereby supplemented as follows:

Section R404.1.2.2 Reinforcement for Foundation Walls.

Unless designed by a professional engineer, the minimum steel reinforcement shall be as follows for foundation walls:

Concrete foundation eight (08) feet or less, walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be at a minimum #4 bars spaced twenty-four (24) inches maximum with the upper most bar no more than twelve (12) inches below the top of the wall. Vertical reinforcement shall be #4 bars spaced at twenty-four (24) inches apart.

Concrete foundation eight (08) feet or greater, walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be at a minimum #4 bars spaced sixteen (16) inches

maximum with the upper most bar no more than eight (8) inches below the top of the wall. Vertical reinforcement shall be #4 bars spaced at sixteen (16) inches apart.

Concrete masonry unit foundations eight (08) feet or less, walls shall be laterally supported at the top and bottom. Reinforced masonry unit bond beams shall run continuously horizontally every third (03) course or two (02). The bond beam shall have at a minimum of two (02) #4 bars running continuously and the bond beam shall be fully grouted. Additionally, horizontal ladder truss reinforcement shall be place between every other course or at sixteen (16) inches on centers. Vertical reinforcement shall be one (01) continuous #4 bar spaced at twenty-four (24) inches apart in fully grouted cells.

The Reinforcing bar shall extend the full height of the wall from spread footing to the top most bond beam.

Concrete masonry unit foundations eight (08) feet or greater, walls shall be laterally supported at the top and bottom. Reinforced masonry unit bond beams shall run continuously horizontally every third (03) course or two (02) feet. The bond beam shall have at a minimum of two (02) #5

bars running continuously and the bond beam shall be fully grouted. Additionally, horizontal ladder truss reinforcement shall be place between every other course or at sixteen (16) inches on centers. Vertical reinforcement shall be one (01) continuous #5 bar spaced at sixteen (16) inches apart in fully grouted cells. The Reinforcing bar shall extend the full height of the wall from spread footing to the top most bond beam.

Section R901 Roof Assemblies

Roofing installation and replacement will require a building permit for residential roofing and comply with Chapter 9 of the IRC.

Residential re-roofing over existing wood shingle or shake requires an inspection by building inspector and no more than two-layers allowed.

Section 5.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 11th day of August, 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ORDINANCE NO. 4400

AN ORDINANCE ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE WITH AMENDMENTS AND DELETIONS

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

Sec. 18-31. – Code Adopted

The 2018 Edition of the International Building Code is adopted and is incorporated by reference as if fully set forth herein subject to the following amendments and deletions. Any prior version of this code previously adopted is hereby repealed.

Section 2. References deleted.

Sec. 18-32. – Amendments

- a) All references to the International Plumbing Code and the International Energy Conservation Code are deleted.
- b) All references to the International Code Council Electrical Code are deleted and replaced with references to the current adopted National Electric Code (NEC).
- c) All references to Automatic Sprinkler Systems for Group R-3 Occupancies for one and two family dwellings are hereby deleted, in accordance with K.S.A. 12-16,219.
- d) All references to International Mechanical Code shall be changed to the current adopted Uniform Mechanical Code.

Section 3. Modifications, supplements and amendments.

- a) Section 101.4 of the 2018 Edition of the International Building Code is hereby amended as follows:

Section 101.4 Referenced Codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

Section 101.4.1 Gas. Each reference to the International Fuel Gas Code shall mean the current adopted Uniform Plumbing Code.

Section 101.4.2 Mechanical. Each reference to the International Mechanical Code shall mean the current adopted Uniform Mechanical Code.

Section 101.4.3 Plumbing. Each reference to the International Plumbing Code shall mean the current adopted Uniform Plumbing Code. Each reference to the International Private Sewage Disposal Code shall mean the current adopted Uniform Plumbing Code.

- b) Section 103 of the 2018 Edition of the International Building Code is hereby amended as follows:

Section 103. Appointments and Liability.

103.1 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint deputies. Such employees shall have powers as delegated by the Building Official.

103.2 Liability. The Building Official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for costs in any action, suit or proceeding instituted for the good faith discharge of duties under the provisions of this code.

- c) Section 107.2 of the 2018 Edition of the International Building Code is hereby amended as follows:

Section 107.2 Construction Documents (commercial and multifamily residential).

Commercial Construction:

Two (2) sets of documents shall be submitted in the form of at least 1 (one) electronic media (in .PDF format) and one (1) paper copy. Commercial and multifamily plans must be sealed according to Kansas State board of Technical Professional Standards and Statutes. Construction drawings must be submitted with the following information:

1. Code footprint sheet per Kansas Fire Marshall Regulation K.A.R. 22-17 or with this design criteria:
 - I. Occupancy group
 - II. Type of construction classification
 - III. Design loads

- IV. Square footage/Allowable floor area
 - V. Note if building will be sprinkled

 - VI. Height and number of stories
 - VII. Occupant load
 - VIII. Means of egress to include path of exit discharge to public way
2. Site Plan. Show proposed new building or structure and any existing buildings or structures, all property lines with dimensions, all streets, easements and setbacks. Show all water, sewer, communication services, natural gas, telephone, and cable TV, electrical points of connection, proposed utility service routes and existing utilities on the site. Show all required parking, drainage and grading information. When appropriate, include a topographic survey. Show north arrow. Show dimensions for the location and size of components delineated on the site plan. Provide erosion control measures and documented Storm Water Pollution Prevention Plan (SWPPP).
 3. Foundation Plan. Show all foundations and footings. Indicate size, locations, thickness, materials and strengths, and reinforcing. Show all imbedded anchoring such as anchor bolts, hold-downs, post bases, etc. Provide a geotechnical report for the proposed structure at that site. Show dimensions for the location and size of all components delineated on the foundation plan.
 4. Floor Plans. Show all floors, including basements. Show all rooms, with their use, overall dimensions and locations of all structural elects and openings. Show all doors and windows. Provide door and window schedules. All fire resistance rated assemblies, areas of refuge, occupancy separations, fire blocking and draft stopping shall be shown. Show dimensions for the size of all rooms and the locations of other components delineated on the floor plans.
 5. Schedules. Room finishes doors, hardware, windows, plumbing, and mechanical, electrical and structural.
 6. Framing Plans and Roof Framing Plans. Show all structural members, their size and methods of attachment, connections, location and materials for floors and roofs. Show roof plan. Show dimensions for the location size of all components delineated on the roof plan.
 7. Exterior Elevations. Show each view. Show vertical dimensions and heights. Show openings and identify materials and show lateral bracing system, where applicable. Show dimensions and schedules.
 8. Building Sections Wall Sections. Show materials of construction, non-rated and fire resistance rated assemblies and fire resistance rated penetrations. Show dimensions.
 9. Mechanical System. Show the mechanical system. Include all units, their sizes, mounting details, and all duct work and duct sizes. Indicate all fire dampers where required. Provide equipment schedules. Submit energy conservation calculations. Show dimension.
 10. Plumbing System. Show all fixtures, piping, slopes, materials and sizes. Show point of connections to utilities, septic tanks, pre-treatment sewer systems and water wells. Show dimensions.
 11. Electrical System. Show all electrical fixtures (interior, exterior and site), wiring sizes and circuiting, grounding, panel schedules, single line diagrams, load calculations and fixture schedules. Show point of connections to utility. Show dimensions.

12. Fire Sprinkler System. Show all sprinkler heads, piping valves, alarms, tamper switches, materials, and sizes. Show point of connections to the water system and fire alarm system. Show dimensions for the size and location of components delineated on the fire sprinkler system drawings.
13. Structural Systems. Show foundation, structural members and where required, provide structural calculations for the structural systems of the project. Include calculations indicating compliance with seismic, wind, snow and other design loads.
14. Specifications. Prepare specifications to further define the construction components, the quality of the materials, and delineation of the materials and methods of construction, wall floor and ceiling finishes, exterior finishes, and descriptions of all pertinent equipment. Schedules may be incorporated into the project manual in lieu of being delineated on the construction drawings.
15. Addenda and Changes. It shall be the responsibility of the design professional of record to notify the Building Official of any and all changes throughout the project and provide revised construction documents, calculations or other appropriate documentation prior to commencement of that portion of the construction.
16. Revisions. For clarity, all revisions should be identified and clouded on the construction drawings and appropriately marked in the project manual or resubmitted as a new set of construction documents.

Exception: The Building Official is authorized to waive any of the above requirements to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the inclusion of the above requirements is not necessary to obtain code compliance.

- d) Section 109.2 of the 2018 Edition of the International Building code is hereby amended as follows:

1. PERMIT FEE SCHEDULE

TOTAL VALUATION	FEE
\$1.00 to 500.00	\$22.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 TO \$25,000.00	\$70.00 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 TO \$50,000.00	\$395.00 for the first \$25,000.00 plus \$10.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$650.00 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 TO \$500,000.00	\$950.00 for the first \$100,000.00 plus \$5.50 for each additional \$1,000 or fraction thereof, to and including \$500,000.00

\$500,001.00 TO \$1,000,000.00	\$3,200.00 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 TO \$5,000,000.00	\$5,500.00 for the first \$1,000,000.00 plus \$3.25 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 TO \$15,000,000.00	\$17,750.00 for the first \$5,000,000.00 plus \$1.50 for each additional \$1,000.00 or fraction thereof, to and including \$15,000,000.00
\$15,000,001.00 and above	\$33,500.00 for the first \$15,000,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000.00

- e) Section 109.3 of the 2018 Edition of the International Building Code is hereby amended as follows:

Section 109.3 Building permit valuations.

The determination of the value of valuation under any of the provisions of these codes shall be made by the Building Official. The value to be used in computing the building permit fees shall be the total of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although this does not preclude the Building Official from charging separate fees for sewer and water connections.

- f) Section 109.4 of the 2018 Edition of the International Building Code is hereby amended as follows:

Section 109.4 Work commencing before permit issuance.

Whenever, any work for which a permit is required by this code has commenced without obtaining said permit, a fee shall be collected in the amount double the fee as set forth in the table above.

- g) Section 114 of the 2018 Edition of the International Building Code is hereby amended as follows:

Section 1501 Roof Assemblies and Rooftop Structures

Roofing installation and replacement will require a building permit for commercial and residential roofing and comply with Section 1507 of the IBC.

Residential re-roofing over existing wood shingle or shake requires an inspection by building inspector and no more than two-layers allowed. Commercial re-roofing layers allowed will be determined by core sample and determination of layers and weight of current roofing material.

Section 114. Violations.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this code. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, punishable as prescribed by the Sec. 1-14 of the City Code, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continue or permitted and, upon conviction of any such violation, such person shall be guilty of an offense.

Section 4. Definitions.

- a) "Abandoned building" means a building which has stood unoccupied for longer than 24 months AND is either unsecured, secured by means of boarding as ordered by the Building Official, or is in a state of decay or partial ruin to such an extent that the structure is in need of substantial repair before it can be occupied.
- b) "Boarding/Securing" or "boarded"/"secured" means the closing, boarding, or locking of any or all exterior openings so as to prevent unauthorized entry into the structure.
- c) "Secured building" means any building on which the roof, walls, foundation, basement, doors, windows, or other openings into the building are closed by any conventional methods used in the design of buildings or are boarded up with weather resistant/weather proofed plywood (minimum acceptable grade: 3/8" CD exterior) cut to fit the opening it is securing and screwed at intervals not to exceed 12 inches, so as to prevent the access to the structure of inclement weather, animals, trespassers, children, or other persons not authorized to be on the premises.
- d) "Unsecured building" means any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in foundation stem walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways, or other similar unsecured openings which would allow an unauthorized entry into the structure.

Section 5.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 11th day of August, 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ORDINANCE NO. 4401

AN ORDINANCE ADOPTING THE 2020 EDITION OF THE NATIONAL ELECTRIC CODE WITH AMENDMENTS AND DELETIONS

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

Sec. 18-121. – Code adopted

The 2020 Edition of the National Electric Code, as adopted by the National Fire Protection Association (NFPA No. 70) and approved by The American National Standards Institute, is hereby adopted and is incorporated by reference as if fully set forth herein subject to the following amendments and deletions. Any prior version of this Code previously adopted is hereby repealed.

Chapter 1. Deletions, modifications, supplements or amendments.

Sec. 18-122.

a) The National Electrical Code, as adopted in is hereby amended and supplemented by the addition of the following definitions to Article 100*:

Grade. The lower point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Story. That portion of a building is included between the upper surface or any floor and the upper surface of the floor next above, except that the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

Sec. 18-123. – Raceways

Wiring in certain areas and certain buildings within the city must be installed in raceways.

- 1) **Definition.** Article 100 of the National Electrical Code defines “raceway.” The fine print not (FPN) of this definition specifies those raceways meeting the requirements of this section.
- 2) **Within fire limits.** Except for a one- or two-family dwelling unit, any electrical wiring installed within the fire limits shall be installed in a raceway.

- 3) Outside of fire limits. Any electrical wiring installed in certain buildings outside of the fire limits shall be installed in a raceway. Those buildings shall include but not be limited to the following:
 - a. Churches
 - b. Public Buildings
 - c. Places of public assembly
 - d. Business or commercial buildings
 - e. Manufacturing establishments
 - f. Rest or nursing homes
 - g. Institutional buildings
 - h. All other buildings of similar occupancy

Chapter 2. Deletions, Modifications, supplements or amendments.

Sec. 18-124

- a) The National Electrical Code, as adopted, is hereby amended and modified, and Section 210 shall read as follows:
 - a. Article 210 Branch Circuits, Section 210.8 Ground Fault Circuit-Interrupter Protection
 - 1) Section 210.8 Section (A) through (F) is hereby modified to exempt GFCI from appliances, garage doors, freezers, refrigerators, dishwashers, washing machines and air conditioning units.

Sec. 18-125

- a) Article 210 Branch Circuits, Section 210.12 Arc Fault Circuit-Interrupter
 - 1) Section 210.12 is hereby modified to exempt the City of Independence from Arc Fault requirements

Sec. 18-126

- a) Article 230 Services, Section 230.62 Service Equipment
 - 1) Section 230.62 Service equipment shall be amended to say all UL listed meter boxes would be acceptable in the City of Independence.

Chapter 6. Article 625 Electric vehicle Power Transformer System

Sec. 18-127

- a) Article 625 Part III Installation
 - 1) Shall be amended to only be required for new construction. Upgrades or rewiring of existing structures are exempted and not required to comply with Article 625.

Article III. – Electrical

Division 5. – Standards

**Secs. 18-128 Article 700 Special Conditions
Generators – Emergency Power**

- a) Generators may be used for temporary power for the purposes of construction, electrical maintenance or other uses where electricity is not available. The generator may only be used during working hours for this purpose and shut off by sunset.
- b) Emergency generators may not be used to remove the residence from the grid or as permanent power replacing the electrical grid.
 - a. Total usage cannot exceed 500 hours per year, per generator

Secs. 18-129 Residential Power

- a) Residences shall be powered by the local utility through an approved meter set by the City of Independence and utility.
 - a. Residential power may be used to power the residence, garage or structures on the property as allowed by the NEC code.
- b) Utility electrical service shall serve the owner property only. Sharing or resale of electrical power to neighboring residences or buildings is prohibited.

Secs. 18-130 Notice of Violation

Upon Inspection, if the enforcement officer determines that a violation exists, a written notice of violation shall be mailed, hand delivered, or email to the owner and or resident agent, stating the following.

- (1) Specifics. The specifics of any violation of NEC or City Code for Electric
- (2) Correction Deadline. The violation must be corrected by a specified deadline to be determined by the enforcement officer after considering the nature of the violation, but in no event shall the deadline be more than 60 days from the date of Inspection.
- (3) Noncompliance. The enforcement officer determines that the violation has not been corrected to comply with the NEC or City Code by the specified deadline. In that case, the electrical service may be immediately disconnected and/or citation issued.
- (4) Deadline extension. Upon request, the enforcement officer may extend the deadline for good cause shown as determined in the discretion of the enforcement officer.

Notwithstanding any of the provisions above, in the event the violation constitutes a life safety issue or other emergency as determined in the sole discretion of the enforcement officer, the notice shall state the electrical service be immediately disconnected and not re-energized until the violation has been corrected.

Sec. 18-131 Penalty

Any person violating any of the provisions of this article shall, upon conviction thereof be punished as provided under Sec 1-14. General penalty with the following amendment. Violation of any of the Electrical Code or adopted 2020 NEC shall be punished by a fine not to exceed \$500 for 1st offense, \$1,000 for 2nd offense and 3rd offense shall be \$2,500. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 11th day of August, 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ORDINANCE NO. 4402

AN ORDINANCE ADOPTING THE 2018 EDITION OF THE UNIFORM PUBLIC PLUMBING CODE WITH AMENDMENTS AND DELETIONS

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

The 2018 Edition of The Uniform Plumbing Code and Appendices A, B, D, E, G, H, I, J and M and the installation, repair and maintenance methods specified therein as standards of the International Association of Plumbing, and Mechanical Officials is hereby adopted and is incorporated by reference as if fully set forth herein subject to the following amendments and deletions. Any prior version of this Code previously adopted is hereby repealed.

Section 2. **Deletions, modifications, supplements or amendments.**

- a) Section 104.1 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows

Section 104.2 is hereby modified and amended as follows:

(3) owner occupied residences shall be allowed to make plumbing repairs to their residences including repairs to their water service and sewer lines but are not allowed to enter (dig) in the right-of-way, connect to a water meter or sewer main (tap). Rental properties and all commercial properties require a licensed plumber.

- b) Section 104.5 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows:

Section 104.5 is hereby modified and replaced by the current adopted fee schedule of the City of Independence.

- b) Section 203 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows:

Section 203.0 Authority Having Jurisdiction. The organization, office, or individual responsible for enforcing the requirements of a code or standard, or approving equipment, materials, installation, or procedures. The Authority Having Jurisdiction shall be the Building Official of the City of Independence.

c) Section 312.6 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows:

Section 312.6 In localities having a winter design temperature of 32 degrees Fahrenheit (OQC) or lower as shown in table R301.2 (1) of this Code, a water, soil or waste pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 30 inches (762 mm) deep below the finished grade.

d) Section 418.3 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows:

Section 418.3 Location of Floor Drains. Floor drains shall be installed in the following areas: *(Add new subsection 4 as follows):*

(4) Rooms equipped with a water heater, commercial restrooms, commercial showers/locker rooms, commercial kitchens, and commercial mechanical rooms.

e) Section 604.1 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows to add the following language:

Inaccessible water distribution piping under slabs shall be copper water tube minimum Type I, brass, ductile iron pressure pipe, cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-Al-PEX) pressure pipe, chlorinated polyvinyl chloride (CPVC) or polybutylene (PB) or cross-linked polyethylene (PEX) plastic pipe or tubing – all to be installed with NO FITTINGS under floor unless approved by the Building Official. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180 degrees Fahrenheit QF (689 kPa at 82QC).

f) Section 807.3 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows:

Section 807.3 Domestic Dishwashing Machine. No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher airgap fitting on the discharge side of the dishwashing machine, or by looping the discharge line of the dishwasher as high as possible near the flood level of the kitchen sink where the waste disposer is connected.

g) Section 904.1 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows to add the following language:

904.1(a) General. Air admittance valves shall only be used where structural limitations prevent a vent from going through the roof, or as approved by the Building Official. Vent systems utilizing air admittance valves shall comply with this section. Individual-type and branch-type air admittance valves shall conform to ASSE 1051. Stack-type air admittance valves shall conform to ASSE 1050.

904.1(b) Installation. The valves shall be installed in accordance with the requirements of this section and the manufacturer's instructions. Air admittance valves shall be installed after the DWV testing required.

904.1(c) Where Permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to an air admittance valve. Individual and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain.

904.3(d) Location. Individual and branch air admittance valves shall be located not less than 4 inches (102 mm) above the horizontal branch drain or fixture drain being vented. Stack-type air admittance valves shall be located not less than 6 inches (152 mm) above the flood level rim of the highest fixture being vented. The air admittance valve shall be located within the maximum developed length permitted for the vent. The air admittance valve shall be installed not less than 6 inches (152 mm) above insulation materials where installed in attics.

904.1(e) Access and Ventilation. Access shall be provided to all air admittance valves. The valve shall be located within a ventilated space that allows air to enter the valve.

904.1(f) Size. The air admittance valve shall be rated for the size of the vent to which the valve is connected.

904.1(g) Vent Required. Within each plumbing system, not less than one stack vent or a vent stack shall extend outdoors to the open air.

904.1(h) Prohibited Installations. Air admittance valves without an engineered design shall not be used to vent sumps or tanks of any type.

h) Section 101.4 of the 2018 Edition of the Uniform Plumbing Code is hereby amended as follows:

Section 101.4 Referenced Codes. The other codes listed in Sections 101.4.1 through 101.5 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

Section 3. ARTICLE V. – GAS

Sec. 18-241 – Code Adopted

The City does hereby adopt the 2018 UPC Chapter 12 Fuel Gas Piping Code. Copies of this Code are available to the public at all reasonable hours.

Sec. 18-242

Section 3. Definitions. Amended

Any person violating any of the provisions of this article shall, upon conviction thereof be punished as provided under Sec 1-14. General penalty with the following amendment. Violation of any of the plumbing Code or adopted 2018 UPC's for plumbing shall be punished by a fine not to exceed

\$500 for 1st offense, \$1,000 for 2nd offense and 3rd offense shall be \$2,500. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

Sec. 18-246 – 2018 UPC Code Amended to include the following restriction

Copper lines are not allowed to be used for natural gas piping lines in residences or commercial properties.

Sec. 18-247 – 2018 UPC Code Amended to include the following restriction

Any gas piping of appliances or HVAC equipment that requires extension of piping or replacement of piping requires a licensed City plumber and pressure test by the City of Independence. Replacement of equipment that does not require extension of piping does not require inspection or licensed plumber.

Section 4. Definitions

In addition to those terms defined in the Uniform Plumbing Code as adopted by Section 18-216, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

a) "Air gap" means the unobstructed vertical distance at least twice the diameter of the supply line and no less than one inch, through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

b) "Approved device" means devices tested and accepted by the Foundation for Cross Connection Control and Hydraulic Research, the University of Southern California, the International Association of Plumbing and Mechanical Officials, or a recognized testing laboratory.

c) "Backflow" means the flow of water or other substances into the distribution system of potable water from any source other than that its intended source.

d) "Backflow preventer" means a device, means, method or type of construction intended to prevent backflow into the potable water supply system.

e) "Backsiphonage" means the backflow of water or other substances into the distribution system of potable water from a plumbing fixture or vessel due to a negative pressure in such distribution system.

f) "Certified tester/repair technicians" means a person who has completed a state Department of Health and Environment approved training course and has passed a written examination such as the American Backflow Prevention Association Device Testers Examination and can display the proper certificate.

g) "Contaminant" means any substance that upon entering the potable water supply would render it a danger to the health or life of the consumer.

h) "Cross connections" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other which contains

water or any substance of unknown or questionable quality whereby there may be flow from one system to the other.

i) "Double checkvalve assembly" means a device consisting of two internally loaded soft seated checkvalves with positive shutoff valves on both upstream and downstream ends, and properly located test ports.

j) "Overhaul" means the removal and replacement of all soft parts including, but not limited to, washers and diaphragms as well as the repair or replacement of any defective parts in backflow preventer devices.

k) "Plumbing" means the business, trade or work having to do with the installation, removal, alteration or repair of plumbing systems.

l) "Plumbing systems" means all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes and all building drains, including their respective joints, connections, devices, receptacles, and appurtenances within the property lines of the premises and shall include potable water piping, a potable water treating or using equipment, fuel gas piping, water heaters and vents for the same.

m) "Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality but does not constitute a danger to the health or life of the consumers.

n) "Reduced pressure backflow preventer" means an assembly of two independently acting soft seated approved checkvalves, together with an independent differential pressure relief valve located between the checkvalves. The unit shall contain properly located test cocks and resilient sealed shutoff valves at each end of the assembly. To be approved these assemblies must be accessible for inspection and testing and be installed in an aboveground location with no part of the assembly being subject to submersion.

o) "Vacuum" means any absolute pressure less than that exerted by the atmosphere.

p) "Vacuum breaker" means a device that permits entrance of air into the potable water supply distribution line to prevent backsiphonage.

q) "Water, nonpotable," means water that does not conform to the state Department of Health and Environment requirements for public water supply systems.

r) "Water, potable," means water which conforms to the state Department of Health and Environment requirements for public water supply systems.

Section 4. Purpose of article.

The purpose of this article is to:

a) Protect the potable water supply of the City from pollution or contamination due to backflow or cross connections.

b) Prohibit and eliminate all backflow and cross connections within the potable water supply system.

c) Provide a continuing backflow and cross connection control program.

Section 5. Enforcement responsibility.

The Building Official shall be responsible for effectively conducting the backflow and cross connection control program for the City. If in the judgement of the Building Official, a backflow prevention device is required, the Building Official or a designated agent will give notice in writing to the customer to install an approved device. The customer shall immediately install the proper device at the cost and expense of the customer. Failure to comply shall be grounds for disconnecting water service to such customer until such time as the device is properly installed.

Section 6. Requirements.

The potable water supply system of the City shall be designed, installed and maintained in such a manner as to prevent contamination from nonpotable sources through backflow, cross connections or any other piping connection to the system.

Section 7. Prohibited connections.

Any connection to the potable water supply system of the following is prohibited unless properly protected by an appropriate backflow prevention device:

- a) Bidets;
- b) Operating, dissecting embalming, and mortuary tables or similar equipment;
- c) Pumps for nonpotable substances which must be primed only through an air gap;
- d) Building drains, sewers, or vent systems;
- e) Commercial buildings or industrial plants which manufacture or otherwise use a contaminant or pollutant; or
- f) A plumbing fixture which could become a contaminant or pollutant.

Section 8. Refrigeration unit condensers and cooling jackets.

Except when the potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved backflow preventer. Heat exchangers used to heat water for potable use shall be of the double wall type.

Section 9. Approval of devices.

Before any device for the prevention of backflow or backsiphonage is installed, it must be an approved device. Upon installation of a reduced pressure backflow preventer, double checkvalve assembly or pressure vacuum breaker, the installer shall inform the code enforcement division. The

code enforcement division will then register the device for future testing, maintenance, and repair as outlined in.

Section 10. Installation.

a) An approved device shall be installed on all fixtures and equipment where backflow or backsiphonage may occur or where an air gap between the potable water outlet and the fixture or equipment flood-level rim cannot be maintained. No devices shall be installed except by plumbers who are licensed and bonded to work in the City. A dual checkvalve is not considered a backflow or backsiphonage preventer.

b) Backflow and backsiphonage devices requiring maintenance and testing shall have 18 inches minimum clearance entirely around the valve. All backflow and backsiphonage devices shall be installed horizontally unless otherwise listed by the manufacturer. Installation in pits or any other location not properly drained shall be prohibited, subject to the review of the Building Official. Valves installed eight feet above the grade or finish floor elevation shall be provided with a permanent platform for testing and maintenance.

c) Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the equipment. A list of some conditions requiring protective devices of this kind are given in the following table:

**CROSS CONNECTIONS WHERE PROTECTIVE DEVICES ARE REQUIRED
AND CRITICAL LEVEL (C-L) SETTINGS FOR VACUUM BREAKERS**

Fixture or Equipment	Method of Installation
Aspirators and ejectors	C-L at least 6 inches above flood level of receptacle served
Dental units	On models without built-in vacuum breakers C-L at least 6 inches above flood level rim of bowl
Commercial dishwashing machine	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines
Garbage can cleaning machine	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Hose outlets	C-L at least 6 inches above highest point on hose line
Commercial laundry machines	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines
Lawn sprinklers	C-L at least 6 inches above highest sprinkler head or discharge outlet
Steam tables	C-L at least 6 inches above flood level rim
Tanks and vats	C-L at least 6 inches above flood level rim or line
Trough urinals	C-L at least 30 inches above perforated flush pipe
Hose bibs	C-L at least 6 inches above flood level of receptacle served

d) Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage or where the water connection is subject to back pressure and an air gap cannot be installed, the Building Official or a designated agent may require

the use of an approved reduced pressure backflow preventer. A partial list of such connections is shown in the following table:

PARTIAL LIST OF CROSS CONNECTIONS SUBJECT TO BACK PRESSURE

Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Industrial process water lines	Pressure tanks
Tanks and vats – bottom inlets	Hose bibs

e) Water connections where an actual or potential backsiphonage hazard exists may, in lieu of devices specified in this Section, be provided with a barometric loop. Barometric loops shall precede the point of connection.

f) The Building Official or a designated agent may authorize installation of approved double checkvalve assemblies with test cocks as protective devices against backflow in connections between the potable water supply system and other fluid systems which, in the judgement of the Building Official, has no contaminants. Approved air gaps, reduced pressure backflow preventer and pressure vacuum breaker may be used on lawn irrigation systems if no method of injecting a chemical is incorporated.

g) Atmospheric vacuum breakers shall be installed with the critical level at least six inches above the flood rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the atmospheric vacuum breaker.

h) Pressure vacuum breakers shall be installed with the critical level at least 12 inches above the flood rim but, but may have control valves downstream from the vacuum breaker. For closed equipment of vessels such as pressure sterilizers, the top of the vessel shall be considered the flood level rim, and a checkvalve shall be installed on the discharge side of the pressure vacuum breaker.

Section 11. Testing, maintenance and repair.

It shall be the responsibility of the owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make sure no piping or other arrangements have been installed for the purpose of bypassing the backflow devices. Testing and repair of these devices should be made by a certified tester/repair technician. The Building Official is to require the proper installation of all backflow preventers and will set appropriate testing and overhaul schedules for such devices. Testing for such devices shall be the responsibility of the owners and shall be done upon installation and thereafter in intervals not to exceed one year with overhaul intervals not to exceed five years.

Section 12. Automatic fire suppression systems.

All new installations of automatic fire suppression systems of 15 heads or more having a Fire Department connection shall be protected from backflow with an approved double checkvalve assembly. Any fire suppression system into which chemicals of any type including, but not limited to, anticorrosion additive, antifreeze, and like solutions, can be added shall be protected at the service connection with an approved reduced pressure backflow preventer. In lieu of such protection, an

antifreeze loop may be individually protected with an approved reduced pressure backflow preventer, in addition to proper service line protection.

Section 13. Hazard to potable water supply.

If it has been determined that the condition of a plumbing system may contaminate or pollute the potable water supply, the Building Official shall notify the owner of the building or premises of the condition. Unless action is taken within 24 hours to correct such condition, the public water supply shall be shut off until the condition no longer exists. The Building Official or a designated agent may immediately terminate water service upon confirmation of contamination or to pollution of the potable water system due to backflow, backsiphonage or cross connection.

Section 14. Violator's liability.

In addition to criminal penalties, any person violating any provisions of this article shall be liable to the City for all expenses, losses, and damages sustained as the result of such violation.

Section 15.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 11th day of August, 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ORDINANCE NO. 4403

AN ORDINANCE ADOPTING THE 2018 EDITION OF THE UNIFORM SWIMMING POOL, SPA, & HOT TUB CODE

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

The 2018 Edition of The Uniform Swimming Pool, Spa, & Hot Tub Code is hereby adopted and is incorporated by reference as if fully set forth herein. Any prior version of this code previously adopted is hereby repealed.

Section 2.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 11th day of August, 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ORDINANCE NO. 4404

AN ORDINANCE ADOPTING THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

The 2018 Edition of the International Existing Building Code is adopted and is incorporated by reference as if fully set forth herein. Any prior version of this code previously adopted is hereby repealed.

Section 2.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 11th day of August, 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ORDINANCE NO. 4405

AN ORDINANCE ADOPTING THE 2018 EDITION OF THE UNIFORM MECHANICAL CODE WITH AMENDMENTS AND DELETIONS

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

The 2018 Edition of the Uniform Mechanical Code is adopted and is incorporated by reference as if fully set forth herein subject to the following amendments, deletions and additions. Any prior version of this code previously adopted is hereby repealed.

Section 2 Modifications, supplements and amendments

- a. Chapter 1, Section 107 shall be deleted.
- b. Chapter 1, Section 104.1 shall be replaced with the following: "Permits shall be required on replacement of mechanical systems where the system(s) is/are an increase in areas served and or size. Permit(s) will also be required if adding or installing a system in an area or structure that didn't previously have a mechanical system.
- c. Chapter 1, Section 104.2: add the following to the exemptions "A permit shall not be required when a system is being replaced with another system of same size and operating capacity and function."
- d. Chapter 1, Section 104.5: shall be deleted
- e. Chapter 1, Section 104.5 delete table 104.5 & replace with permit fee schedule currently adopted.

Section 3.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 11th day of August, 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ORDINANCE NO. 4406
AN ORDINANCE AMENDING AND SUPPLEMENTING
APPENDIX D REGARDING BUILDING PERMIT FEES

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

Appendix D to the City Code, Chapter 18, Buildings and Building Regulations, is amended in its entirety to read as follows:

PERMIT FEE SCHEDULE

PERMIT FEE SCHEDULE

TOTAL VALUATION	FEE
\$1.00 to 500.00	\$22.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 TO \$25,000.00	\$70.00 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 TO \$50,000.00	\$395.00 for the first \$25,000.00 plus \$10.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$650.00 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 TO \$500,000.00	\$950.00 for the first \$100,000.00 plus \$5.50 for each additional \$1,000 or fraction thereof, to and including \$500,000.00
\$500,001.00 TO \$1,000,000.00	\$3,200.00 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 TO \$5,000,000.00	\$5,500.00 for the first \$1,000,000.00 plus \$3.25 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00

\$5,000,001.00 TO \$15,000,000.00	\$17,750.00 for the first \$5,000,000.00 plus \$1.50 for each additional \$1,000.00 or fraction thereof, to and including \$15,000,000.00
\$15,000,001.00 and above	\$33,500.00 for the first \$15,000,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000.00

Other Fees:

A	Inspection Outside of Normal Business Hours (minimum charges of two hours)	\$50.00 per hour
B	Re-inspection <i>fee</i> when assessed by the building official under the provision of Section 108.8	\$50.00 per hour *
C	Inspections for which no <i>fee</i> is specifically indicated (minimum charges — one-half hour)	\$50.00 per hour *
D	Building permit <i>fee</i> in flood damaged areas	\$50.00 per hour *
E	Electrical permit <i>fee</i>	\$40.00 per hour *
F	Additional plan review required by changes, additions, or revisions to approved plans (minimum charge — one-half hour)	\$50.00 per hour *
G	Permits for nonexempt Residential Furnaces and Air Conditioners	\$50.00 **
H	Gas line permit inspection	\$40.00
I	Solar, thermal and photovoltaic systems requiring no structural changes to the building	\$50.00
J	Building Demolition permit (for each demolition permit issued)	\$50.00
K	Electrical permit <i>fee</i> , per inspection	\$40.00
L	Reinspection, Electrical permit, per -one hour minimum	\$50.00
M	Electrician's license <i>fee</i> — Master Electrician	\$75.00

	Electrician's license Renewal <i>fee</i> — Master	\$50.00
N	Electrician's license <i>fee</i> — Residential master electrician	\$50.00
	Electrician's license <i>fee</i> — Residential Renewal	\$50.00
O	Electrician's license <i>fee</i> - Journeyman electrician	\$50.00
	Electrician's license <i>fee</i> - Journeyman Renewal	\$50.00
P	Plumbing permit <i>fee</i>	\$40.00
Q	Plumbing inspection <i>fee</i> , each inspection	\$40.00
R	Reinspection plumbing <i>fee</i> , per hour — one-hour minimum	\$50.00
S	Gas inspection <i>fee</i>	\$40.00
T	Plumbing license examination <i>fee</i>	\$50.00
U	Electrical license examination <i>fee</i>	\$100.00
V	Plumbers license <i>fee</i> — Masters	\$50.00
	Plumbers license <i>fee</i> — Renewal Masters	\$50.00
W	Plumbers license <i>fee</i> — Journeyman	\$50.00
	Plumbers license <i>fee</i> — Renewal Journeyman	\$50.00
X	Plumbers license <i>fee</i> — Apprentice	\$25.00
	Plumbers license <i>fee</i> — Renewal Apprentice	\$25.00
Y	Residential Roofing permit <i>fee</i> , reroof or overlay only	\$50.00
Z	Commercial Roofing Permit <i>Fee</i>	Permit Fee Schedule
A-1	Valuation for remodeled interior space or exterior facades shall, when the work is being performed in conjunction with a "change I occupancy," be based on the contract price (signed by both parties) if it substantially	

	includes items listed in Section 107.2 of the UBC.	
A-2	Valuation of mobile homes, modular homes and residential designed manufactured homes may be based on the contract price (signed by both parties) if it substantially includes items listed in section 107.2	
A-3	Residential Landlord occupation license	\$50.00
	Application Fee	\$25.00
	Annual license for issuance or renewal:	\$50.00
	Reinspection Fee	\$25.00
A-4	Sewer connection/disconnect inspection for demolition or plumbing repair	\$50.00
A-5	Special Plan Review Fee — outside plan reviewer for special projects (i.e. new health care facilities in group I occupancies, 5,000 sf or larger group F&H occupancies & Large Group A & E occupancies) min. 8 hours	\$125.00 per hour ***
A-7	Right-of-Way Permit Fee	\$75.00
A-8	The City is not contacted for a required inspection, then when the inspection is made, the fee is applied and any uninspected work that has been covered up may be exposed with no liability to the City.	\$250.00

* Or the total hourly cost to the jurisdiction, whichever is the greatest. The cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Per piece of equipment

*** Or market rate whichever is greater

Enhanced **Fees:**

If work proceeds on a project for which a permit is required, but for which no permit has been obtained, then the permit **fee** may be increased to up to three times the cost of the originally required **fee**, and all work may be stopped until the permitting process is complete.

If during the course of the permitting process it is determined that the applicant's design professional (architect and/or engineer) is not properly licensed in the State of Kansas, then the permitting process shall stop until the design professional provides proper documentation and pays a reprocessing **fee** of \$1,500.00.

Plan Review Process:

City Staff will conduct plan review and a minimum of 10 days is required. If the City determines an outside resource is required, signage issues, or zoning concerns arise from the review, the review process could be extended beyond 10 days.

Section 2.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 11th day of August, 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval

AGENDA ITEM Consider adopting a resolution rescinding condemnation action for 712 South 6th Street.

SUMMARY RECOMMENDATION City Staff is recommending rescinding the condemnation process of 712 South 6th Street.

BACKGROUND This structure was involved in a fire that caused extensive damage. The owner hired JRB to remove the structure and clear the lot. The lot has passed inspection, and funding held by the City will be returned to the property owner.

FINANCIAL INFORMATION No financial impact

SUGGESTED MOTION I move to authorize the Mayor to sign a resolution rescinding the condemnation of 712 South 6th Street.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-042 - RESCIND CONDEMNATION - 712 S 6th

RESOLUTION NO. 2022-042

A RESOLUTION RESCINDING A PREVIOUS RESOLUTION WHICH SET A HEARING DATE TO CONSIDER CONDEMNATION

WHEREAS, the Governing Body of the City of Independence, Kansas, previously adopted a resolution setting a hearing to consider condemning certain property located within the City as being dangerous and unsafe;

AND WHEREAS, the owner of said property has taken steps to make repairs and/or improvements to the property.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The resolution setting a hearing to consider condemning the following described property as being dangerous and unsafe is hereby rescinded and the property is released from all condemnation proceedings:

Legal Description

Block 3, Lot 13 of the South Side Heights Addition to the City of Independence, Montgomery County, Kansas

Common Address

712 S 6th Street

Mortgage

Adopted this 11th day of August, 2022.

(SEAL)

Mayor

City Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider approval of demolition bids.

SUMMARY RECOMMENDATION City staff recommends approving the bid

BACKGROUND City staff advertised the demolition of four houses and only received one bid for \$38,500.00 or a combined bid for all the houses of \$37,000.00 by JRB. There are additional houses in the condemnation process, but funding will not be sufficient until 2023 to remove those houses.

FINANCIAL INFORMATION Demolition grant funds have \$55,449 available and several grant requests pending that should leave an estimated balance of \$10,000 balance if approved.

SUGGESTED MOTION I move to approve JRB Industries bid for \$37,000.00 to remove 1010 W. Myrtle, 1020 W. Myrtle, 1102 W. Myrtle and 1809 N. 9th Street.

SUPPORTING DOCUMENTS

1. JRB Industries Inc
2. Demolition Bid Packet - July 21, 2022



7. BID SCHEDULE

Alternative Bids Permitted: A bidder may submit a bid on each individual property or may submit one bid for all the properties combined, or do both. When submitting a bid on all properties combined, the bidder must itemize the cost of demolition as to each property so the City can pass the cost on to the property owner as allowed by law.

A. Individual Bids:

1. 1010 W. Myrtle 11,500.⁰⁰/
2. 1020 W. Myrtle 11,500.⁰⁰/
3. 1102 W. Myrtle 8,500.⁰⁰/
4. 1809 N. 9th 7,000.⁰⁰/

Total:

\$ 38,500.⁰⁰/

B. Combined Bid:

1. 11,000.⁰⁰/ JS
2. 11,000.⁰⁰/
3. 8,000.⁰⁰/
4. 7,000.⁰⁰/

Total: \$

37,000.⁰⁰/

If a bidder improperly withdraws a bid or refuses to honor a bid that has been awarded by the City, the bidder shall not be eligible to bid on any City projects for a period of one (1) year thereafter.

JRB Industries Inc
Name of Bidder (Printed)

P.O. Box 603, Parsons, KS.
Address
67357

James R. Beecher
Signature

8-3-22
Date

President
Title

620 423-1070
Contact Phone Number

jamesbeecher@gmail.com
Email



ADVERTISEMENT FOR BID

The City of Independence, Kansas, is accepting bids for the demolition of structure(s) located at:

- 1010 W. Myrtle
- 1020 W. Myrtle
- 1102 W. Myrtle
- 1809 N. 9th Street

Bids will be received at the office of the City Clerk, 811 W. Laurel Street, Independence, Kansas, 67301 until **2:00 p.m., Thursday, August 04, 2022.** At that time the bids will be publicly opened and read aloud.

Bids are to be enclosed in a sealed envelope and marked plainly on the outside "Building Demolition Bid". If mailed, the sealed envelope is to be enclosed in another sealed envelope also marked plainly on the outside as previously designated.

Bids are to be submitted with a price for the demolition of each structure and for all locations combined. **Include the removal of transite siding and bagging in the bid.** The City reserves the right to accept the bid based upon the lowest total bid per structure or for all structures combined.

The City of Independence reserves the right to accept or reject any or all bids or to waive any informalities should they occur as may best benefit the City.

Proof of Liability Insurance and Workers Compensation Insurance shall be furnished with the bid. Liability insurance shall require a minimum of \$500,000.00.

Proof of asbestos certifications and training. The contractor is responsible for abiding by all Federal and State regulations regarding the abatement and disposal of asbestos material found at the demolition site.

The general liability insurance should have no exclusions relating to bodily injury or property damage resulting out of explosion, collapse, or underground hazards and no exclusions relating to demolition operations.

The City reserves the right to make any investigation deemed necessary by the City to determine the ability of the bidder to do the project. Bidders shall furnish to the City such information as requested to determine the bidder's qualifications. The City further reserves the right to reject any bid if the City deems the bidder not properly qualified to complete the project.

Bids shall be guaranteed for a period of sixty (60) days from the date and time set to receive bids.

The project shall be completed in thirty (30) days from the date of the Notice to Proceed.

David Cowan
David Cowan

07/21/2022
Date



INFORMATION FOR BIDDERS

Bids will be received by the City of Independence, Kansas at the office of the City Clerk until **2:00 p.m., Thursday, August 04, 2022**, at which time the bids will be opened publicly and read aloud. The apparent low bid will then be submitted to the Independence City Commission at a regular meeting for their formal action.

Each bid must be submitted in a sealed envelope addressed to the City Clerk, 811 W. Laurel Street, Independence, Kansas, 67301, plainly marked on the outside "Building Demolition Bid". The envelope shall bear on the outside the name and address of the bidder. If forwarded by mail the sealed envelope containing the bid shall be sealed in another sealed envelope also plainly marked and addressed as above.

All bids must be submitted on the attached Bid Schedule. The Bid Schedule must be fully completed and executed with all blank spaces filled in with ink or typewritten. Only one (1) copy of the Bid Schedule is required and will be accepted.

Bids are to be submitted with a price for the demolition of each structure and for all locations combined. **Include the removal of transite siding and bagging in the bid.** The City reserves the right to accept the bid based upon the lowest total bid per structure or for all structures combined.

Bids shall be guaranteed for a period of sixty (60) days from the date and time set for receiving bids.

The City reserves the right to accept or reject any or all bids or to waive any informalities or minor defects should they occur as may best benefit the City. Any bid may be withdrawn by the bidder up to the scheduled time set for the opening of the bids or authorized postponement thereof. Any Bid received after the date and time set for the bid opening shall not be considered and shall be returned unopened to the bidder. No bidder may withdraw a Bid within thirty (30) days after the actual date and time set for the Bid opening. Should there be reasons why the contract cannot be awarded within the specified period, the time may be extended by mutual written agreement by and between the City of Independence and the bidder.

Bidders must satisfy themselves of the conditions and requirements of each location in the Bid Form by a personal examination of the site and review of the specifications including any and all addenda. After the Bids have been submitted and received by the City of Independence, the Bidder may not assert that there was a misunderstanding concerning the quantities or the scope of the work to be done.

The City of Independence shall provide to the bidders prior to the scheduled bid opening any information which, in the judgment of the City, is pertinent to and delineates and describes the project.

The Contract Documents contain the provisions and requirements for the project. Information obtained from an officer, agent, employee of the City or any other person shall not affect the risks and obligations assumed by the Contractor or relieve him from fulfilling any and all of the conditions of the contract.



The successful bidder to whom the Contract is awarded shall execute two (2) copies of the Contract Documents as provided by the City, each of which shall be considered an original document. In case of failure of the Bidder to execute the Agreement within the time period set, consider the Bidder in default and award the contract to the next lowest, most responsible bidder.

The City of Independence shall within thirty (30) days of the date of the receipt of an acceptable Agreement, execute the Agreement and return to said party a completed duplicate of the Contract Documents. Should the City of Independence not execute the Documents within such time period, the Bidder may, by written notice, withdraw his signed Agreement. Such Notice of Withdrawal shall be effective upon the date of receipt.

The Notice To Proceed shall be issued upon execution of the agreement pending the approval of the appropriate Federal and State agencies. Should there be reason why the Notice To Proceed cannot be issued other than pending Federal and State agency review, the time may be extended by mutual agreement by and between the City of Independence and the Contractor. If the Notice To Proceed has not been issued within the extended period mutually agreed upon as stated above, the Contractor may terminate the Agreement without further liability on the part of the City of Independence or the Contractor.

The Contractor shall notify the adjoining property owner(s) within forty-eight (48) hours before commencing any work on the project that will affect any residence or business establishment.

The Contractor shall notify all utility companies two working days before commencing any work on the project.

The City may make any such investigations as it deems necessary to determine the ability of the bidder to perform the work and the bidder shall furnish to the City all such information and data for this purpose as the City may request. The City reserves the right to reject any bid if the evidence submitted by and subsequent investigation of the bidder fails to satisfy the City that such bidder is properly qualified to carry out the obligations of the Agreement and to complete in a workmanship manner the project as specified in the Plans and Specifications.

A conditional or qualified bid shall not be accepted.

The Contract shall be awarded to the lowest and most responsible bidder and which is in the best interest of the City.

All applicable laws, ordinances, rules and regulations of all authoritative agencies having jurisdiction over any or all of the construction of the project shall apply to the Contract throughout.

Each bidder is responsible for inspecting the demolition locations, reading and being thoroughly familiar with all of the Contract Documents. The failure or omission of any bidder to do any of the foregoing shall in no way relieve the successful bidder from any obligation in respect to his bid.

The apparent low bidder shall furnish to the City the names and addresses of all subcontractors if requested to do so by the City.



BID FORM BUILDING DEMOLITION

We, the undersigned company, do hereby submit the following bid for the demolition and removal of all structures in accordance with the attached Contract Documents.

By submission of this bid, the bidder agrees that he has personally inspected all demolition sites, has personally read all Contract Documents and is aware of all requirements as contained in these Contract Documents.

Bids are to be submitted with a price for the demolition of each structure and for all locations combined. The City reserves the right to accept the bid based upon the lowest total bid per structure or for all structures combined.

The City reserves the right to accept or reject any or all bids or to waive any irregularities should they occur as may best benefit the City.

Bids shall be guaranteed for a period of sixty (60) days from the date set for receipt of bids.

The bid as received includes the value of any salvable material in the structure to be demolished.

Demolition work shall be completed within thirty (30) working days from the date of the Notice To Proceed.

Bidder agrees to do the following work:

1. Demolish all structures listed below.
2. Clear a lot of all trees, shrubs, fencing material. Unless a tree is marked with a ribbon it shall be removed from the lot.
3. Comply with all requirements for asbestos removal and disposal.
4. Haul the demolition material to a KDH&E approved landfill site and abide by all Federal and State Asbestos Regulations. (The City demolition site will not be used for this project.)
5. Sewer line shall be capped or plugged in a watertight method and **inspected** by the City.
6. All addresses shall be **seeded with grass** prior to the completion of the job.



7. BID SCHEDULE

Alternative Bids Permitted: A bidder may submit a bid on each individual property or may submit one bid for all the properties combined, or do both. When submitting a bid on all properties combined, the bidder must itemize the cost of demolition as to each property so the City can pass the cost on to the property owner as allowed by law.

A. Individual Bids:

1. 1010 W. Myrtle _____
2. 1020 W. Myrtle _____
3. 1102 W. Myrtle _____
4. 1809 N. 9th _____

Total: \$ _____

B. Combined Bid:

1. _____
2. _____
3. _____
4. _____

Total: \$ _____

If a bidder improperly withdraws a bid or refuses to honor a bid that has been awarded by the City, the bidder shall not be eligible to bid on any City projects for a period of one (1) year thereafter.

Name of Bidder (Printed)

Address

Signature

Date

Title

Contact Phone Number

Email



DEMOLITION CONTRACT

THIS AGREEMENT, entered into this _____ day of _____, 2022, by and between the CITY OF INDEPENDENCE, KANSAS, hereinafter referred to as "CITY" and _____, hereinafter referred to as "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements stated hereinafter:

1. The Contractor will commence and complete demolition operations as contained herein.
2. The Contractor will furnish all the materials, supplies, tools, equipment, labor and other necessary services for the completion of the demolition Project as described herein.
3. The Contractor will commence the work required by the Contract Documents within ten (10) calendar days after the date of the Notice To Proceed and will complete the same within thirty (30) calendar days from the date of the Notice To Proceed unless the period for completion is extended otherwise by conditions set forth in the Contract Documents.
4. The Contractor agrees to perform all the work as described in the Contract Documents and comply with the terms and conditions as set forth therein.
5. The term "Contract Documents" means and shall include the following:
 - (a) Advertisement For Bid
 - (b) Information For Bidders
 - (c) Bid (as completed by Contractor at the time of bidding)
 - (d) Contract Agreement
 - (e) General Conditions
 - (f) Special Conditions
 - (g) Notice To Proceed
 - (h) Change Orders (if any issued)
6. Upon satisfactory completion of all required work, the City shall pay the Contractor the specified contract amount on the City's next regular pay date.
7. This agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.
8. Should the Contractor not complete the work described in the Contract Documents by the date of completion as set out in the Notice To Proceed, the City shall suspend the work, reimburse the Contractor for work completed to said date of completion and rebid or otherwise cause the work to be completed by the City or other outside contractors as may best benefit the City.



9. Haul the demolition material to a KDH&E approved landfill site and abide by all Federal and State Asbestos Regulations. Removal and bagging of transite siding and proper disposal in an approved landfill site. (The City demolition site will not be used for this project.)



IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by their duly authorized officials this Agreement in four (4) sets, each of which shall be deemed an original on the date first above written.

Contractor:

By

Title

Mayor

Attest:

David W. Schwenker, City Clerk

Date
(Seal)



STRUCTURE DEMOLITION SPECIFICATIONS

1. Demolition shall be the removal and disposal of the entire building, any outbuildings, concrete footers, slabs or any other associated structures at such locations as designated by the City. This shall also include all trees and any brush, vines or bushes, etc. necessary to clear lot.

NOTE: The contractor shall be responsible, at his own expense, for removing and disposing in the Montgomery County Landfill or other KDHE approved landfill site, any and all materials. (The City demolition site will not be used for this project.) This shall include but not be limited to paint cans, carpet, furniture, appliances, and other household trash as designated by the City.

2. Transite siding will be removed by hand, wetted and bagged (6 ml), and disposed of in an approved landfill in accordance with KDHE regulations. The contractor will not pulverize or otherwise crush asbestos siding and must remove by hand.
3. If required by the City prior to commencing work, the Contractor shall submit to the City a proposed method of operations for the removal and disposal of the structure(s). The schedule of coordination for shut-off, capping or discontinuation of utility services shall be submitted if so required by the City. Utilities may be left intact only by written request to the City by the owner of record prior to commencing work on the project.
4. Structures to be demolished shall be vacated and discontinued from use or inhabitation prior to commencing work. The Contractor shall cease work immediately and report the same to the City upon discovering either persons occupying the structure(s) for any reason or any other extenuating circumstances that would require action by the City or the owner before continuing demolition operations.
5. The City of Independence assumes no responsibility for the actual condition of the structures to be demolished. The Contractor shall satisfy himself through his own personal investigation of the structural conditions of the building.
6. The Contractor shall not be permitted to use any form of explosive devices or dispose of the materials by burning in the demolition of the structure(s) either at the site or any landfill.
7. The Contractor shall conduct the demolition and removal operations to ensure minimum interference with roads, streets, walks or other adjacent structures or facilities. Any damages caused by the demolition operations to adjacent structures, roads, streets, walks, personal property, etc. shall be repaired or otherwise compensated for by the Contractor at no expense to the City or additional change orders to the contract.
8. No street, sidewalk or other facilities shall be closed or otherwise obstructed for any length of time without written permission from the City prior to the Contractor commencing work. All authorities having jurisdiction over the affected facilities shall be notified by the Contractor no less than twenty-four (24) hours prior to commencing work.
9. If it is necessary to close or otherwise obstruct a street or walkway, the Contractor shall provide at his own expense an alternate route which shall be marked and guarded to ensure the safety of the



public. The plans for such alternate routes shall be approved by the City in writing prior to commencing work. Any barricades necessary for the protection of the public during the completion of the demolition operations shall be furnished and maintained by the Contractor. If said barricades are required to be in place overnight, adequate flashing warning lights shall be placed on the barricades to ensure nighttime visibility.

10. The Contractor shall provide safe passage to the public around the demolition area. Demolition operations shall be conducted to prevent damage to adjacent structures, facilities or operations and shall ensure the safety of the public from the demolition operations.
11. The City shall reserve the right to immediately suspend demolition operations upon finding a condition or situation which the City feels is unsafe for any reason. Work shall not continue until said situation or condition has been corrected in a manner acceptable to the City.
12. The Contractor shall provide at his own expense all interior and exterior shoring and bracing as needed to support, prevent movement, settlement or premature collapse of the structure to be demolished. Said support shall remain in place as long as necessary to provide safe conditions.
13. The Contractor shall promptly repair or cause repairs to be made to adjacent facilities or structures all damages caused by the demolition operations. Said costs incurred by the repairs shall be made by the Contractor at no cost to the City or owners of the adjacent property.
14. The Contractor shall furnish to the City written approval by the owners of said property that acceptable repairs or settlements have been made before final payment has been made and the Demolition Bond is returned.
15. The Contractor shall use water sprinkling, temporary enclosures or other suitable methods to ensure the lowest practical level of dust and dirt arising and scattering into the air. The Contractor shall comply with all regulations of all governmental agencies having jurisdiction over environmental protection as applies to building demolition operations.
16. White goods - air conditioners, refrigerators, freezers, stoves and ovens, microwave ovens, dishwashers, washers and dryers, water heaters, furnaces, televisions, and computers. Remove all items noted in this category and dispose of per Kansas Department of Health and Environment guidelines.
17. Household hazardous wastes - batteries, cleaning supplies, lawn & garden products, indoor pesticides, thermometers and medicines, automotive products, paints, other household chemicals shall be removed from the structure and disposed of at Montgomery County Household Hazardous Waste Department, County Barn, Independence, Kansas, on a daily basis.
18. Special waste-medical supplies, sharps, ammunition, medical waste, freezers and refrigerators that contain food. A special waste permit will be issued to the City for these items. Disposal shall be at an approved sanitary landfill.



19. Putrescible waste and household garbage - Canned goods, all food items and any other fast decomposing material that may be found in the structure to be demolished should be separated and taken to an approved sanitary landfill.
20. The Contractor shall demolish the structure completely, remove and dispose of all materials from the site. Such methods as required to safely complete the work in a workmanlike manner shall be employed within the confines of limitations of all governmental regulations concerning demolition operations.
21. Foundations and basement walls shall be demolished completely and disposed of off-site. Basement floors shall be removed or broken thoroughly to facilitate complete drainage at the Contractors discretion providing the highest point of the floor remaining shall be a minimum of two (2) feet below the lowest point of the surface of the finished grade of the site.
22. All voids and below-grade areas resulting from the demolition operations shall be filled with non-organic materials approved by the City to ensure adequate drainage of the area.
23. Such materials shall consist of but not be limited to dirt with stone or other inorganic contents no more than six (6) inches at its widest dimension and free from debris. Trash, frozen materials, roots or other organic material shall not be permitted. The stone content of any fill material shall not exceed twenty-five (25) percent.
24. Prior to placing any fill material, the Contractor shall remove and dispose of all standing water, frost, frozen material, trash or debris.
25. Fill shall be placed in horizontal layers not to exceed six (6) inches in loose depth. Each layer shall be compacted with the fill material being maintained at an optimal moisture content to ensure a density equal to ninety (90) percent of the original adjacent undisturbed earth. If tests are required by City, the compaction tests shall be performed by a competent certified inspector at the expense of the Contractor.
26. The top one (1) foot of the fill area shall be topsoil only suitable for the growth of vegetation with no stone, sand, gravel or large organic material such as roots, stumps, etc.
27. After completing the fill placement, the Contractor shall grade the surface to meet adjacent contours to ensure proper drainage to the surrounding property or other surface drainage structures. Care shall be taken to prevent excess drainage upon adjacent property beyond that amount normally draining across the property prior to demolition. The contractor shall place grass seed on finished grade.
28. The Contractor shall remove all debris, rubbish or other materials resulting from the demolition operations from the site.
29. Materials suitable for fill as specified in Paragraph 12 from the immediate site may be stored on the site at the Contractor's discretion if there is available space. No burning of any material shall be permitted on site.



30. Materials, except as noted in Paragraph 1 above, from the demolition operations shall be transported by the Contractor from the demolition site and disposed of in a KDH&E approved landfill. (The City demolition site will not be used for this project.)
31. The Contractor shall be responsible for discontinuing all utilities at the demolition site(s) at his own expense and the work required shall be completed as specified by each utility.
32. Sewer mains shall be capped or plugged with a watertight method which shall be inspected and approved by the City.
33. City water service shall be removed by the City at no expense to the Contractor. Any damage to said water service prior to the disconnection by the City shall be repaired at the expense of the Contractor.
34. Unless otherwise stated in the Contract Documents, the Contractor shall have salvage rights from the date of the Notice To Proceed to any and all materials remaining in the structures to be demolished.
35. In the event that the contract is let to multiple contractors, all contractors shall cooperate in the placing of the demolition material at the landfill site.



STRUCTURE DEMOLITION

SPECIAL CONDITIONS

LANDFILL SITE

1. All demolition materials, except as noted in Paragraph 1, Page 9 of the "Structure Demolition Specifications", shall be disposed of in a KDHE approved landfill site. **(The City demolition site will not be used for this project.)**
2. Transite siding will be removed by hand, wetted and bagged (6 ml), and disposed of in an approved landfill in accordance with KDHE regulations.
3. All labor, materials and equipment necessary for the demolition operations shall be furnished by the Contractor at no expense to the City.

HAULING

The Contractor shall ensure that all trucks used for the transportation of demolition materials shall not be overloaded to the point that debris will be lost on the haul road from the demolition site to the landfill area.

The Contractor shall check the haul route routinely during the daily demolition operation to ensure that no materials from the demolition site are on any public thoroughfare and immediately remove the same if any demolition material is found. A thorough cleaning of the haul route shall be completed at the end of the contract period and all demolition material shall be removed by the Contractor to the satisfaction of the City.

ORDINANCE NO. 4045

Section 1. Definitions

- A. "Water well" means any excavation that is drilled, cored, bored, washed, driven, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater.
- B. "Reconstructed water well" means existing water well that has been deepened or has had the casing replaced, repaired, added to or modified in any way for the purpose of obtaining groundwater.
- C. "Abandoned water well" means water well determined by the environmental officer of code enforcement officer of the City to be a well which:
 1. The use has been permanently discontinued;
 2. Pumping equipment has been permanently removed;



3. Is in such a state of disrepair that it cannot be used to supply water, or it has the potential for transmitting surface contaminants into the aquifer, or both;
4. Poses a potential health or safety hazard; or
5. Is in such a condition it cannot be placed in active or inactive status.

D. "Cistern" means a partially or entirely subterranean reservoir capable of water storage without water production capabilities.

Section 2. Compliance

All water wells or cisterns must comply with all rules and regulations adopted by the State of Kansas and the City of Independence. All existing cisterns must be equipped with a workable pump and must be constructed so as to inhibit hazards or contamination, or must be abandoned.

Section 3. Abandoned water wells

All abandoned water wells shall be plugged or caused to be plugged by the landowner in compliance with rules and regulations adopted by the State of Kansas and the City of Independence.

Section 4. Cistern abandonment

Cistern abandonment must be completed by:

- A. Removal of water;
- B. Clear debris such as piping, hardware, non-masonry or stone materials from inside and around the site;
- C. Puncture the bottom so as to eliminate water retaining capabilities;
- D. Plug openings such as underground inlet pipes with concrete;
- E. Fill the entire interior areas of the cistern with sand, gravel or other clean inert granular material allowing for settlement; and
- F. Cover with a nonremovable lid.



Report
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM City Board Minutes

BACKGROUND The July 20, 2022 Independence Recreation Minutes are attached.

SUPPORTING DOCUMENTS

1. July 20, 2022 Recreation Commission Minutes

INDEPENDENCE USD #446 RECREATION COMMISSION

Monthly Meeting July 20, 2022

*Ash Youth Center
1501 N. 10th Street*

MEMBERS PRESENT:

Christy Mavers
Ron Goins
Joe Cooley
Moises Rivera
Joseph Housel

OTHERS PRESENT:

Brent Julian
Lori Bromley
Nick McBride
Jim Butts
Galen Palmer
Lacey Lies

Christy Mavers opened the meeting at 11:29 a.m.

ROUTINE

Agenda

The agenda was amended to move A. Board Member Update directly under Routine Business so introductions could be made to the new commission member Joseph Housel. Ron Goins moved to approve the agenda as amended. Joe Cooley seconded. Motion carried 5-0.

Minutes

Joe Cooley moved to approve the board minutes from the June 29, 2022 meeting. Ron Goins seconded. Motion carried 5-0.

Bills

Ron Goins moved to approve the July 2022 invoices for payment as presented in the amount of \$15,483.50 as well as payments made for bills and employee benefits since the previous board meeting in the amount of \$16,758.82. Joe Cooley seconded. Motion carried 5-0.

Treasurer's Report

Galen Palmer reported the following bank balances as of June 30, 2022: First Oak Bank – Checking; \$187,813.19, First Oak Bank – Petty Cash; \$500.00, Equity Bank – Savings; \$146,798.49. Ron Goins moved to approve the treasurer's report as presented. Joe Cooley seconded. Motion carried 5-0.

Board Member Update

Brent welcomed Joe Housel to the board and introductions were made. Brent gave an update to the rest of the commission on their remaining terms as follows: Christy Mavers July 2025, Ron Goins July 2023, Joe Cooley July 2023, Moises Rivera July 2025 and Joe Housel July of 2026.

PROGRAM/OPERATIONS

Maintenance Report

Jim Butts answered any questions the board had on the maintenance report. Ron Goins asked Jim about the heat he's been dealing with and Jim stated they have been surviving taking extra water breaks

as needed. Joe asked what sports are coming up next and Jim stated that he will start working on the soccer fields soon. Christy asked about the construction and when it would begin, Lacey Lies, with the City of Independence, stated that they are still on hold awaiting grant information but construction was not set to begin until after fall soccer.

Programs Report

Nick McBride answered any questions the board had on the programs report. Christy Mavers stated that she appreciated everyone's hard work on the post season girl's All Star tournament held at the Arco Complex last weekend. Nick stated that everyone did a great job from the gate workers, supervisors, concessions and umpires and he was pleased with the participation and turn out. Christy asked about the 6 on 6 soccer league and how it continues to grow. Nick stated that he has 17 teams this year and looks for possibly more next year. Christy stated that she heard some complaints about water not being provided to teams at the soccer games. Brent stated that IRC has never provided water that is up to coaches and players. Nick stated that maybe that was something they could look into and Christy suggested putting on the registration forms that water is not provided so they know to bring their own. Joe Cooley asked about fall sports and football participation numbers. Nick stated it's a little early to tell yet but he is hoping to combine Independence tackle football participants with Sedan and Cherryvale participants and join in the Copan/Dewey football league. Joe asked about equipment needs and Nick stated we should be good, they may need a few items but nothing major.

Director/Special Events Report

Brent Julian answered any questions the board had on the Director and Aquatics report. Brent updated the board on swim team results stating that Independence got 3rd place at the SEK tournament; Brent also informed the board that Independence hosted two swim meets at Riverside Beach over the summer. Christy asked Brent how the lifeguards are fairing at Riverside Beach in the extreme heat and Brent stated they are hanging in; they are allowed an extra break and the concrete is watered down every so often. Brent informed the board on a few medical emergencies they have had at Riverside Beach this summer, such as a head injury on the bowl slide and a possible broken leg due to a slip on the concrete. Lacey Lies, Finance Director at the City of Independence, was present at the meeting and Brent asked her about any updates on the new Central Park Sports Complex. Lacey stated that they are still awaiting word on a \$2,000,000 federal grant through the Land & Water Conservation fund. Lacey stated that she is hoping the application is approved through the land & water board by the end of September. Lacey informed the commission that she or another committee member has reached out to all the capital campaign sponsors to let them know what the delay is and hopes to hear something soon.

CONSENT AGENDA

Ron Goins moved to approve the Consent Agenda A-F as printed. Joe Cooley seconded. Motion carried 5-0.

BUSINESS/FINANCE

RBFAC Updates

Brent informed the commission that the official closing date of Riverside Beach Family Aquatic Center will be Sunday, August 14th. Brent stated it is too soon for financial reports since the pool is open for at least another three weeks, but feels the season will be comparable to years past.

Lifeguard Payback Program

Brent updated the board on IRC's lifeguard payback program that was first implemented last year where IRC pays back half of a lifeguards certification class as long as certain criteria is met, such as amount of hours worked over the summer, their job performance, and accountability etc...Brent stated that a two-year certification class now costs a lifeguard \$200.00 and as a loyalty bonus IRC is willing to pay \$100.00 of that fee back to the lifeguard at the end of the season if they have worked at least 55% of the hours available and pass their evaluation. Brent stated that he will meet with the pool managers in a couple weeks to determine how many guards will be eligible for the bonus this year. Brent stated that last year there were around five or six guards that received the bonus.

Ash Center Projects

Brent updated the commission on projects being done at the Ash Youth Center. Brent stated the main priority right now is replacing the pool's boiler system as it heats the pool and has been down for a few weeks now. Brent stated that he and Jim had a hard time finding a heater for that model however they finally found one through Mastercraft Pool & Spa and a deposit was made for \$2,140.00. Brent stated the total cost is approximately \$3,900.00 and he is hoping to have it within a few weeks. Brent stated the pool temp is running around 79 degrees so it's not too bad and a lot of members are still swimming. The next project starting at the Ash Center is removing the tile around the gym floor that has water damage and the glue is seeping through the tile and looks terrible. Brent stated that Jerry Stover will be doing that project for \$12,200 and should begin in the next two weeks. Jerry will take the tile up, clean up the concrete and apply a clear polish. Brent stated that after that project is complete he will get bids to do the work on the actual wooden gym floor that has been warped due to water damage as well.

Executive Session

There was no need for an executive session.

Items from the Commission

- | | |
|----------------|---|
| Ron Goins | * Would like to see a thank you with a possible team photo to all sponsors go out on social media. Brent stated that was something that IRC would definitely start working on. |
| Christy Mavers | * Asked about evening hours at the Ash Youth Center. Brent stated he plans to open back up when school starts around August 15 th and not wait until Labor Day; however the indoor pool may not open back up for minors to swim until after Labor Day. |

Agreement for Action on Items from the Commission

There was no agreement for action on items from the commission.

Adjournment

Ron Goins moved to adjourn the meeting. Moises Rivera seconded. Motion carried 5-0. Christy Mavers adjourned the meeting at 12:15 p.m.

Respectfully Submitted

Joe Cooley
Secretary



Report
CITY OF INDEPENDENCE
August 11, 2022

Department Admin

Director Approval David Cowan

AGENDA ITEM Abatement of nuisances 314 South 4th Street and 521 South 15th Street.

BACKGROUND On July 14, 2022 the City Commission authorized Resolution 2022-031 and 2022-032 to clean up 314 S. 4th and 521 S. 15th. On August 4, 2022 the City Street Department and Code Enforcement officer Erin Musgrove spent over four hours cleaning up these properties. Multiple dump truck loads were hauled to the landfill to clean up these properties.

SUPPORTING DOCUMENTS

1. Before and After Photos - 08/04/2022
2. 2022-031 - Abatement of Unhealthy and Unsafe Exterior Conditions - 314 S 4th
3. 2022-032 - Abatement of Unhealthy and Unsafe Exterior Conditions - 521 S 15th

521 So. 15th





314 S. 4th Street







State of Kansas, Montgomery County
This instrument was filed for
Record on July 20, 2022 9:46 AM
Recorded in Book 717 Page 677 - 678
Fee: \$0.00 202202739



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

RESOLUTION NO. 2022-031

**A Resolution Authorizing Abatement of Unhealthy
and Unsafe Exterior Conditions at 314 South 4th**

Whereas, Sequoia P. Dee and Larissa L. Dee own the following described real estate
located at 314 South 4th, Independence, Kansas:

\ Lot 7, Block 75, Original City of Independence, Montgomery
County, Kansas

And Whereas, the City's Code Enforcement Officer has determined that the exterior
condition of the property at 314 South 4th is in violation of City Code 42-66 due to the
accumulation of debris, junk, abandoned motor vehicle parts, and appliances in the yard.

And Whereas, Sequoia P. Dee has been cited for violating City Code 42-66 on occasions,
to-wit: July 1, 2022.

And Whereas, on all occasions, Sequoia P. Dee was given 15 days' notice to alleviate the
exterior condition as required by City Code 42-67 on March 4, 2022 and June 8, 2022

And Whereas, Sequoia Dee has taken no action to alleviate the condition of the exterior of
the property at 314 South 4th.

And Whereas, due to the continuing complaints from surrounding neighbors, the Code
Enforcement Officer is requesting authority to proceed with abatement pursuant to City Code 42-
69.

BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

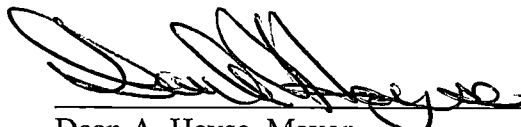
Section 1. Sequoia P. Dee has been cited with violating City Code 42-66 on July 1, 2022, has been given two written notices and has failed to alleviate the exterior conditions of the yard at 314 South 4th, Independence, Kansas.

Section 2. The Code Enforcement Officer or other agents of the City are hereby authorized to abate the exterior conditions at 314 South 4th, Independence, Kansas, pursuant to City Code 42-69 and to have the costs of abatement assessed against the property pursuant to City Code 42-73.

Adopted by the Governing Body of the City of Independence, Kansas, on the 14th day of July, 2022.



ATTEST:



Dean A. Hayse, Mayor

DAVID W. SCHWENKER, City Clerk



State of Kansas, Montgomery County
This instrument was filed for
Record on July 20, 2022 9:47 AM
Recorded in Book 717 Page 679 - 680
Fee: \$0.00 202202740



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

RESOLUTION NO. 2022-032

A Resolution Authorizing Abatement of Unhealthy and Unsafe Exterior Conditions at 521 South 15th

Whereas, Scott M. Richardson and Christina G. Richardson own the following described real estate located at 521 South 15th, Independence, Kansas:

Lot 2, except South 1 1/9 feet thereof, Nigh's Sub-division of part
Lots 12 and 16, Holman's Suburban Addition to the City of
Independence, Montgomery County, Kansas (commonly known as
521 South 15th, Independence, Kansas)

And Whereas, the City's Code Enforcement Officer has determined that the exterior condition of the property at 521 South 15th is in violation of City Code 42-66 due to the accumulation of debris, junk, abandoned motor vehicle parts, and appliances in the yard.

And Whereas, on all occasions, Scott M. Richardson and Christina G. Richardson were given 15 days' notice to alleviate the exterior condition as required by City Code 42-67 on December 13, 2021, January 3, 2022, and April 11, 2022.

And Whereas, Scott M. Richardson and Christina G. Richardson have taken no action to alleviate the condition of the exterior of the property at 521 South 15th.

And Whereas, due to the continuing complaints from surrounding neighbors, the Code Enforcement Officer is requesting authority to proceed with abatement pursuant to City Code 42-69.

BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

Section 1. Scott M. Richardson and Christina M. Richardson have been given three written notices and have failed to alleviate the exterior conditions of the yard at 521 South 15th, Independence, Kansas.

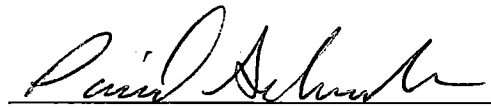
Section 2. The Code Enforcement Officer or other agents of the City are hereby authorized to abate the exterior conditions at 521 South 15th, Independence, Kansas, pursuant to City Code 42-69 and to have the costs of abatement assessed against the property pursuant to City Code 42-73.

Adopted by the Governing Body of the City of Independence, Kansas, on the 14th day of July, 2022.



Dean A. Hayse, Mayor

ATTEST:



DAVID W. SCHWENKER, City Clerk