

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

October 26, 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. Library Board -- One Opening -- Applications Due by noon on November 10, 2022

III. 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 approving City Commission minutes from September 8th, 21st, 22nd and 29th, 2022.
- B. Consider initiating a public hearing before the Planning Commission to consider a text amendment to the zoning code regarding temporary signs.
- C. Consider authorizing Valbridge Property Advisors to perform a market-based appraisal of Building D.

IV. PUBLIC HEARING

- A. Public Hearing to consider the proposed vacation of easements and rights-of-ways as indicated on a proposed minor subdivision plat for Heckman Landing Addition, which is a replat of certain lots within the Regency West 2nd Addition Subdivision.

V. ITEMS FOR COMMISSION ACTION

- A. Consider setting a Public Hearing to consider the condemnation of a garage at 108 S. Wald as dangerous and unsafe on December 22, 2022 at 5:30 p.m.
- B. Consider adopting a resolution for a conditional use permit for “Massage Services” in a C-3, central business district at 201 West Main Street.
- C. Consider adopting an ordinance to modify Appendix B - Zoning of the City Code relating to coffee roasting.
- D. Consider adopting a Resolution establishing a policy for Sidewalk Maintenance and Improvement.
- E. Consider the design of the new North City Hall Parking Lot.
- F. Consider accepting award for KDOT City Connecting Link Improvement Program (CCLIP) grants for two projects: 1) Surface Preservation – Main Street, 8th Street to 5th Street and 2) Surface Preservation – 5th Street to 2nd Street.

G. Consider proclaiming November 5 through November 11, 2022 as the 100th Anniversary of the Dedication of the Memorial Hall Cornerstone.

VI. REPORTS

A. Monthly Project and Public Works Report

VII. CITY MANAGER'S COMMENTS

VIII. COMMISSIONERS' COMMENTS

IX. PUBLIC CONCERNS

X. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

XI. ADJOURNMENT



Report
CITY OF INDEPENDENCE
October 26, 2022

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Library Board -- One Opening -- Applications Due by noon on November 10, 2022

BACKGROUND Bill Kelly has served on the library board since May 27, 2021. He is relocating in December and has submitted his resignation. He is willing to serve until replaced. Applications are being accepted until noon on November 10, 2022 for an unexpired term ending on May 1, 2025.

Below are the current members:

INDEPENDENCE LIBRARY DISTRICT BOARD OF TRUSTEES			
4 year terms -- 7 members			
Members	Term	Expires	Appointed
Tom Sewell	2nd term*	May 1, 2025	11/22/2016 6/8/2017
Michelle Anderson	2nd term	May 1, 2026	4/26/2018
Bill Kelly	1st term	May 1, 2025	Appointed 05/27/2021 Replaced Carolyn Torrance
Rachel Koszalka	1st term*	May 1, 2026	9/24/2020 Replaced Jana Shaver
Ronald Schwatken	1st term USD 446 Rep	May 1, 2025	7/13/2020
James Reed	Unexpired Elk City Rep	May 1, 2023	2/10/2020
Tom Richardson	3rd term USD 446 Rep	May 1, 2025	
* Previously served unexpired term			
Meeting Place: Centennial Room, Library			
Meeting Date: Third Wednesday			
Meeting time: 4:15 p.m.			

[Click here for an online application.](#)

SUPPORTING DOCUMENTS

1. Bill Kelly Resigns Library Board Position

From: [Bill Kelly](#)
To: [Kelly Passauer](#)
Subject: Library board position
Date: Thursday, October 13, 2022 2:11:45 PM

Kelly,

We expect to be moving to Pittsburg soon, probably during December. I want to give you some time to select my replacement on the library board. I can serve until my replacement is appointed, or until I am no longer a resident of Independence.

--

Bill Kelly
300 N. Park Blvd.
Independence, KS 67301



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022**

Department City Clerk

Director Approval David Schwenker

AGENDA ITEM Consider approving City Commission minutes from September 8th, 21st, 22nd and 29th, 2022.

SUMMARY RECOMMENDATION Approve the minutes.

BACKGROUND The proposed minutes are attached.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to approve the City Commission minutes from September 8th, 21st, 22nd and 29th, 2022.

SUPPORTING DOCUMENTS

1. 27 September 8 2022 Minutes
2. 28 September 21 2022 Special Meeting Minutes
3. 29 September 22 2022 Minutes
4. 30 September 29 2022 Special Meeting Minutes

Minutes of the City Commission's September 8, 2022 Meeting

I. REGULAR SESSION

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

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

Visitors Present: Larry McHugh, Brea Sanford, Cassidy Sanford, Mike Bell, Teresa Bell, Tim Janak, Ned Stichman, Glenna Lawrence, Ron Lawrence and Babs Emert

A. Call to Order

Mayor Hayse called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Tree Board -- One Opening -- Applications Due by noon on September 15, 2022.

We currently have openings on the Tree Board. The purpose of this division is to honor the city's rich history of enjoying and preserving local natural resources, and to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance and removal of trees located on public property, or which encroach upon public property, and to enhance the natural beauty of the community. For more information, contact Scott Patton

Minutes of the City Commission's September 8, 2022 Meeting

at ScottP@IndependenceKs.gov or 620-332-2512; or visit this link: [Tree Board Information](#)

- B. Electrical Board -- One Opening -- Applications Due by noon on September 15, 2022

We currently have an opening on the Electrical Board. Applications are due by Noon on September 15, 2021. Applicants must be licensed by the City as an electrician. The Electrical Board interprets the provisions of the National Electrical Code, and studies and recommends changes to such code when such matters are brought before the board. For more information contact Assistant City Manager, David Cowan at 620-332-2528 or DavidC@IndependenceKs.gov, or visit this link: [Electrical Board Information](#)

III. CONSENT AGENDA

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- A. Consider a request from the First Presbyterian Church to use the Park Oval on Saturday, October 8th from 7:00 a.m. to 12:00 p.m. for the free annual drive-thru flu shot distribution.

On Saturday, October 8th, the First Presbyterian Church would like to sponsor free flu shots for drivers and passengers at the Park Oval. Participants are able to receive their flu shot without leaving their car. They usually have 300 doses to distribute. In past years, this has been well attended. This is a great community service to Independence residents, and allows a convenient option for elderly and disabled citizens to receive their annual flu shot. The event requires that traffic be restricted to the Park Oval from 7:00 a.m to 12:00 p.m.

Suggested Motion;

I move that the request from the First Presbyterian Church to use the Park Oval on Saturday, October 8th from 7:00 a.m. to 12:00 p.m. for the free annual drive-thru flu shot distribution be approved.

- B. Consider authorizing Street Closure for Zoollooween Event on October 8, 2022.

Zoolloween is an annual fundraising event hosted at Ralph Mitchell Zoo and operated by Zoo staff. The event is always held on the second Saturday in October. In the interest of public safety, to prevent traffic congestion, and to allow an accessible route for emergency vehicles in and out of the Zoo, we request permission to close the section of Miss Able Ave between Mickey Mantle Way and North 5th Street from 4:00 p.m to 8:00 p.m on October 8, 2022.

Suggested Motion:

I move to authorize closing Miss Able Ave between Mickey Mantle Way and North 5th Street from 4:00 p.m to 8:00 p.m. on October 8, 2022 for the Zoolloween event at Ralph Mitchell Zoo.

IV. PUBLIC HEARINGS

A. Public Hearing to exceed the Revenue Neutral Rate.

KSA 79-2988 - Revenue Neutral Rate

- In March 2021, the Kansas Legislature passed Senate Bill (SB) 13 to establish limitations on ad valorem property tax levies by taxing subdivisions without an additional notice and hearing prior to budget adoption. Subsequently, Senate Substitute for House Bill 2104 was passed to amend the timelines in SB 13. SB 13 is retroactively effective January 1, 2021.
- The bill repeals the tax lid law and computed tax limits imposed by KSA 79-2925b and KSA 79-2925c. Alternatively, the bill introduces the use of a “revenue neutral rate”(RNR), defined as the amount of ad valorem tax revenue levied in the prior year over the current year's assessed valuation estimates, expressed as a mill. County clerks are responsible for computing and providing the estimated rates for taxing subdivisions with the budget information estimates by June 15th.
- Valuations for properties participating in incentive and/or abatement programs such as Neighborhood Revitalization Districts and Industrial Revenue bonds are still included in the RNR calculation although they will not be realized by the taxing entity.
- Taxing subdivisions cannot levy above the RNR without holding a Revenue Neutral Rate Hearing for taxpayers to attend and provide feedback. At the end of the RNR hearing, the governing body of the taxing subdivision will publicly vote to pass a resolution to exceed the RNR for the upcoming budget year.
- If the taxing subdivision adopts a budget that does not exceed the RNR, the subdivision should contact the county clerk to prepare for valuation decreases from the June 15th property valuation estimates to the November 1st property valuations certified by the county clerk. If property valuations decrease from

Minutes of the City Commission's September 8, 2022 Meeting

June 15th to November 1st, the taxing subdivision would realize fewer dollars than budgeted.

- The RNR does not take into account Neighborhood Revitalization Rebates - tax dollars that the jurisdiction will not receive, therefore artificially lowering the stated RNR.
- The RNR is calculated on estimated valuations and does not provide protection from changes in the estimate.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted Resolution No. 2022-045 to levy a property tax rate exceeding the Revenue Neutral Rate.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Public Hearing to consider adopting the 2023 budget.

Details of the 2023 Budget, historical information, and a breakdown of departmental costs and projects can be found online at www.independencexs.gov using our online budget platform.

2023 Budget Highlights include:

Mill Rate

- The proposed budget requests no change to the previous years' mill rate of 54.629 mills. This generates \$2,794,272 of ad valorem property taxes for use in the City's General Fund, General Fund Employee Benefit Fund, Liability Fund, Library, and Industrial Fund.

Staffing Changes

- One new police officer will join the Patrol Division.
- One crew member will join the Street Department.
- The Finance Department and Water/Sewer Administration Department will continue their internship program. Employees will also see a budgeted 2% cost of living adjustment.

Major Projects

- City Hall Renovation (in progress) - City staff will move back to City Hall located at 120 N. 6th Street.
- Runway and Fuel Secondary Containment improvements at the Independence Municipal Airport
- AWOL Facility Upgrads
- Clarifier Rehabilitation and fencing at the Water Treatment Plant
- Water Line Replacement Projects
- KDOT and Local Street Projects
- Comprehensive Plan Update
- Communication Tower and Radio Equipment project
- Central Park Sports Complex Continuation of Grant Programs
- Neighborhood Exterior Grant Program
- Sewer Cost Share Program
- Demolition Cost Share Program
- Downtown Historic Building Grant
- *NEW* Residential Sidewalk Replacement Program

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted the 2023 Budget as presented.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Public hearing to consider adopting a Neighborhood Revitalization Plan for the Airport.

On August 25, 2022 the City Commission adopted Resolution 2022-044 setting a public hearing for September 8, 2022 at 5:30 PM to consider adopting a Neighborhood Revitalization Plan for the Airport. As previously reported, staff has been working with a company on a potential industrial expansion and the neighborhood revitalization program would provide incentives via tax rebates based on the increased value of the improvements that are subject to taxation. This is a tool that has been successful in other areas of the City, including the West Laurel Industrial Park, East and West Main, North Penn, and several older residential neighborhoods. After the public hearing, in addition to adopting an ordinance adopting the plan, it is also recommended to authorize the Mayor to sign an interlocal agreement which will also be presented to the other taxing entities for their consideration and approval.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission

Minutes of the City Commission's September 8, 2022 Meeting

adopted Ordinance No 4411 adopting a neighborhood revitalization plan at the Airport and designating neighborhood revitalization areas.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission authorized the Mayor to sign an interlocal agreement for a neighborhood revitalization plan at the Airport.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider awarding bid for lead abatement at 1916 City Hall.**

The City of Independence was contacted by the CMAR McCownGordon with a concern about the paint that had fallen from the ceiling of City Hall. City Staff had our code enforcement department obtain samples and send to the lab for testing. The results revealed a high level of lead present in the paint chips. McCownGordon assisted the City in obtaining two quotes to do the work. City Staff recommends going with the low bid of \$18,260.00 from Remediation Contractors of Wichita, Ks.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission authorized the remediation of lead at City Hall by Remediation Contractors for \$18,260.00..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider setting the date of November 10, 2022 at 5:30 PM for a Public Hearing to consider condemnation of 200 Arco Place as dangerous and unsafe.**

The Independence Arco Building has been without utility service since January 2019, and since that time, code enforcement, the building department, and the Independence Police Department have dealt with continual complaints, vandalism, breaking and entering by unauthorized

individuals into the building to remove copper and other items and squatters living in the building. Code enforcement has had the exterior yard mowed as a nuisance lot from the summer of 2019 through the current date. The City utilities were disconnected in January of 2019. The current cellular towers on the roof of the ARCO building installed their own electrical power source outside the building in late 2019/2020 when Evergy disconnected the power from the building due to safety concerns. The City recently received multiple complaints regarding a lot of activity at the building and found most of the windows on the 1st floor had been broken out, and trash, including doors, paper, and equipment, had been thrown out onto the surrounding grounds. Citizens have also reported people entering and exiting through these windows and it is believed we have people squatting in the building. Due to the size of the building, it would require multiple law enforcement officers to attempt to sweep the building safely. The building department sent the attached letter to the owner asking him to take immediate action and the steps he needs to follow to minimize the potential condemnation of this building as dangerous and unsafe on November 10, 2022.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission set the date of November 10, 2022 at 5:30 p.m. for a Public Hearing to consider the condemnation of 200 Arco Place as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider a request from Benny Jones to forgive a lien for demolition expenses at 215 S. Earl Street.

On August 30, the City received the following request from Benny Jones requesting the abatement of demolition costs assessed on 215 S. Earl St. from a 2019 demolition.

To whom it may concern,

I am writing this to request to be put to the next available agenda, regarding a nuisance fee attached to 215 S Earl. I purchased this empty lot at county auction on 11/20/2020. According to the treasurers office there is an old nuisance fee attached to the property in the amount of \$11,694.57 including penalties. From my understanding this is the cost of unpaid taxes, and the structure being removed from the property before I purchased it at the county auction. A gentleman at the water department gave me your email address, as I was told that only your office would be

able to resolve this issue. I have attached a copy of the Sheriff's Certificate of Sale of Real Estate to reference my date of purchase, and a copy of the receipt from treasurers office showing the amount attached to the property. Below is my contact information, if you could please let me know when this will be scheduled for the next available agenda, and the results regarding this matter.

Thank you,

Benny Jones

- September/October 2019—City demolished condemned home (\$11,007), owned by Diana Stahl. Prior to 2019, there were \$500 worth of mowing charges assessed on this property as well.
- October 2019—City paid invoice for demolition.
- August 27, 2020—City Commission approved ordinance concerning charges to be placed as liens on properties.
- September 1, 2020—This is the cutoff date for liens to be placed on the upcoming tax year.
- September 2020 (after the 1st) - The City submitted the approved ordinance to the register of deeds placing charges as liens on properties
- November 1, 2021—The date the County places tax liens into the system.

It is assumed that since the information was not provided to the county by the September 1st deadline, they did not enter anything until the following year's entry date of November 1, 2021, although they had the information since September 2020. If abated, the City would pursue collection of the funds from the original property owner at the time of demolition through our collection agency. The likelihood of a collection from the original owner is unknown.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved forgiving the lien on 215 S. Earl St. and reserved the right to pursue collection otherwise.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Minutes of the City Commission's September 8, 2022 Meeting

- D. Consider approval of ADA ramps, signage, and crosswalk markings on Mulberry Street by Jefferson School.

The school contacted the City of Independence about a safety concern at Jefferson School. The concern is that the north entrance to Jefferson School does not have a crosswalk, and many kids are walking from Pheasant Point Apartments and housing in the area and crossing at this location. There is a safety concern that a child may be hit by a car and the school has put personnel out there to assist the kids. City staff recommends placing a crosswalk at this location with two ADA ramps, street markings and signage. The school has agreed to extend their sidewalk to meet the ADA ramp on the south. The ADA ramp on the north would be connected to an existing sidewalk. TransSystems has provided us a quote of \$7,755.00 to install the ramps and the Street department estimate of \$2,000 for markings and signage.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved adding a crosswalk, signage and two ADA ramps at the north entrance of Jefferson School.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider approving a contract with Trident Partnerships LLC, Southeast Kansas Regional Planning Commission, and the City of Independence for consultant services.

The Independence Housing Authority has been working with Trident Partnerships LLC to develop upper-story housing in Independence's historic downtown district. Trident Partnerships LLC wishes to apply for multiple grant and tax credit opportunities in order to provide some financial assistance for this downtown development and intends to contract with Southeast Kansas Regional Planning Commission (SEKRPC) to provide those services. One of the grants that Trident Partnerships LLC intends to apply for is the Moderate-Income Housing Grant (MIH) through Kansas Housing Resources Corporation (KHRC). The MIH grant is only available to governmental agencies. Therefore, the City of Independence will need to approve the submission of an MIH grant to KHRC on behalf of Trident Partnerships LLC. A contract between Trident Partnerships LLC, SEKRPC, and the City of Independence will need to be signed so that SEKRPC can write the MIH grant for the approval of the Independence City Commission and

Minutes of the City Commission's September 8, 2022 Meeting

submission to KHRC. SEKRPC's Board of Directors has approved the attached contract. The Independence City Commission will need to approve authorization for the Mayor to sign the "Agreement for Consultant Services" between Trident Partnerships LLC, City of Independence, Kansas and Southeast Kansas Regional Planning Commission.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission authorized the Mayor to sign the "Agreement for Consultant Services" between Trident Partnerships LLC, City of Independence, Kansas and Southeast Kansas Regional Planning Commission.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider initiating a public hearing before the Planning Commission on October 4, 2022 at 5:30 PM to consider a text amendment to modify Appendix B - Zoning of the City Code relating to coffee roasting and any additional modifications.

On September 8, 2022, City staff was contacted by a business wishing to locate downtown that would like to roast coffee onsite in addition to related sales. Currently, the code does not allow this in the C-3 downtown district. For the Planning Commission to consider this request, it requires the initiation of a public hearing by either the City Commission or the Planning Commission. Due to the timing of the project, in order to meet notification requirements, the City Commission will need to initiate this public hearing.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission initiated a public hearing before the Planning Commission on October 4, 2022 at 5:30 PM to consider a text amendment to modify Appendix B - Zoning of the City Code relating to coffee roasting and any additional modifications.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. REPORTS

- A. City Board Minutes

Minutes of the City Commission's September 8, 2022 Meeting

The minutes for the IHPRC June 27th and July 25th, 2022 meetings and the Independence Recreation Commission August 24th, 2022 meeting were presented.

B. August 2022 Sales Tax Report

The August 2022 Sales Tax Report was presented.

VII. CITY MANAGER'S COMMENTS

None

VIII. COMMISSIONERS' COMMENTS

None

IX. PUBLIC CONCERNS

None

X. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission recessed for an executive session for discussion of possible acquisition of real estate for extension of public utilities pursuant to the preliminary discussion on acquisition of real estate exception (KSA 75-4319(b)(6)). The open meeting will resume at 6:55 p.m. in the Civic Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 6:55 p.m. with no action taken.

XI. ADJOURNMENT

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission

Minutes of the City Commission's September 8, 2022 Meeting

adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's September 21, 2022 Meeting

I. SPECIAL SESSION

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

City Staff Present: Kelly Passauer, City Manager and David Schwenker, City Clerk/City Treasurer

Visitors Present: None

A. Call to Order

Mayor Hayse called the meeting to order.

II. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception, KSA 75-4319(b)(1). The open meeting will resume at 9:20 a.m. in the Civic Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 9:20 a.m.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception, KSA 75-4319(b)(1). The open meeting will resume at 9:40 a.m. in the Civic Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 9:40 a.m. with no action taken.

Minutes of the City Commission's September 21, 2022 Meeting

III. ADJOURNMENT

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's September 22, 2022 Meeting

I. REGULAR SESSION

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

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

Visitors Present: Larry McHugh, Brea Sanford and Babs Emert

A. Call to Order

Mayor Hayse called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Tree Board -- One Opening -- Applications Due by noon on October 7, 2022.

We currently have openings on the Tree Board. The purpose of this division is to honor the city's rich history of enjoying and preserving local natural resources, and to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance and removal of trees located on public property, or which encroach upon public property, and to enhance the natural beauty of the community. For more information, contact Scott Patton at ScottP@IndependenceKs.gov or 620-332-2512; or visit this

Minutes of the City Commission's September 22, 2022 Meeting

link: [Tree Board Information](#)

- B. Electrical Board -- One Opening -- Applications Due by noon on October 7, 2022

We currently have an opening on the Electrical Board. Applications are due by Noon on October 7, 2022. Applicants must be licensed by the City as an electrician. The Electrical Board interprets the provisions of the National Electrical Code, and studies and recommends changes to such code when such matters are brought before the board. For more information contact Assistant City Manager, David Cowan at 620-332-2528 or DavidC@IndependenceKs.gov, or visit this link: [Electrical Board Information](#)

III. CONSENT AGENDA

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- A. Consider approving City Commission minutes from August 10th, 11th, and 25th, 2022.

Suggested Motion:

I move to approve City Commission minutes from August 10th, 11th, and 25th, 2022.

- B. Consider authorizing a request for street closures during the Neewollah 5K/10K Fun Run and Chili Cook-Off on October 22, 2022 from 6:00 a.m. - 5:00 p.m.

As a part of the annual City wide Neewollah Celebration, Neewollah holds a 5K/10K Fun Run and Chili Cook-Off at Riverside Park. It is always held on the 4th Saturday of October. Festivities include the Fun Run, a chili tasting competition, a dessert tasting competition, and live entertainment. The event has been well attended in the past, with up to 5,000 attendees present. The event also brings a large number of visitors from other areas. In the interest of public safety for event participants and attendees, barricades are set up closing off the Park Oval from traffic, as well as the 5K/10K route, which includes Wells Drive and a portion of North 5th Street. On the day of the event, barricades are typically set up at approximately 6:00 a.m. The 5K/10K route is re-opened once the Fun Run concludes around 11:00 a.m. The barricades closing off the Park Oval remain up throughout the duration

of the event and are removed following event clean-up, which concludes at approximately 5:00 p.m.

Suggested Motion:

I move for approval of the request for street closures during the Neewollah 5K/10K Fun Run and Chili Cook-Off on October 22, 2022 from 6:00 a.m. - 5:00 p.m.

C. Consider adding and modifying streetlights at City Parking Lots.

There have been periodic requests to improve the lighting in city-owned parking lots in and near the downtown area. At the request of the City, Evergy conducted an evaluation of the lots and provided the attached recommendation. These lights would be in addition to our existing lighting, and would cost a total of \$112.15 per month, plus applicable fees. Note that some of the lights may require a new pole, which would cost \$3.50 per month per pole.

It is requested that the Commission approve the lights as noted, including upsizing the light at Chestnut and 8th with an LED that provides greater illumination. The addition of streetlights on the parking lot north of the Historic City Hall will be delayed if they interfere with the installation of the planned revisions to this parking lot.

Suggested Motion:

I move to approve the new lights as shown in the attached Evergy proposal, dated September 9, 2022.

D. Consider awarding the North Water Tower Maintenance Project.

The City's water towers require periodic maintenance, and the North Water Tower is due for this maintenance. Bids for this work were received on August 18, 2022. Maguire Iron, Inc. was the apparent low bidder. They identified additional items for work, and these were clarified with the three low bidders. The bid tabulation of the base bid and additional items is attached. Upon review of the revised pricing, Maguire Iron, Inc. was still the low bidder. It is recommended that this work be awarded to them. This work will take place in the spring of 2023.

Suggested Motion:

I move to award the North Water Tower maintenance project to Maguire Iron, Inc., for a contract price up to \$235,980.18 as shown on the attached

bid tabulation.

- E. Consider authorizing submission of Airport Grant Requests to KDOT.

Kansas Department of Transportation (KDOT) Kansas Airport Improvement Program (KAIP) is accepting applications for state fiscal year 2024/2025 and are due on September 30, 2022. The following project has been suggested for submission:

New Airport Beacon Engineering:

Estimated Cost	Estimated City Match
\$25,000	\$1,250

New Airport Beacon Construction:

Estimated Cost	Estimated City Match
\$125,000	\$12,500

The existing Airport Beacon is over twenty years old and is nearly inaccessible for maintenance since it is installed at the top of the existing water tower. Placing a new beacon in a new location, either on a purpose-built tower or on an existing structure, would provide a way to maintain this navigational device safely and at a reasonable cost.

Suggested Motion:

I move to authorize submittal of the application for the KAIP grants to KDOT.

- F. Consider an Agreement with IMA Corp for Insurance brokerage and support services.

IMA Corp's public sector practice offers a strategic approach and overall plan management aligned with the wants and needs of public sector organizations. This contract for services will be for the selection and negotiation of insurance offerings as well as data analytics, enrollment support, employee education, and communication. With these services, we hope to increase efficiencies, reduce operating costs, and reduce our overall medical plan costs.

Suggested Motion:

I move to approve an agreement with IMA Corp for consulting services.

Minutes of the City Commission's September 22, 2022 Meeting

- G. Consider setting the date of October 26, 2022 at 5:30 PM for a public hearing to consider the proposed vacation of easements and rights-of-ways as indicated on a proposed minor subdivision plat for Heckman Landing Addition, which is a replat of certain lots within the Regency West 2nd Addition Subdivision.

Recently, the City code was amended to allow minor subdivision replats which do not require having to go through the entire replatting process. Staff has reviewed the plat submitted and finds it to be in compliance with the exception of the plat was drawn to 1" = 50' rather than 1" = 100'. However, the County Zoning Administrator was contacted and indicated that the County would accept the plat drawn at the scale submitted.

The plat does propose vacation of easements or rights-of-way, which requires setting a public hearing at least 20 days prior to the date of the hearing.

The code regarding minor subdivision replats may be found at this link: [Minor Subdivision/Replat Code](#)

Suggested Motion:

I move to approve setting the date of October 26, 2022 at 5:30 PM for a public hearing to consider the proposed vacation of easements and rights-of-ways as indicated on a proposed minor subdivision plat for Heckman Landing Addition, which is a replat of certain lots within the Regency West 2nd Addition Subdivision.

- H. Consider change order for City Hall Generator.

The City Hall emergency generator was specified in the bid documents as a 230 KW generator. A 230 KW generator has over a 60-month lead time; the option was to drop to 200 KW or increase to 250 KW. Kelley Electric bid for a 200 KW generator. During the review by the electrical engineer, it was determined that the generator would not fully operate City Hall. City Staff had them review solutions, and a change order would be required to install special circuits and additional wiring to trip the AC unit breakers in the breaker panel, allowing the 200 KW generator to power the building. The breakers could then be turned back on manually, one at a time, until the max load of the generator was obtained. The 200 KW generator will not fully power the building. City Staff would also have to reset breakers any time the generator was tested or power loss that activates the generator. By increasing the size of the generator, the building's emergency power will function normally and power the building during emergencies without having to shut off AC units and then bring them back online one at a

time. The City has operated several times under emergency power for a few hours to several days. The need for power to ensure emergency services and City operations of our networks is essential in today's technology.

Suggested Motion:

I move to authorize a change order for the purchase of a 250 KW emergency generator for City Hall for \$13,000 from contingency funds.

IV. PUBLIC HEARING

A. Public Hearing to consider 414 S. 14th Street as dangerous and unsafe.

On April 08, 2022, a single-family residential structure located at 414 South 14th Street was involved in a fire that extensively damaged the dwelling, which is currently not habitable. City staff did visit the owner and discussed releasing the structure for demolition, but the owner refused to release the property for demolition. City staff is recommending condemnation as dangerous and unsafe.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted Resolution 2022-047 condemning 414 S. 14th Street as dangerous and unsafe..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Public Hearing to consider 920 W. Maple as dangerous and unsafe.

On July 12, 2022, the residence at 920 West Maple Street was struck by a vehicle. The building department and a local architect have inspected the building and determined the building is currently unsafe to occupy. The building department has been in contact with the owner and he was working with an insurance company to settle the claim. The owner has not been in touch with the City since July 2022. City Staff will notify the owner of the hearing and attempt to determine his plans for the structure before the Public Hearing.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted Resolution 2022-048 condemning 920 W. Maple Street as dangerous and unsafe..

Minutes of the City Commission's September 22, 2022 Meeting

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Public Hearing to consider 217 S. Earl as dangerous and unsafe.

On June 08, 2022 the single-family residential structure located at 217 South Earl Street was involved in a fire that extensively damaged the dwelling, which is currently not habitable. Dennis Musgrove, owner of the property, does have insurance, and the City has received proceeds towards the demolition of the property. Mr. Musgrove hired James Beachner to remove the house and leave the garage. Mr. Musgrove sold the property on 9/9/22 to an out-of-state owner who plans to build a house on the lot. City staff recommends adjourning the P-H until December 22, 2022 to allow us time to work with the property's new owner.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adjourned the Public Hearing until December 22, 2022..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider approval of data networking, door access, fire alarm, Courtroom/Commission Room video, and security infrastructure installation at 1916 City Hall.

The City of Independence is responsible for the networking, cabling, security, and air fiber relocations from Building D to the renovated City Hall, the new Fire-EMS station, and the evidence building. Technology is probably the critical item needed for a successful renovation and relocation of City Hall. Technology is a crucial component of the daily operations of all functions of the City Operations. The City received RFPs from 177,000 to 498,000 dollars. City Staff has reviewed the RFPs and references and recommended Gateway Wireless and CTI for \$249,318.60 to complete all the required work.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved staff recommendations for networking, video, security and

Minutes of the City Commission's September 22, 2022 Meeting

Courtroom/Commission Room audio/video equipment for \$249,318.60.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider a recommendation from the Planning Commission to rezone property recently annexed at the Independence Municipal Airport from County I-1, industrial to City M-2, heavy industrial district.

At the July 28, 2022 Commission Meeting the City Commission initiated a rezoning hearing before the Planning Commission to rezone this property from County I-1, Industrial to City M-2, heavy industrial. The reason for this rezoning is that the City has been working with an industrial company on potential future economic development projects at the Independence Municipal Airport. To qualify for certain incentives now or in the future, the property was annexed into the City. On September 6, 2022 the Planning Commission recommended approving this rezoning.

The Planning Commission recommends the City Commission rezone the recently annexed property at the Independence Municipal Airport from County I-1, industrial to City M-2, heavy industrial district.

POLICY EXPLANATION For Rezoning: 601.1. Authority: The governing body of Independence may, by ordinance, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the governing body until the planning commission has held a public hearing and submitted its recommendation.

LEGAL ADDRESS

TRACT 1: A tract of land located in a portion of the Southeast Quarter of Section 21, Township 33 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as written by William A. Booe, LS 1046, 5-5-2022: Commencing at the Southeast corner of the Southeast Quarter; thence S 88°15'13" W, along the South line of the Southeast Quarter a distance of 1655.78 feet; thence N 01°24'44" W, a distance of 1005.10 feet; thence S 88°35'16" W, a distance of 321.77 feet; thence S 89°35'39" W, a distance of 80.00 feet; thence S 88°47'00" W, a distance of 158.02 feet to the Point of Beginning; thence S 88°47'00" W, a distance of 128.21 feet; thence S 01°20'36" E, a distance of 128.32 feet; thence N 88°47'00" E, a distance of 128.53 feet; thence N 01°29'10" W, a distance of 128.32 feet to the Point of Beginning. Containing 0.378 acres.

TRACT 2: A tract of land located in a portion of the Southeast Quarter of

Section 21, Township 33 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as written by William A. Booe, LS 1046, 5-5-2022: Commencing at the Southeast corner of the Southeast Quarter; thence S 88°15'13" W, along the South line of the Southeast Quarter a distance of 1655.78 feet; thence N 01°24'44" W, a distance of 1005.10 feet; thence S 88°35'16" W, a distance of 321.77 feet; thence S 89°35'39" W, a distance of 80.00 feet to the point of beginning; thence S 88°47'00" W, a distance of 158.02 feet; thence S 01°29'10" E a distance of 128.32 feet; thence S 88°47'00" W a distance of 128.53 feet; thence S 01°20'36" E a distance of 380.38 feet; thence N 88°51'48" E a distance of 287.45 feet; thence N 01°28'49" W a distance of 509.10 feet to the point of beginning. Containing 2.973 acres.

DESCRIPTION OF TRACT(S) All that property not yet annexed into the City of Independence, located in the Independence Municipal Airport, being part of the SE/4 of Section 21, Township 33 South, Range 15 East, Montgomery County, Kansas, and located South of Freedom Drive and between First Avenue on the East and the taxi-way area on the West.

ZONING AND USES OF PROPERTY NEARBY M-2, heavy industrial district

CHARACTER OF THE NEIGHBORHOOD Heavy Industrial

SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED Subject property has recently been annexed into the City and needs to be rezoned from County to City zoning.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED The property is currently zoned County I-1. The property has remained undeveloped since the closure of the Army Airbase in the 1940's.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY Removing the restrictions will not detrimentally affect nearby property as the subject property is recommended to be rezoned to the same classification as nearby property. In addition, the property was already zoned Industrial by the County.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS There is no hardship to individual landowners as property is owned by the City of Independence and the facilities are owned by the companies operating as heavy industrial.

CONFORMANCE WITH THE COMPREHENSIVE PLAN Industrial goal is to provide sufficient opportunities for industrial development at locations with suitable access, adequate community facilities and favorable land use and environmental conditions. Objective I1. Target industrial development to locations which maximize efficient usage of the public and semi-public facilities necessary and minimize the costs of development. Policy I11. Sufficient areas with public facilities and environmental conditions suitable for industrial use should be reserved for industrial development. Policy I12. Industrial sites shall have access to arterial streets; preferably those leading directly to major highways.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted an ordinance rezoning the recently annexed property at the Independence Municipal Airport from County I-1, industrial to City M-2, heavy industrial district.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. REPORTS

A. City Board Minutes

- 1. August 2, 2022 Planning and Zoning Commission/Board of Zoning Appeals**
- 2. August 9, 2022 Planning and Zoning Commission/Board of Zoning Appeals**

B. Monthly Public Works and Project Report

Engineer Garris presented the report.

VII. CITY MANAGER'S COMMENTS

City Manager Passauer went to all taxing entities and got them all to sign the interlocal agreement for the Neighborhood Revitalization Plan for the Airport and those documents have been sent to the Attorney General's office for final approval.

City Manager Passauer expressed her thanks to ICC for helping to sponsor

Minutes of the City Commission's September 22, 2022 Meeting

the mental health speaker who spoke at the City safety meeting last week, she also wanted to report that the demolition of the former horse stables at 1916 City Hall is nearly complete and will be replaced with a new 911 call center.

Assistant City Manager Cowan reported that the waterproofing around 1916 City Hall will be starting within the next couple of weeks, as well as the lead abatement inside the building and the south parking lot fencing will be installed the first week in October for a staging area.

He also reported that in the first week of November the Fire/EMS building will be substantially complete and the City should get control of the building by mid November.

He also informed the Commission that a permit was issued for a new home and rehabilitating a multi-family housing structure.

Commissioner Ysusi asked for an update on the new buildings in the industrial park and Mr. Cowen provided an update.

VIII. COMMISSIONERS' COMMENTS

Commissioner Ysusi provided an update on the electrical upgrade at the park and zoo.

IX. PUBLIC CONCERNS

None

X. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission recessed for an executive session for discussion of possible acquisition of real estate for extension of public utilities pursuant to the preliminary discussion on acquisition of real estate exception (K. S. A. 75-4319(B)(6)). The open meeting will resume at 6:13 p.m. in the Civic Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Minutes of the City Commission's September 22, 2022 Meeting

The open meeting resumed at 6:13 p.m. with no action taken.

XI. ADJOURNMENT

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's September 29, 2022 Meeting

I. SPECIAL SESSION

Commissioners Present: Mayor Dean Hayse and Commissioner Louis Ysusi

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Lacey Lies, Director of Finance; April Nutt, Director of Housing Authority and David Schwenker, City Clerk/City Treasurer

Visitors Present: Miranda Bruening and Tabitha Snodgrass

A. Call to Order

Mayor Hayse called the meeting to order.

II. ITEMS FOR COMMISSION ACTION

- A. Consider adopting Resolution No. 2022-049 setting a public hearing to establish a Rural Housing Incentive District for Downtown Central Business Development District Part 1 and Jefferson Subdivision Development District.

The Independence Housing Authority has been working to include new tools to assist in the development of new housing within the City of Independence. Rural Housing Incentive District's (RHID) is one of those new tools that will benefit developers in constructing new housing units in the community. RHID is a program designed to aid cities, counties and developers in building housing within rural communities by assisting in the financing of eligible improvements. RHID captures the incremental increase in real property taxes created by a housing development project of up to 25 years. For new subdivision construction, eligible reimbursement costs are for infrastructure installation. Additionally, the State of Kansas, in 2021, amended the RHID program to include the development of upper story housing in central business districts. The eligible reimbursement costs are for the construction of upper level apartments. Currently, Independence has two developments that would like to have a RHID established, the Downtown Central Business Development District Part 1 to construct 20 new apartments and the Jefferson Subdivision Development District to construct 20 new single-family homes.

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission adopted Resolution 2022-049 setting the date of November 10, 2022 at 5:30p.m. to hold a public hearing to establish a Rural Housing Incentive

District for the Downtown Central Business Development District Part 1 and the Jefferson Subdivision Development District.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- B. Consider adopting Resolution No. 2022-050 authorizing the City of Independence to submit a Kansas Housing Resources Cooperation Moderate-Income Housing Grant on behalf of Trident Partnership LLC.

The Independence Housing Authority has been working with Trident Partnership LLC, an upper story downtown housing developer. Trident Partnership LLC intends to purchase six buildings in Independence's central business district for the purpose of constructing 20 apartments, while rehabilitating the lower levels for commercial use. Trident Partnership LLC intends to work with the Kansas State Historic Society in order to meet all Federal and State historical tax credit requirements. In addition to the potential historical tax credits, Trident Partnership LLC wishes to apply for a Kansas Housing Resources Cooperation Moderate-Income Housing Grant. KHRC's MIH grant is available to cities or counties for the purpose of developing housing for moderate-income families. Trident Partnership LLC has contracted with Southeast Kansas Planning Commission to write and administer grant compliance. Trident Partnership LLC requests the City of Independence submit KHRC's MIH grant on its behalf.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adopted Resolution No. 2022-050 authorizing the City of Independence to submit a Kansas Housing Resources Cooperation Moderate-Income Housing Grant on behalf of Trident Partnership LLC.

Aye: Dean Hayse, Louis Ysusi

Nay: None

III. ADJOURNMENT

Motion:

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

Aye: Dean Hayse, Louis Ysusi

Nay: None

Minutes of the City Commission's September 29, 2022 Meeting

Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider initiating a public hearing before the Planning Commission to consider a text amendment to the zoning code regarding temporary signs.

SUMMARY RECOMMENDATION Recommend initiating a public hearing on December 6, 2022 at 5:30 PM before the Planning Commission.

BACKGROUND It has come to the attention of City staff that the City code needs to be updated to be in compliance with K.S.A. 25-2711 which states:

“K.S.A. 25-2711. Placement of political signs during election period. No city or county shall regulate or prohibit the placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.”

The City Attorney has reviewed our City code and recommends the modifications as included in the attached draft ordinance. Since this code change is found in the zoning code, it will require a public hearing to consider a text amendment before the Planning Commission.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to initiate a public hearing on December 6, 2022 at 5:30 PM before the Planning Commission to consider a text amendment to the zoning code relating to temporary signs.

SUPPORTING DOCUMENTS

1. Ordinance ____ - Regulating Political Signs

ORDINANCE NO. ____

An Ordinance Regulating Political Signs

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

Section 1. Section 803.3(a) is amended as follows to read in its entirety:

Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements:

- a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45 day period prior to any election and the 2 day period following any such election.
- b. 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 22nd day of December, 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider authorizing Valbridge Property Advisors to perform a market-based appraisal of Building D.

SUMMARY RECOMMENDATION Authorize the appraisal proposal from Valbridge Property Advisors for \$10,000.

BACKGROUND Tim Kerr representing ReeceNichols, who is the listing agent for Building D, previously indicated interested parties are requesting a listing price. We asked ReeceNichols to assist the City in setting a listing price. ReeceNichols recommended a market appraisal to help determine a listing price. Requests for Proposals were posted and sent out to commercial appraisals via the Realtor.

Two companies indicated that they did not wish to provide a proposal due to their current workload, and two companies provided proposals as follows:

Proposals	Amount	Timeline
Frazier Appraisal Services	\$15,000	30-45 days
Valbridge Property Advisors	\$10,000	By November 30th, assuming timely receipt of engagement and all necessary materials.
Martens Appraisal	N/A	Declined to provide a proposal.
Mainland Valuation Services	N/A	Declined to provide a proposal.

FINANCIAL INFORMATION The \$10,000 will be paid out of the General Fund, Building D, Other Professional Services.

SUGGESTED MOTION I move to authorize Valbridge Property Advisors to perform a market-based appraisal of Building D for a fee of \$10,000.

SUPPORTING DOCUMENTS

1. RFP - Appraisal Services - 09292022
2. FrazierProposal

3. Proposal - Commercial Appraisal of 811 West Laurel Street - Valbridge Property Advisors
4. Declined to Submit A Proposal



Request for Proposal

City of Independence Commercial Appraisal of 811 West Laurel Street

Posted on website
www.independenceks.gov/bids
September 30, 2022

Response Due: Prior to 2PM, October 13, 2022

Office of City Clerk
RFP – Commercial Appraisal
City of Independence
811 W. Laurel St.
Independence, Kansas 67301



"Delivering Excellence"

Request for Proposal:

Commercial Appraisal

Table of Contents

Section 1	Introduction	3
Section 2	Requirements	3
Section 3	Scope of Work	3-4
Section 4	Response to RFP	4
	Proposed Schedule	5
Section 5	Evaluation	5
Section 6	Submittal Instructions	5

SECTION 1 INTRODUCTION & PROJECT SUMMARY

The City of Independence seeks proposals from an individual or firm to provide commercial market value opinion appraisal. The City requests proposals from individuals and companies whose combination of experience and expertise will provide timely, cost-effective, and quality professional service to the City.

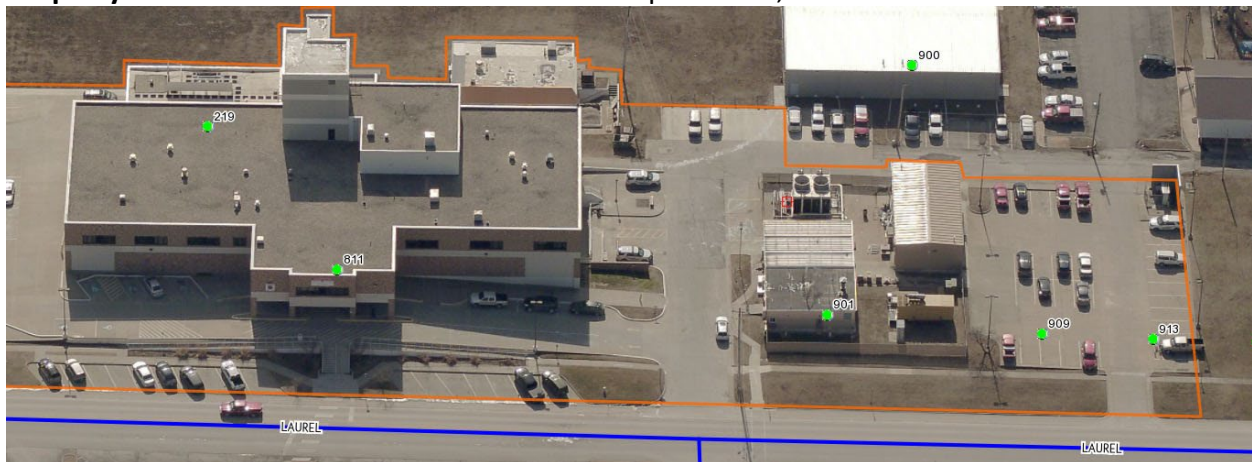
SECTION 2 REQUIREMENTS

- Current Kansas License: State Certified General Real Estate Appraiser
- Comply with all applicable State of Kansas and Uniform Standards of Professional Appraisal Practice standards and rules

SECTION - 3 SCOPE OF WORK

The City of Independence seeks to retain an appraiser who would be available and qualified to conduct an appraisal for the City of Independence of a commercial during the next 30 days.

Property Location: 811 W. Laurel Street – Independence, Kansas



Type of Appraisal - Sales Comparison Approach

Data Collection – subject properties, comparable properties, and relevant market data



"Delivering Excellence"

Appraisal Report Content:

- Description of data collected
- Market analysis, including social, economic, governmental, and environmental factors
- Statement describing the purpose, intended use, and intended users of the appraisal
- Site Value Opinion
- Application of the following valuation methods to reach a specific indication of value (rather than a range)
 - Sales Comparison
 - As is market value
- Final Opinion of Value
- Certification

Type of Report: Self Contained

Appraiser will be required to:

- Collect, verify, analyze and report both general and specific data relevant to estimating a property's market value.
- Inspect properties to the extent required after giving the property representative an opportunity to accompany the appraiser.
- Investigate the surrounding neighborhood to learn about land uses, market area, and potential sales.
- Research applicable government records to determine zoning or potential for rezoning.
- Adhere to the various administrative requirements of the City of Independence.

SECTION 4 RESPONSE TO THE RFP

Interested firms must submit a proposal to the City of Independence. The proposal shall consist of the following sections.

- Company Information
- Company Background
- Key team member(s) and experience
- Project understanding and approach
- Cost
 - Provide pricing for a self-contained report and specify any payments required prior to delivery of the final report



"Delivering Excellence"

TENTATIVE SCHEDULE OF DATES:

Advertise for Proposals

Date: September 30, 2022

Deadline for Proposal Submission

Date: October 13, 2022

Proposal Award:

Date: October 23, 2022

Projects Completed:

Date: November 30, 2022

SECTION 5 EVALUATION PROCESS

The City will perform evaluations and make a selection based on consensus. Evaluations will focus on identifying the firm's proposal's relative strengths, weaknesses, deficiencies, and risks. Interviews with firms are not anticipated but may be held at the option of the City. The City reserves the right to obtain clarification or additional information with any firm regarding its proposal. The Board reserves the right to select a responsive, responsible firm(s) on the basis of "best value" that is most advantageous to the City. All firms who submit proposals will be notified of the selection results. Final approval of any selected firm is subject to the action of the City to award a contract.

SECTION 6 INSTRUCTION FOR SUBMITTAL

INSTRUCTIONS:

Submissions must include one (1) hard copy and one (1) electronic pdf copy of the proposal by 2:00 p.m. CST on October 13, 2022. Email copies should be sent to davids@independences.gov and davidc@independences.gov. You will receive a confirmation of email receipt.

Proposals shall be directed to:

David Schwenker, City of Independence, 811 W. Laurel, Independence, Kansas 67301, 620-332-2500, davids@independences.gov

Questions or clarifications: David Cowan – davidc@independences.gov 620.332.2528

Proposals must be received by the time specified at the address listed above. Any proposals received after the deadline will not be considered.

The City of Independence reserves the right to reject to add or delete options after the proposal is awarded and expects appropriate credit or debit for said options. The City of Independence reserves the right to accept or reject any or all RFP(s) or to waive any irregularities should any occur as may best benefit the City.

This proposal is good for 30 days from the opening date.

From: Justin Frazier <jfrazier@appraisalgroupcentral.com>

Date: October 19, 2022 at 10:35:52 AM CDT

To: Tim Kerr <timkerr@reecenichols.com>

Subject: Re: City of Independence - Appraisal

We would propose a fee of \$15,000 with a turn time of 30 to 45 days. Most likely, the report will be ready prior to the 30 days. Please let me know if you need anything further and thank you for the opportunity to propose the assignment.

I have attached my license, qualifications and E&O Insurance.

State of Kansas



Real Estate Appraisal Board

This is to certify that

Justin V. Frazier

has complied with the provisions of the Kansas State Certified and Licensed Real Property Appraisers Act to transact business as a

Certified General Real Property Appraiser
in the State of Kansas

License No: G-3039

Effective Date: 7/1/2022

Expiration Date: 6/30/2023

A handwritten signature in black ink, appearing to read "Scott Brown".

Chairman

JUSTIN V. FRAZIER
Qualifications and Experience
Phone: 620.670.6620
jfrazier@appraisalgroupcentral.com

Certifications

- I. State of Kansas Certified General Appraiser (G-3039)
- II. State of Missouri Certified General Appraiser (2016002505)

Education

Pittsburg State University

Major: Bachelor of Science in Plastics Engineering (07/2002)

Real Estate Appraisal Courses: (courses provided by Appraisal Institute)

Basic Appraisal Principles

Basic Appraisal Procedures

National Uniform Standards of Professional Appraisal Practice (USPAP) Course, 15-hour

National USPAP Update

Making Adjustments: How, When and Where

How to do a FHA Appraisal

Real Estate Finance, Statistics, and Valuation Modeling

General Appraiser Market Analysis and Highest & Best Use

General Appraiser Sales Comparison Approach

General Appraiser Site Valuation and Cost Approach

General Appraiser Income Approach/Part 1

General Appraiser Income Approach/Part 2

General Appraiser Report Writing and Case Studies

Advanced Residential Report Writing (elective)/Part 2

Appraisal Overview: Residential & General

Business Practices & Ethics

Appraisal and Related Experience

08/2004-Present	Real Estate Appraiser Frazier Appraisal Service, Frontenac/Pittsburg, Stilwell & Lawrence, Kansas
02/2007-01/2021	Associate Real Estate Appraiser (Independent Contractor) Dillon Appraisal Company, Inc., Overland Park, Kansas
01/2007-01/2021	Associate Real Estate Appraiser (Independent Contractor) Witt Appraisal Company, Inc. Overland Park, Kansas
11/2003-12/2010	Associate Real Estate Appraiser (Independent Contractor) Shoup Appraisal, Shawnee, Kansas
02/2003-11/2003	Associate Real Estate Appraiser (Independent Contractor) Mainland Valuation Services, Shawnee, Kansas
03/1997-02/2003	Associate Real Estate Appraiser (Independent Contractor) Mid-America Appraisals, Pittsburg, Kansas

Appraisal Affiliations

Kansas City Regional Association of Realtors (KCRAR)

Heartland Multiple Listing Service

KC Data Service

**APPRAISAL, VALUATION AND PROPERTY SERVICES
PROFESSIONAL LIABILITY INSURANCE POLICY**

DECLARATIONS

Aspen American Insurance Company

(Referred to below as the "Company")
590 Madison Avenue, 7th Floor
New York, NY 10022
877-245-3510

Date Issued

Policy Number

Previous Policy Number

7/13/2022

AAI010599-02

AAI010599-01

THIS IS A **CLAIMS** MADE AND REPORTED POLICY. COVERAGE IS LIMITED TO LIABILITY FOR ONLY THOSE **CLAIMS** THAT ARE FIRST MADE AGAINST THE **INSURED** DURING THE **POLICY PERIOD** AND THEN REPORTED TO THE COMPANY IN WRITING NO LATER THAN SIXTY (60) DAYS AFTER EXPIRATION OR TERMINATION OF THIS POLICY, OR DURING THE **EXTENDED REPORTING PERIOD**, IF APPLICABLE, FOR A **WRONGFUL ACT** COMMITTED ON OR AFTER THE **RETROACTIVE DATE** AND BEFORE THE END OF THE **POLICY PERIOD**. PLEASE READ THE POLICY CAREFULLY.

1. Customer ID: 157519
Named **Insured**:
FRAZIER APPRAISAL SERVICES
Justin V. Frazier
228 E. McKay
Frontenac, KS 66763
2. **Policy Period**: From: 07/21/2022 To: 07/21/2023
12:01 A.M. Standard Time at the address stated in 1 above.
3. **Deductible**: \$1000 Each **Claim**
4. **Retroactive Date**: 07/21/2021
5. **Inception Date**: 07/21/2021
6. **Limits of Liability**:
A. \$1,000,000 Each Claim
B. \$2,000,000 Aggregate

Subpoena Response: \$5,000 Supplemental Payment Coverage
Pre-Claim Assistance: \$5,000 Supplemental Payment Coverage
Disciplinary Proceeding: \$7,500 Supplemental Payment Coverage
Loss of Earnings: \$500 per day Supplemental Payment Coverage

7. **Covered Professional Services (as defined in the Policy and/or by Endorsement):**

Real Estate Appraisal and Valuation:	Yes	☒	No	☐	
Residential Property:	Yes	☒	No	☐	
Commercial Property:	Yes	☒	No	☐	
Bodily Injury and Property Damage Caused					
During Appraisal Inspection (\$100,000 Sub-Limit):	Yes	☒	No	☐	(If "yes", added by endorsement)
Right of Way Agent and Relocation:	Yes	☐	No	☒	
Machinery and Equipment Valuation:	Yes	☐	No	☒	
Personal Property Appraisal:	Yes	☐	No	☒	(If "yes", added by endorsement)
Real Estate Sales/Brokerage:	Yes	☐	No	☒	(If "yes", added by endorsement)

8.	Report Claims to: LIA Administrators & Insurance Services, 800-334-0652, P.O. Box 1319, 1600 Anacapa St, Santa Barbara, California 93101	
9.	Annual Premium:	\$1,015.00
10.	Forms attached at issue:	LIA002 (04/19) LIA KS (05/19) LIA012 (05/19) LIA018 (05/19) LIA122 (05/19) LIA164 (05/19)

This Declarations Page, together with the completed and signed Policy Application including all attachments and exhibits thereto, and the Policy shall constitute the contract between the Named **Insured** and the Company.

07/13/2022

Date

By 

Authorized Representative



October 12, 2022

David Schwenker
City of Independence, Kansas
811 W. Laurel Street
Independence, Kansas 67301

Re: Commercial Appraisal of 811 W. Laurel Street

Dear Mr. Schwenker:

The following is the information that was requested in the RFP with a submittal deadline of October 13, 2022. I have reviewed the information within the RFP and the requested information is contained herein. The nature of the project is for a commercial appraisal of 811 W. Laurel Street for the City of Independence, Kansas.

I would be the primary appraiser on this project. My Kansas license and qualifications follow in the Appendix of the proposal for reference. Our firm has been in business for 44 years. During the past 10 years, our firm has worked in nearly half of the states in the Union. We work extensively with many cities in Kansas and Missouri. I am licensed in 13 states and have experience working with the Federal Government including projects for the USACE, DOJ, DOI, FAA, GSA and Western Area Power Association.

I trust that you will find our proposal to be complete, but if any additional information is desired, I would appreciate the chance to provide anything needed. Thank you for this opportunity.

Sincerely,

Jason Roos, MAI, AI-GRS
Senior Managing Director



Valbridge
PROPERTY ADVISORS

RFP for Real Estate Appraisal Services

Date: 10/12/2022



INDEPENDENCE
— KANSAS —

FOR:

Mr. David Schwenker
City of Independence, Kansas
811 W. Laurel
Independence, Kansas 67301

**Valbridge Property Advisors |
Kansas City**

10990 Quivira Road, Suite 100}
Overland Park, KS 66210
913-451-1451 phone
913-529-4121 fax
valbridge.com

Company Information

Valbridge Property Advisors | Kansas City has been in business in Kansas City for 44 years. We have extensive experience appraising all property types including multifamily, retail, industrial, office and a variety of special purpose properties. We have appraised large office complexes including Corporate Woods in Kansas City and large shopping malls such as Leawood Town Center and the Manhattan, Kansas Mall. Our multifamily assignments include luxury complexes to inner city apartments, properties without restrictions as well as income restricted properties under Section 42 tax credit incentives and HUD Section 8 low-income projects, and they include family apartments as well as properties restricted to seniors only.

We work regularly for local, state, and federal agencies. We also appraise transportation and utility corridors involving dozens to hundreds of parcels. Our experience extends to a variety of clients and users of appraisal services. We have enjoyed a long-standing working relationship with many cities in Kansas and Missouri.

Our firm has 15 real estate appraisers and analysts, including six (6) MAI designated members of the Appraisal Institute. Two members of our firm are past Presidents of the Kansas City Chapter of the Appraisal Institute. We allocate all necessary resources to complete awarded projects on a timely basis with quality levels consistently exceeding industry standards and client expectations. Our firm is blessed to be consistently busy, and we attribute that success to our measured and thorough approach to the projects we undertake.

All appraisal services will conform to the Uniform Standards of Professional Appraisal Practice, the Professional Ethics of the Appraisal Institute or other applicable guidelines.

Key Team Members and Experience

Jason Roos, MAI, Senior Managing Director and Daniel Kann, MAI, MSRE, Senior Managing Director are the owners of the firm. Jason Roos would be the primary appraiser for this project. More information about Mr. Roos and Mr. Kann follows below, and their licenses and qualifications follow in the Appendix.

Jason Roos, MAI, Senior Managing Director would be the primary appraiser. He holds the MAI designation from the Appraisal Institute, is licensed in 13 states including Kansas and has extensive experience working with federal, state, and local governments. His work has included projects for the USACE, FAA, GSA and Western Area Power Association.

Daniel Kann, MAI, Senior Managing Director would be a primary appraiser. He holds the MAI designation from the Appraisal Institute, a Master's in Real Estate from the University of Denver and is licensed in Missouri, Kansas, Nebraska and Iowa.

Project Understanding and Approach

The appraisal process, though at times very complex, involves three basic steps: gather, analyze, report. In the initial stage (gather) all relevant materials and information is collected from multiple sources. These may include market participants, public records, and the client (in this case the City of Independence, Kansas). During the second stage (analysis) the information that has been collected is digested, relevant information is studied, and a careful review of all factors affecting the outcome are completed. In the final stage (reporting) a comprehensive report is assembled. The goal of the report is to be clear, concise, and comprehensive, and to make sure that the analysis stands up to review and scrutiny. The market-based appraisal requested will be completed under applicable guidelines and regulations.

Cost

Our quote for this project is **\$10,000**. We can complete the project by the **November 30th deadline** assuming the timely receipt of engagement and all necessary materials. The City of Independence, Kansas will be invoiced upon delivery of the appraisal report.

Appendix

Qualifications of Jason Roos, MAI, AI-GRS
Senior Managing Director
Valbridge Property Advisors | Kansas City



Independent Valuations for a Variable World

State Certifications

State of Kansas
State of Missouri
State of Iowa
State of Nebraska
State of Colorado
State of North Dakota
State of South Dakota
State of Minnesota
State of Indiana
State of Arkansas
State of Oregon
State of Arizona

Education

BBA University of
North Dakota

Contact Details

913-451-1451 (o)
913-647-4095 (d)

Valbridge Property Advisors |
Kansas City
10990 Quivira Road

Membership/Affiliations:

Member: Appraisal Institute - MAI Designation
AI-GRS Designation
2014 President: Appraisal Institute – Kansas City Chapter

Appraisal Institute and Related Courses:

Business Practices and Ethics
Uniform Standards of Appraisal Practice
Advanced Income Capitalization
Advanced Sales Comparison and Cost Approaches
Report Writing and Valuation Analysis
Advanced Applications
A Debate on the Allocation of Hotel Total Assets
Fundamentals of Separating Real Property, Personal Property, and
Intangible Business Assets
Appraising the Appraisal: Appraisal Review – General
Analyzing Tenant Credit Risk and Commercial Lease Analysis
Condemnation Appraising: Principles and Applications

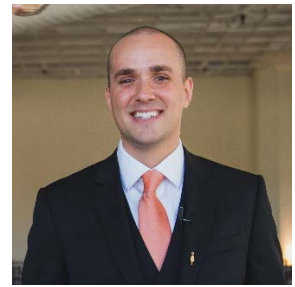
Experience:

Senior Managing Director

Valbridge Property Advisors | Shaner Appraisals, Inc. (2007-Present)

Appraisal/valuation and consulting assignments include: industrial buildings, office buildings, retail buildings, and hotels and motels. Industrial properties appraised include a wide variety of warehouse and manufacturing facilities located across the Midwest. Assignments have been concentrated in the Kansas City Metropolitan area, but assignments have been completed across the country on specialized manufacturing and warehouse properties.

Qualifications of Daniel Kann, MAI MSRE
Senior Managing Director
Valbridge Property Advisors | Kansas City



Independent Valuations for a Variable World

State Certifications

State of Kansas
State of Missouri
State of Iowa
State of Nebraska
State of Arizona

Education

Bachelor of Arts (2005)
University of Northern Iowa
Real Estate Finance | Marketing

Master's (2016)
University of Denver
Real Estate Finance | Construction

Contact Details

913-451-1451 (O)
913-647-4094 (D)
913-529-4121 (F)

Valbridge Property Advisors
10990 Quivira Road, Suite 100
Overland Park, Kansas 66210

www.valbridge.com
DKann@Valbridge.com

Membership/Affiliations

Appraisal Institute (MAI Designation)
CCIM Candidate (CCIM Institute)
Licensed Real Estate Agent (State of Iowa)
International Right of Way Association (prior Chapter Secretary)
Adjunct Professor – Real Estate Valuation (University of Missouri Kansas City)

Recent Appraisal Institute & Related Courses

Real Estate Finance and Investments (University of Denver)
Real Estate Tax (University of Denver)
Residential Construction Systems (University of Denver)
Real Estate Securities and Syndications (University of Denver)
Real Estate Investments and Appraisal (University of Northern Iowa)
Apartment Appraisal and Concepts (Appraisal Institute)
Finance, Statistics and Valuation Modeling (Appraisal Institute)
Argus, Excel, and Computer Modeling (University of Denver)
Understanding Commercial Capitalization Rates (ULI)
General Market Analysis and Highest & Best Use (Appraisal Institute)
Discounted Cash Flow Model: Concepts & Issues (Appraisal Institute)
Advanced Income Capitalization (Appraisal Institute)
Forecasting Revenue (Appraisal Institute)
Advanced Sales Comparison and Cost Approaches (Appraisal Institute)
Analyzing Operating Expenses (Appraisal Institute)

Experience

Senior Managing Director

Valbridge Property Advisors|Kansas City (2013 - Present)

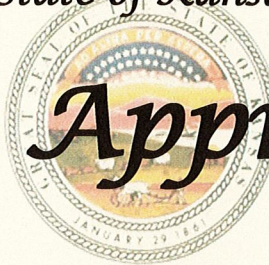
I currently perform review, valuation, and due diligence for investors/developers, life insurance companies, lenders, REITS, and public entities. The analysis consists of property valuation (FHA, Fannie Mae, Freddie Mac, and conventional financing), market studies, feasibility studies, real estate tax analysis, and before and after analysis pertaining to right of way and easement acquisitions.

Publications

Cap Rate Variations – Valuation 2014 and CCIM March/April 2015

Assessing Market Value – CCIM Summer 2020

State of Kansas



Real Estate Appraisal Board

This is to certify that

Jason T. Roos

has complied with the provisions of the Kansas State Certified and Licensed Real Property Appraisers Act to transact business as a

Certified General Real Property Appraiser
in the State of Kansas

License No: G-2639

Effective Date: 7/1/2022

Expiration Date: 6/30/2023

Chairman

State of Kansas

Real Estate Appraisal Board



This is to certify that

Daniel J. Kann

has complied with the provisions of the Kansas State Certified and Licensed Real Property Appraisers Act to transact business as a

Certified General Real Property Appraiser
in the State of Kansas

License No: G-2762

Effective Date: 7/1/2022

Expiration Date: 6/30/2023

Chairman

From: [Tom Scaletty](#)
To: [Kelly Passauer](#); [Tim Kerr](#); jfrazier@appraisalgroupcentral.com
Cc: [Ryan Kerr](#); [David Cowan](#)
Subject: RE: City of Independence - Appraisal
Date: Wednesday, October 12, 2022 9:34:52 AM
Attachments: [image001.png](#)
[image003.png](#)

Ms. Passauer,

I can't get to this one in a reasonable timeframe, but I spoke with a colleague from Pittsburgh, KS who would be interested. His name is Justin Frazier. I have copied him on this email. His contact info is below.

Justin Frazier
913-221-1714.

Thanks,

Tom

Thomas M. Scaletty, MAI

Partner

Kansas | Missouri | Iowa | Nebraska



913.248.1703 (direct)

913.669.3349 (cell)

tom@mainlandvaluation.com

www.mainlandvaluation.com

Corporate – 8643 Hauser Court, Suite 235 - Lenexa, KS 66215

From: Kelly Passauer <kellyp@independences.gov>

Sent: Tuesday, October 11, 2022 3:58 PM

To: Tim Kerr <timkerr@reecenichols.com>; Tom Scaletty <tom@mainlandvaluation.com>

Cc: Ryan Kerr <ryankerr@reecenichols.com>; David Cowan <davidc@independences.gov>

Subject: RE: City of Independence - Appraisal

Tim and Tom,

Here is a link to the RFP: <http://www.independences.gov/bids.aspx?bidID=160>

Thanks!

Kelly



Important: This communication, including attachments, is for the exclusive use of the addressee and may contain proprietary, confidential or privileged information. If this email and any files were sent to you in error, be advised that any use, dissemination, forwarding, printing or copying of this email and/or any files are strictly prohibited. Please immediately delete it from your computer and any servers or other locations where it might be stored and email kellyp@independencesks.gov or call Kelly Passauer, City Manager, at 620-332-2506 advising you have done so. The City of Independence appreciates your cooperation.

From: Tim Kerr <timkerr@reecenichols.com>

Sent: Tuesday, October 11, 2022 3:55 PM

To: tom@mainlandvaluation.com

Cc: Kelly Passauer <kellyp@independencesks.gov>; Ryan Kerr <ryankerr@reecenichols.com>

Subject: FW: City of Independence - Appraisal

Hi Tom,

You were recommended as someone that could perhaps do an appraisal of a former hospital building in Independence, KS. Is this something that you would be interested in and able to help us with?

Thanks,

Tim Kerr, MBA

Associate Broker

ReeceNichols South Central Kansas – Commercial Division

1551 N. Waterfront Parkway, Suite 301

Wichita, KS 67206

316.260.5900 (office)

316.218.5150 (cell)

timkerr@reecenichols.com



ReeceNichols
SOUTH CENTRAL KANSAS

An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

From: Allison Fowler <afowler@martenscos.com>

Sent: Tuesday, October 11, 2022 3:48 PM

To: Tim Kerr <timkerr@reecenichols.com>

Subject: City of Independence - Appraisal

Hi Tim,

Unfortunately, our schedules start to fill up quite rapidly this time of year, and we won't be able to get to it. The below is a contact that was suggested if you still need ideas. Again, I apologize that we cannot assist with your request at this time, and we do appreciate you thinking of us.

Thomas M. Scaletty, MAI
Mainland Valuation Services
12760 West 87th #100
Lenexa, Kansas 66215
Direct Phone: 913-248-1703
Mobile: 913-669-3349
email: tom@mainlandvaluation.com

Best,



Allie Fowler

Appraisal Department Administrator

Martens Appraisal | 435 South Broadway | Wichita, KS 67202

T (316) 425-6437 | F (316) 262-0235



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Public Hearing to consider the proposed vacation of easements and rights-of-ways as indicated on a proposed minor subdivision plat for Heckman Landing Addition, which is a replat of certain lots within the Regency West 2nd Addition Subdivision.

SUMMARY RECOMMENDATION City Staff recommends vacation of easements or right-of-way and approval of the minor subdivision replat.

BACKGROUND Recently, the City code was amended to allow minor subdivision replats which do not require having to go through the entire replatting process. Staff has reviewed the plat submitted and finds it to be in compliance with the exception of the plat was drawn to 1" = 50' rather than 1" = 100'. However, the County Zoning Administrator was contacted and indicated that the County would accept the plat drawn at the scale submitted.

The plat does propose vacation of easements or rights-of-way, which requires a public hearing.

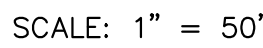
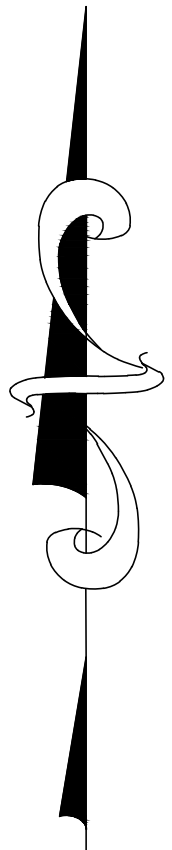
The code regarding minor subdivision replats may be found at this link: https://library.municode.com/ks/independence/codes/code_of_ordinances?nodeId=APXASU_ARTXIV_MISURE

FINANCIAL INFORMATION A \$50 fee was paid for the minor replat application process.

SUGGESTED MOTION I move to approve the vacation of easements or rights-of-way and approval of the minor subdivision plat for Heckman Landing Addition, which is a replat of certain lots within the Regency West 2nd Addition Subdivision.

SUPPORTING DOCUMENTS

1. Heckman Landing Addition Plat
2. Heckman Minor Subdivision Replat
3. Replat - John Heckman



Lots 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 35, 36, 37, 44, 45, 46, 47, 48, 49 and 50, Regency West Addition to the City of Independence, Montgomery County, Kansas.

KNOW ALL MEN BY THESE PRESENTS: That _____, being the agent for the
owners in fee simple of the following described real property to wit:

In witness whereof, "The Owners" have caused these presents to be subdivided. Owners:

OWNER: _____ DATE: _____

OWNER: _____ DATE: _____

I, William A. Booe, a registered Land Surveyor in the State of Kansas, do hereby certify that I have made a careful and accurate on the ground survey of the foregoing described property, and that the above foregoing plat is a correct representation of said survey and meets or exceeds current Kansas Minimum Standards for Boundary Surveys.

Witness my hand and seal this _____ day of _____, 2022.

William A. Booc, LS 1046

State of Kansas
County of Montgomery

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by William A. Booe.

Notary Public _____

My Commission Expires : _____ My Commission Number: _____

I, Nancy Clubine, do hereby certify that I am the duly elected, qualified and acting County Treasurer of Montgomery County, State of Kansas, and that the tax records of the said county show all taxes due through the date plat is approved are paid in full on the above foregoing plat located in Montgomery County, Kansas.

In witness whereof, said County Treasurer has caused this instrument to be executed at Independence, Kansas, on this _____ day of _____, 2022.

Nancy Clubine, County Treasurer

State of Kansas)
County of Montgomery)

This instrument was filed on this _____ day _____ of 2022 A.D.
at _____ (am), and duly recorded in Book _____, Page. _____

Marilyn Calhoun, Register of Deeds

Approved as a minor subdivision/replat under the subdivision regulations of the City of Independence

Zoning Administrator

_____, City Clerk of the City of Independence, State of Kansas, hereby certify that I have examined the records of the said City and find that all deferred payments or unmatured installments upon special assessments have been paid in full and there is no special assessment procedure pending against the land shown on the above foregoing annexed plat except:

on this _____ day of _____, 2022.

City Clerk

Be it resolved by the Governing Body, City of Independence, Kansas, that the dedications shown on the above foregoing annexed plat are hereby accepted.

Adopted by the City Council, the City of Independence, Kansas,
this _____ day of _____, 2022.

Approved by the Mayor of the City of Independence, Kansas, this _____ day
of _____, 2022.

City Clerk _____ Mayor _____

State of Kansas)
County of Montgomery)

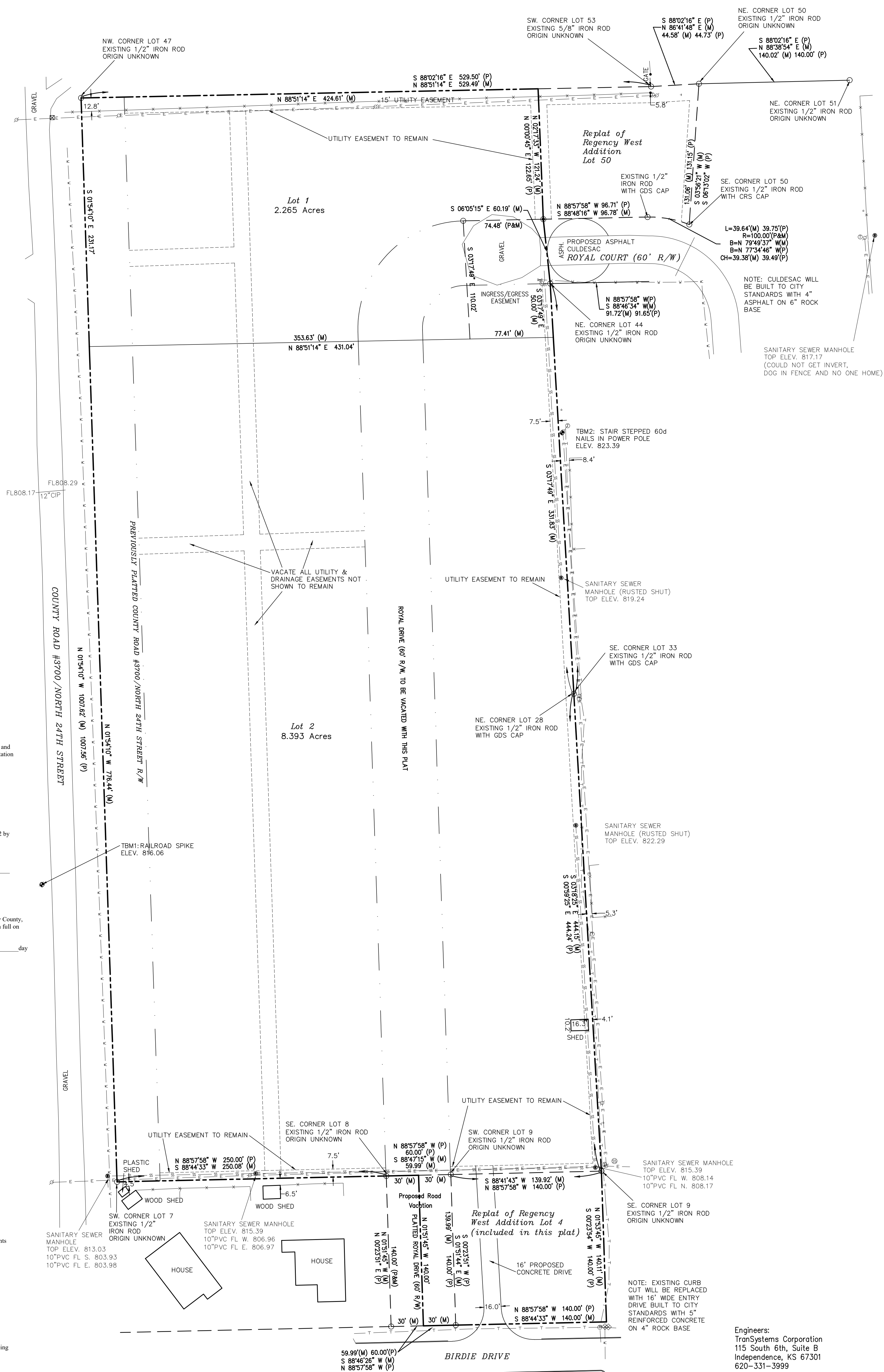
I, _____, County Clerk of Montgomery County,
Kansas, do hereby certify that this is a true and correct copy of a like instrument as appears on
record in this office on this _____ day of _____, 2022.

County Clerk

This survey has been reviewed and approved for filing, pursuant to K.S.A. 58-2005 for content only and is in compliance with this Act. No other warranties are extended or implied.

James D. Schmitz, PLS No. 727

PRELIMINARY & FINAL MINOR SUBDIVISION PLAT, A REPLAT OF
LOTS 4, 7-9, 16-21, 28-33, 35-37 44-49 REPLAT OF
REGENCY WEST 2ND ADDITION, INDEPENDENCE
MONTGOMERY COUNTY, KANSAS



Engineers:
TranSystems Corporation
115 South 6th, Suite B
Independence, KS 67301
620-331-3999

Surveyors:
Cornerstone Regional Surveying, LLC
1921 North Penn
Independence, KS 67301
620-331-6767
JOB #2108340PLAT

1. The bearings shown hereon are based upon the Kansas State Plane Coordinate System, South Zone.
2. This survey does not reflect any easements, rights-of-way, or other instruments of record which may encumber this property per agreement with client.
3. Underground utilities are shown by the above ground markings provided by others. One Call ticket 21470040 dated September 9, 2021.
4. All distances are measured unless otherwise noted.
5. Vertical Datum: Iron rod 5' East of the 1st power pole by entrance North side of water tower near Pheasant Point Apartments. Adjusted ELEV: 836.09
6. TBM1: Railroad spike on West side of property. ELEV: 816.06
7. TBM2: Stair stepped 60d nails in power pole on East side of property. ELEV: 823.59
8. All lots, setbacks and Roads of the Replat will be vacated as noted. Some easement will be vacated as noted.
9. Further division or consolidation of any lots contained in this minor subdivision/replat is prohibited, and shall be processed as a major subdivision, if the action meets the exception noted in the subdivision regulations of the City of Independence, Montgomery County, Kansas.

○	Existing 1/2" Iron Rod	(M)	Measured Dimension
—	Per Plat (unless noted)	(D)	Deed Dimension
●	Set 1/2"x24" Iron Rod/Cap (unless otherwise noted)	(P)	Plat Dimension
		R/W	Right of Way
△	Section Corner Origin Unknown (unless noted)	Conc.	Concrete
— — — — —	Boundary Line	◇	Water Meter
— — — — —	Setback Line	×	Guy Wire
— — — — —	Fence	⊗	Gas Meter
— E — — — — E — — — —	Overhead Electric Line	⊗	Gas Valve
— V — — — — V — — — —	Water Line	①	Telephone Riser Box
— G — — — — G — — — —	Gas Line	⊗	Undetermined Manhole
— T — — — — T — — — —	Underground Telephone	⊗	Sanitary Sewer Cleanout
— S — — — — S — — — —	Sanitary Sewer Line	⊗	Sanitary Sewer Manhole
●	Bollard	⋮	Sign
⊗	Curb Inlet or Area Inlet	*	Light Pole
⊗	Fire Hydrant	⊗	Power Pole
⊗	Handicap Parking	⊗	Water Valve
⊗	Electric Cabinet	⊗	Electric Meter

William & Mary Heckman
1904 Eisenhower Court
Independence, KS 67301

8 September 2022

Kelly Passauer
City Manager/ Zoning Administrator
City of Independence, Kansas
811 West Laurel Street
Independence, KS 67301

RE: Heckman Landing Addition

Kelly,

With this letter, we are submitting a request for approval of the minor subdivision plat referenced above. We have included with this letter the following items outlined in the submission requirements:

- Five prints of the minor subdivision plat prepared by Cornerstone Regional Surveying, LLC.
- A USB flash drive containing an electronic PDF copy of the minor subdivision plat.
- A copy of the three Real Estate Tax Statements certifying that all of the taxes have been paid.
- A check in the amount of \$50.00 for the application filing fee.

In addition, this letter shall serve as a petition requesting the proposed vacation of easements and rights-of-ways as indicated on the attached minor subdivision plat. The legal descriptions of the properties are included on the plat.

Please let us know if you need any additional information.

Sincerely,



William S. Heckman



Mary E. Heckman

REAL ESTATE TAX STATEMENT

Pg. 1

NANCY CLUBINE
MONTGOMERY CO TREASURER
PO BOX 767
INDEPENDENCE, KS 67301
620-330-1100

TAX YEAR	STATEMENT#	TAXPAYER ID	TAXPAYER NAME(S)
2021	1221724	HECK0017	WILLIAM S HECKMAN & MARY E HECKMAN REV LIV TRST

PROPERTY DETAILS

Owner: WILLIAM S HECKMAN &
MARY E HECKMAN REV LIV TRST
Parcel: 108- 867
CAMA #: 086-13-0-30-02-019-00-0-01
Subdiv: Z46 Blk. Lots.
Sec: 13 Twn. 32 Rng. 15
Unit: INDEPENDENCE CITY-USD446-BOND-
Legal: IC 007772
IC 007773
IC 007791
Address: 0 ROYAL CT

Deed Information:
HECKMAN, WILLIAM S &
1904 MACARTHUR CT
MARY E HECKMAN REV LIV TRST
INDEPENDENCE, KS 67301

Values: Code VU Land: 1878 Impr: 0 Penal ty: 0 Tax: 383.74
Total Acres: 7.1 Ag Acres: 4.0
Levy: 204.33500
Real Estate Tax Amount: 191.87

1st Half 191.87
2nd Half 191.87
Total Tax 383.74

TOTAL TAXES THIS STATEMENT 191.87
TOTAL PAID THIS STATEMENT 191.87
TOTAL DUE THIS STATEMENT .00

PLEASE MAKE **MONTGOMERY CO TREASURER**
PAYMENT TO: **PO BOX 767**
INDEPENDENCE, KS 67301

TAX DISTRIBUTION SUMMARY					
State: 2.82	City: 102.58	School: 88.12	Special: 00	Assessments: 00	
County: 97.89	Township: 00	Library: 00	Total: 00		
Fire: 00	Cemetery: 00	Other: 92.33			

YOUR ASSESSED VALUE				
Property Class	2020	2021	Value Change	% Change
Residential *	0	0	0	0
Non-Residential	1,843	1,878	35	1.9
TOTAL	1,843	1,878	35	1.9

* The first \$2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES				YOUR TAXES			
Taxing Authority	2020	2021	% Chg	2020	2021	\$ Chg	% Chg
STATE	1.50000	1.50000	0	2.76	2.82	.06	2.2
COUNTY	52.08200	52.11700	1	95.99	97.89	1.90	2.0
STATEWIDE USD*	20.00000	20.00000	0	36.86	37.56	.70	1.9
USD 446	26.93200	26.92500	-1	49.64	50.56	.92	1.9
Independence City	55.24900	54.62900	-1.1	101.83	102.58	.75	.7
General Fund - ICC	41.70600	42.77500	2.6	76.86	80.33	3.47	4.5
Capital Outlay - ICC							
Rec. Comm. Emp. Bene. USD44	1.00000	1.00000		1.84	1.88	.04	2.2
Recreation Comm. USD 446	3.99900	4.00000		7.37	7.51	.14	1.9
Wildcat Ext. Dst. #14	1.32100	1.38900	5.1	2.43	2.61	.18	7.4
TOTAL	203.78900	204.33500	3	375.58	383.74	8.16	2.2

REVENUE FROM PROPERTY TAX LEVIES				
Taxing Authority	From 2020	From 2021	\$ Change	% Change
STATE	480,313.21	488,519.73	8,206.52	1.7
COUNTY	16,716,990.63	16,972,771.41	255,780.78	1.5
STATEWIDE USD*	1,974,421.55	2,020,163.14	45,741.59	2.3
USD 446	2,972,274.93	3,031,535.76	59,260.83	2.0
Independence City	2,582,693.98	2,604,925.91	22,231.93	.9
General Fund - ICC	5,711,056.66	5,991,922.59	280,865.93	4.9
Capital Outlay - ICC				
Rec. Comm. Emp. Bene. USD44	110,104.57	112,597.57	2,493.00	2.3
Recreation Comm. USD 446	440,299.84	450,382.33	10,082.49	2.3
Wildcat Ext. Dst. #14	421,832.96	452,342.35	30,509.39	7.2
TOTAL	31,409,988.33	32,125,160.79	715,172.46	2.3

Last Payment on 2022/05/16

Last Payment on 2021/12/17

REAL ESTATE 2021
Statement # 1221724 TX ID: HECK0017

REAL ESTATE 2021
Statement # 1221724 TX ID: HECK0017

WILLIAM S HECKMAN &
MARY E HECKMAN REV LIV TRST
1904 MACARTHUR CT
INDEPENDENCE, KS 67301

WILLIAM S HECKMAN &
MARY E HECKMAN REV LIV TRST
1904 MACARTHUR CT
INDEPENDENCE, KS 67301

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REAL ESTATE TAX STATEMENT

Pg. 1

NANCY CLUBINE
MONTGOMERY CO TREASURER
PO BOX 767
INDEPENDENCE, KS 67301
620-330-1100

TAX YEAR	STATEMENT#	TAXPAYER ID	TAXPAYER NAME(S)
2021	1221725	HECK0017	WILLIAM S HECKMAN & MARY E HECKMAN REV LIV TRST

PROPERTY DETAILS			
Owner: WILLIAM S HECKMAN & MARY E HECKMAN REV LIV TRST		Unit: INDEPENDENCE CITY-USD446-BOND- Legal: IC 007774 IC 007775 IC 007785 SEE NOTES	
Parcel: 108- 970 CAMA #: 086-13-0-30-02-039-00-0-01 Subdiv: Z46 Blk. Lots. Sec: 13 Twn. 32 Rng. 15		Address: 0 ROYAL DR	
Deed Information: HECKMAN, WILLIAM S & 1904 MACARTHUR CT			
Values: Code: VU Land: 2354 Impr: 0 Penal ty: 0 Tax: 481.00			
Total Acres: 2.4 Ag Acres: 1.1			
Levy: 204.33500		1st Half 240.50 2nd Half 240.50 Total Tax 481.00	
Real Estate Tax Amount: .00			
TOTAL TAXES THIS STATEMENT		240.50	240.50
TOTAL PAID THIS STATEMENT		240.50	481.00 *
TOTAL DUE THIS STATEMENT		.00	.00 *

PLEASE MAKE PAYMENT TO: **MONTGOMERY CO TREASURER
PO BOX 767
INDEPENDENCE, KS 67301**

TAX DISTRIBUTION SUMMARY					
State...	3.53	City...	128.59	School...	110.46
County...	122.69	Township	.00	Library...	.00
Fire...	.00	Cemetery	.00	Other...	115.73
				Special Assessments	Total... .00

YOUR ASSESSED VALUE				
Property Class	2020	2021	Value Change	% Change
Residential *	0	0	0	.0
Non-Residential	2,354	2,354	0	.0
TOTAL	2,354	2,354	0	.0

* The first \$2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES				YOUR TAXES			
Taxing Authority	2020	2021	% Chg	2020	2021	\$ Chg	% Chg
STATE	1.50000	1.50000	.0	3.53	3.53		
COUNTY	52.08200	52.11700	.1	122.61	122.69	.08	.1
STATEWIDE USD*	20.00000	20.00000	.0	47.08	47.08		
USD 446	26.93200	26.92500	.0	63.40	63.38	-.02	-.1
Independence City	55.24900	54.62900	-1.1	130.05	128.59	-1.46	-1.1
General Fund - ICC	41.70600	42.77500	2.6	98.18	100.69	2.51	2.6
Capital Outlay - ICC							
Rec Comm Emp Bene. USD44	1.00000	1.00000		2.35	2.35		
Recreation Comm. USD 446	3.99900	4.00000		9.41	9.42	.01	.1
Wildcat Ext. Dst. #14	1.32100	1.38900	5.1	3.11	3.27	.16	5.1
TOTAL	203.78900	204.33500	.3	479.72	481.00	1.28	.3

REVENUE FROM PROPERTY TAX LEVIES				
Taxing Authority	From 2020	From 2021	\$ Change	% Change
STATE	480,313.21	488,519.73	8,206.52	1.7
COUNTY	16,716,990.63	16,972,771.41	255,780.78	1.5
STATEWIDE USD*	1,974,421.55	2,020,163.14	45,741.59	2.3
USD 446	2,972,274.93	3,031,535.76	59,260.83	2.0
Independence City	2,582,693.98	2,604,925.91	22,231.93	.9
General Fund - ICC	5,711,056.66	5,991,922.59	280,865.93	4.9
Capital Outlay - ICC				
Rec Comm Emp Bene. USD44	110,104.57	112,597.57	2,493.00	2.3
Recreation Comm. USD 446	440,299.84	450,382.33	10,082.49	2.3
Wildcat Ext. Dst. #14	421,832.96	452,342.35	30,509.39	7.2
TOTAL	31,409,988.33	32,125,160.79	715,172.46	2.3

Last Payment on 2022/05/16

Last Payment on 2021/12/17

REAL ESTATE 2021
Statement # 1221725 TX ID: HECK0017

REAL ESTATE 2021
Statement # 1221725 TX ID: HECK0017

WILLIAM S HECKMAN &
MARY E HECKMAN REV LIV TRST
1904 MACARTHUR CT
INDEPENDENCE, KS 67301

WILLIAM S HECKMAN &
MARY E HECKMAN REV LIV TRST
1904 MACARTHUR CT
INDEPENDENCE, KS 67301

RECEIPT REQUESTED? ☐



RECEIPT REQUESTED? ☐



REAL ESTATE TAX STATEMENT

Pg. 1

NANCY CLUBINE
MONTGOMERY CO TREASURER
PO BOX 767
INDEPENDENCE, KS 67301
620-330-1100

TAX YEAR	STATEMENT#	TAXPAYER ID	TAXPAYER NAME(S)
2021	1221726	HECK0017	WILLIAM S HECKMAN & MARY E HECKMAN REV LIV TRST

PROPERTY DETAILS

Owner: WILLIAM S HECKMAN &
MARY E HECKMAN REV LIV TRST
Parcel: 108- 1020
CAMA #: 086-13-0-30-02-046-00-0-01
Subdiv: Z46 Blk. Lots: 4
Sec: 13 Twn: 32 Rng: 15
Address: 0 ROYAL DR
Legal: IC 007745
SEE NOTES
Deed Information:
HECKMAN, WILLIAM S &
1904 MACARTHUR CT
MARY E HECKMAN REV LIV TRST
INDEPENDENCE, KS 67301
Values: Code: VU Land: 1946 Impr: 0 Penal ty: 0 Tax: 397.64
Ag Acres: .4
Levy: 204.33500 1st Half 198.82 2nd Half 198.82 Total Tax 397.64
Real Estate Tax Amount: 198.82
TOTAL TAXES THIS STATEMENT 198.82
TOTAL PAID THIS STATEMENT 198.82
TOTAL DUE THIS STATEMENT .00

PLEASE MAKE **MONTGOMERY CO TREASURER**
PAYMENT TO: **PO BOX 767**
INDEPENDENCE, KS 67301

TAX DISTRIBUTION SUMMARY

State: 2.92	City: 106.31	School: 91.32	Special Assessments
County: 101.42	Township: .00	Library: .00	Total: .00
Fire: .00	Cemetery: .00	Other: 95.67	

YOUR ASSESSED VALUE

Property Class	2020	2021	Value Change	% Change
Residential *	0	0	0	.0
Non-Residential	1,097	1,946	849	77.4
TOTAL	1,097	1,946	849	77.4

* The first \$2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES				YOUR TAXES			
Taxing Authority	2020	2021	% Chg	2020	2021	\$ Chg	% Chg
STATE	1.50000	1.50000	.0	1.65	2.92	1.27	77.0
COUNTY	52.08200	52.11700	.1	57.11	101.42	44.31	77.6
STATEWIDE USD*	20.00000	20.00000	.0	21.94	38.92	16.98	77.4
USD 446	26.93200	26.92500	.0	29.56	52.40	22.84	77.3
Independence City	55.24900	54.62900	-1.1	60.61	106.31	45.70	75.4
General Fund - ICC	41.70600	42.77500	2.6	45.75	83.24	37.49	81.9
Capital Outlay - ICC							
Rec Comm Emp Bene: USD44	1.00000	1.00000	.0	1.10	1.95	.85	77.3
Recreation Comm: USD 446	3.99900	4.00000	.0	4.39	7.78	3.39	77.2
Wildcat Ext. Dst. #14	1.32100	1.38900	5.1	1.45	2.70	1.25	86.2
TOTAL	203.78900	204.33500	.3	223.56	397.64	174.08	77.9

REVENUE FROM PROPERTY TAX LEVIES

Taxing Authority	From 2020	From 2021	\$ Change	% Change
STATE	480,313.21	488,519.73	8,206.52	1.7
COUNTY	16,716,990.63	16,972,771.41	255,780.78	1.5
STATEWIDE USD*	1,974,421.55	2,020,163.14	45,741.59	2.3
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Wildcat Ext. Dst. #14	421,832.96	452,342.35	30,509.39	7.2
TOTAL	31,409,988.33	32,125,160.79	715,172.46	2.3

Last Payment on 2022/05/16

Last Payment on 2021/12/17

REAL ESTATE 2021
Statement # 1221726

TX ID: HECK0017

WILLIAM S HECKMAN &
MARY E HECKMAN REV LIV TRST
1904 MACARTHUR CT
INDEPENDENCE, KS 67301

REAL ESTATE 2021
Statement # 1221726

TX ID: HECK0017

WILLIAM S HECKMAN &
MARY E HECKMAN REV LIV TRST
1904 MACARTHUR CT
INDEPENDENCE, KS 67301

RECEIPT
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RECEIPT
REQUESTED? ☐



CITY OF INDEPENDENCE

REC#: 01199622 9/09/2022 11:37 AM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 VARIANCE
 REPLAT FILING FEE
 MISC FEES 50.00CR

TENDERED: 50.00 CHECK
APPLIED: 50.00-

CHANGE: 0.00

From: [Matt Debo](#)
To: [David Cowan](#)
Subject: RE: Replat - John Heckman
Date: Monday, September 12, 2022 4:29:17 PM
Attachments: [image001.png](#)

yes



Matt Debo
Director of Environmental
Services & Zoning

From: David Cowan [mailto:davidc@independencesks.gov]
Sent: Monday, September 12, 2022 2:59 PM
To: Matt Debo <mdebo@mgcountyks.org>
Cc: Kelly Passauer <kellyp@independencesks.gov>
Subject: Replat - John Heckman

Matt,

I just need to confirm Mg. county is going to accept the 1"=50' on the John Heckman replat? If yes, I believe we are ready to take it to our commission for approval, but I will do one more review in the a.m. to ensure we have everything on the replat.

Thanks,
David Cowan

David J. Cowan
Assistant City Manager-Director of Safety
davidc@independencesks.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
www.independencesks.gov



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**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider setting a Public Hearing to consider the condemnation of a garage at 108 S. Wald as dangerous and unsafe on December 22, 2022 at 5:30 p.m.

SUMMARY RECOMMENDATION City Staff recommends setting the public hearing date.

BACKGROUND On October 16, 2022 a garage fire did extensive damage to the structure and left it dangerous and unsafe. City crews utilized a backhoe to knock the structure down and make it safe. City Staff recommends setting the date of December 22, 2022 at 5:30 p.m. to consider condemnation of the structure.

FINANCIAL INFORMATION Cost of removal if the owner fails to remove the debris.

SUGGESTED MOTION I move to set a Public Hearing to consider the condemnation of a garage at 108 S. Wald as dangerous and unsafe on December 22, 2022 at 5:30 p.m.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-055 - CONDEMNATION - PH - 108 S Wald
2. 108 S. Wald - Notice of Public Hearing - 10162022 - Hastings
3. 108 S. Wald - Notice of Public Hearing - 10162022 - Shartzter
4. Parcel - 108 S. Wald
5. Photo - 20221016_073721
6. Photo - 20221016_090631
7. Photo - 20221016_073621
8. MG-067 - O & E

RESOLUTION NO. 2022-055

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, OF WHICH OWNERS, OWNERS AGENTS, LIEN HOLDERS OF RECORD AND ANY OCCUPANTS, IF ANY, OF THE STRUCTURE OR STRUCTURES IDENTIFIED BELOW, IN SAID CITY MAY APPEAR AND SHOW CAUSE WHY SAID STRUCTURE OR STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED PURSUANT TO K.S.A. 12-1751 ET. SEQ.

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 26th day of October 2022, file with the Governing body of said City, statements and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

Legal: South 60' of Lot 10 of the Riverview Addition to the City of Independence, Montgomery County, Kansas

Common Address: 108 S Wald Ave.

Mortgage:

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

That a public hearing will be held on Thursday, **December 22, 2022** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Civic Center, Memorial Hall, Penn Ave. and Locust Streets, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

Be it further resolved that the City Clerk shall cause this Resolution to be published one time each week for two consecutive weeks on the same day of each week, that at least thirty (30) days shall elapse between the last publication and the date set for hearing and the City Clerk shall give notice of the aforesaid hearing in the manner provided by Ordinance and by law.

Be it further resolved by the Governing Body of the City of Independence that its authority for the actions set forth herein is established pursuant to K.S.A. 12-1751 ET. SEQ.

Adopted this 26th day of October 2022.

(SEAL)

Mayor

City Clerk



October 17, 2022

Chris Hastings
2410 Gary Ave
Independence, Ks. 67301

Dear Owner of Property.

I am writing to inform you that the City of Independence will be asking the Commission on October 26, 2022, to set a Public Hearing on December 22, 2022, at 5:30 p.m. The Public Hearing will consider condemning a garage at 108 S. Wald related to a structure fire that extensively damaged the building.

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

Please contact me at davidc@independenceks.gov or 620.332.2528 regarding your intentions with this property before the meeting.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas



October 17, 2022

Lisa & Abril Shartzter
613 W. 6th
Beardstown, IL 62618

Dear Owner of Property.

I am writing to inform you that the City of Independence will be asking the Commission on October 26, 2022, to set a Public Hearing on December 22, 2022, at 5:30 p.m. The Public Hearing will consider condemning a garage at 108 S. Wald related to a structure fire that extensively damaged the building.

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

Please contact me at davidc@independenceks.gov or 620.332.2528 regarding your intentions with this property before the meeting.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas

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The Parcel Number for this Property is 063-099-31-0-10-13-014.00-0
Quick Ref ID: 6598

Owner Information

Owner Name	SHARTZER, LISA D & ABRIL, HEATHER B
Address	613 W 6TH BEARDSTOWN, IL 62618

Property Situs Address

Address	108 S WALD AVE, 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	10,670	16,530	27,200
Total	10,670	16,530	27,200

Tract Description

RIVERVIEW ADD NO2 31-32-16, S31, T32, R16, S 60' LOT 10; Lot Width: 060.0 Lot Depth: 122.0 Plat Book/Page B /19 Deed Book/Page 683 /571
 642 /255 638 /752 548 /503 468 /217 371 /043

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
683	571	642	255	594	706		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7320										10,670

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR-	Bsmt Type	Partial - 3
Year Built	1910	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	1,049	Foundation	Block - 3
Main Floor Living Area	1,049		
Upper Floor Living Area Pct.			
CDU	FR		
Phys/Func/Econ	FR- / /		
Ovr Pct Gd/RCN	/113,340		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components				
Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Solid Wall	64			
Enclosed Wood Deck (SF), Screened Walls	160			
Frame, Siding/Shingle		100		
Composition Shingle		100		
Total Basement Area (SF)	456			
Raised Subfloor (% or SF)		100		
Warmed & Cooled Air		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

Building Improvements																			
Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	ClS	RCN
73	Tool Shed	D	1.00	1	1960			308	72	8	22 X 14	1	2	3					3,330

Building Improvement Components							
Id	Code	Units	Pct	Size	Other	Rank	Year
73	Single -Wall-Boards on Wood		100				

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TECHNOLOGIES









Security 1st Title

Date: 10-22-2022

Property Address: 108 S. Wald and 0000 E. Main
Independence, KS 67301

File No.: MG-067

Title Officer: Ronda Ballew

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence

Attn: Dave Cowan

Effective Date of this Report: **October 8, 2022**, at 7:00 A.M.

On Real Estate described as:

The South 60 feet of Lot 10 and the East 58 feet of the South 25 feet of Lot 9 and the North 5 feet of the East 58 feet of Lot 10, Riverview Addition No 2 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:

Lisa D. Shartzter and Heather B. Abril

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

1. None Found.

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

Year 2021

Amount: **\$576.62, DELINQUINT**

Property I.D. # **IC 6029**

Year 2021

Amount: **\$42.10, DELINQUINT**

Property I.D. # **IC 6028**

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

SECURITY 1st TITLE

By: Ronda Ballew
LICENSED ABTRACTOR



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a resolution for a conditional use permit for “Massage Services” in a C-3, central business district at 201 West Main Street.

SUMMARY RECOMMENDATION Recommend approval of the conditional use permit resolution for "Massage Services" in a C-3, central business district at 201 West Main Street.

BACKGROUND The Planning Commission conducted a public hearing on October 4, 2022 and considered the following staff report:

Patrick Miller previously operated his massage therapy business in the Professional Building after being issued a City license. Mr. Miller has requested to relocate this business, Amazing Hands Massage, to the Booth Hotel. We now require all City licenses to go through a zoning review before they are issued. As part of the zoning review process, it was discovered that a conditional use permit was required for "Massage Services."

The Booth Hotel is zoned C-3, and a massage services business requires a conditional use permit in that district.

511.0. - C-3, central business district.

511.1. Intent: District C-3 is intended primarily for major business services and retail business activity related to the core of the central business district serving the metropolitan trade area. Because this district is a major employment and shopping area within the community, relatively large building volumes and high residential density is permitted for transient and apartment accommodations. The high volume of pedestrian movement generated within this district will be facilitated as much as possible by the separation of pedestrian and vehicular traffic.

511.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

511.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

511.8. Use regulations:

- a. All business establishments shall be retail or service establishments dealing directly with consumers.
- b. No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.
- c. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- d. Marquees and awnings may project over public right-of-way as provided by these regulations.

Massage services are allowed in a C-2, C-3, or C-4 zone with a conditional use permit.

Appendix A

Land Use Category	Code	Permitted Zoning District												
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Massage services	6262									C	C	C		

PURPOSE AND AUTHORITY 901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety.

Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

901.2. Authority to grant permits: The governing body shall have the authority to grant conditional use permits, subject to such conditions of design and operation safeguards and time limitations as it may determine for all conditional uses specified in appendix "A" of this ordinance and for all permitted uses for which the planning and zoning commission has found that by their nature or in their operation have characteristics listed in clauses (1), (2), (3) and (4) of section 901.1 of this article, provided, however, that said conditional use permits for permitted uses shall not establish standards or conditions that are less restrictive than those set out in the district regulations for the district in which said use is located.

ACTION BY THE PLANNING COMMISSION For a Conditional Use Permit: 902.2. Action by the planning commission: Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in section 1603.0 of the zoning code. If the planning commission determines that additional information should be provided to it before making a decision, the planning commission may adjourn the public hearing to a new date and require the applicant to provide such additional information. The decision of the planning commission to recommend approval or denial of the proposed conditional use shall be based on any or all of the following criteria which the planning commission determines to be relevant:

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls and fences on the site, and
 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

902.3. Additional requirements: In consideration of requests for any conditional use permits the planning commission shall recommend to the governing body such conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance. These additional requirements shall include, but not be limited to, those special provisions applying the miscellaneous conditional uses, specified in article X.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the zoning administrator to terminate and cancel such conditional use permit.

PLANNING COMMISSION ACTION The Planning Commission recommended approving the conditional use permit as the business meets the criteria: it is contained within a building that has adequate parking (although off-street parking is not required in the C-3 district), does not dominate the use of any neighboring property, will contribute to and promote the welfare or convenience of the public and will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

FINANCIAL INFORMATION A \$200 application fee was received.

SUGGESTED MOTION I move to adopt a resolution for a conditional use permit for "Massage Services" in a C-3, central business district at 201 West Main Street for Amazing Hands Massage.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-056 - CUP Massage Services - 201 W Main
2. Public Hearing Notice CUP Massage Booth Hotel
3. CUP Amazing Hands Massage Therapy Application_Redacted

RESOLUTION NO. 2022-056

**A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO
OPERATE MASSAGE SERVICES AT 201 WEST MAIN STREET**

WHEREAS, at a public hearing conducted on October 4, 2022, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit to operate massage services at 201 West Main Street.

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 massage services at 201 West Main Street, is approved as hereinafter modified.

The property in question has the following legal description:

Block 56, Lots 1-9; Original Plat to the City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. The conditional use permit is not transferable to another applicant or to another location.
2. All massage services to be provided must be in strict compliance with all laws and ordinances.
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 26th day of October, 2022.

(Attest)

Dean A. Hayse, Mayor

David Schwenker, City Clerk

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, October 4, 2022 at 5:30 p.m.

To receive comments on a request for a conditional use permit for “Massage Services” in a C-3, central business district at 201 West Main Street.

Legal Description:

Block 56, Lot 1-9; 29439 Square Feet, Original Plat to the City of Independence, Montgomery County, Kansas.

Common Address:

201 West Main Street

Applicant/Owners:

Patrick Miller

Case Number:

2022/CUP/04

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator’s office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: 9/7/2022

2. Name, Address and Telephone Number of Property Owner:

BOOTH RESIDENCES, LLC
2301 MONACO PKWY DENVER, CO 80207
% property manager Ilona 620-313-0480

Business owner

patrick miller

201 W Main St Suite 1
Independence KS 67301

3. I appoint the following person as my agent during consideration of my request:

Name:

Address:

Telephone:

4. Common Address of Land Involved:

201 W Main st independence KS 67301 Ste Lower level suite 1

5. Legal Description of Land Involved:

ORIG PLAT, S31, T32, R16, BLOCK 56, Lot 1 - 9, 29439 SQUARE FEET, Lot Width: 207.0 Lot Depth: 140.0 Plat Book/Page 1 /6&7 Deed Book/Page 572/622 493 /052 390 /480 381 /431 381 /078

Attached
Per

6. Describe what you wish to do which the zoning code prohibits:

Zoning requires all massage businesses have a conditional use permit.

Massage therapy : we are open to the public and are a specific benefit to the area.

7. The following condition(s), which were not created by the owner's actions, are unique to the property in question and are not commonly found in the same zone or district:

Mixed use with common entries.

Commercial uses on the first and lower levels include 3 restaurant spaces as well as a hair and a nail salon are within the building. Residential usage is floors 2-5

< See Attached Parcel info

8. The proposed development would not adversely affect the rights of the adjacent property owners or residents because:

The building already maintains a commercial occupancy in the hundreds

See Attached Parcel info

9. The literal enforcement of the zoning regulations will result in the following unnecessary hardships:

No hardships would exist within the enforcement as enforcement only requires conditional use and no automatic "allowed" zones exist at least 4 massage permits have been issued within 4 blocks of the property.

- 10: The proposed development will not be contrary to the public health, safety, morals, or general welfare because:

Massage is a health benefit to the community, and a modality approved by the American medical association and the United States government Centers for Medicare and Medicaid Services.

- 11: The proposed development will not be contrary to the general spirit and intent of the zoning ordinance because:

This is in the spirit as a health and community benefit. Both as mentioned at least 5 massage establishments have functioned within 4 blocks, and as a recognized health benefit by the American medical association and federal government.

Amazing Hands massage therapy has shown good standing in the

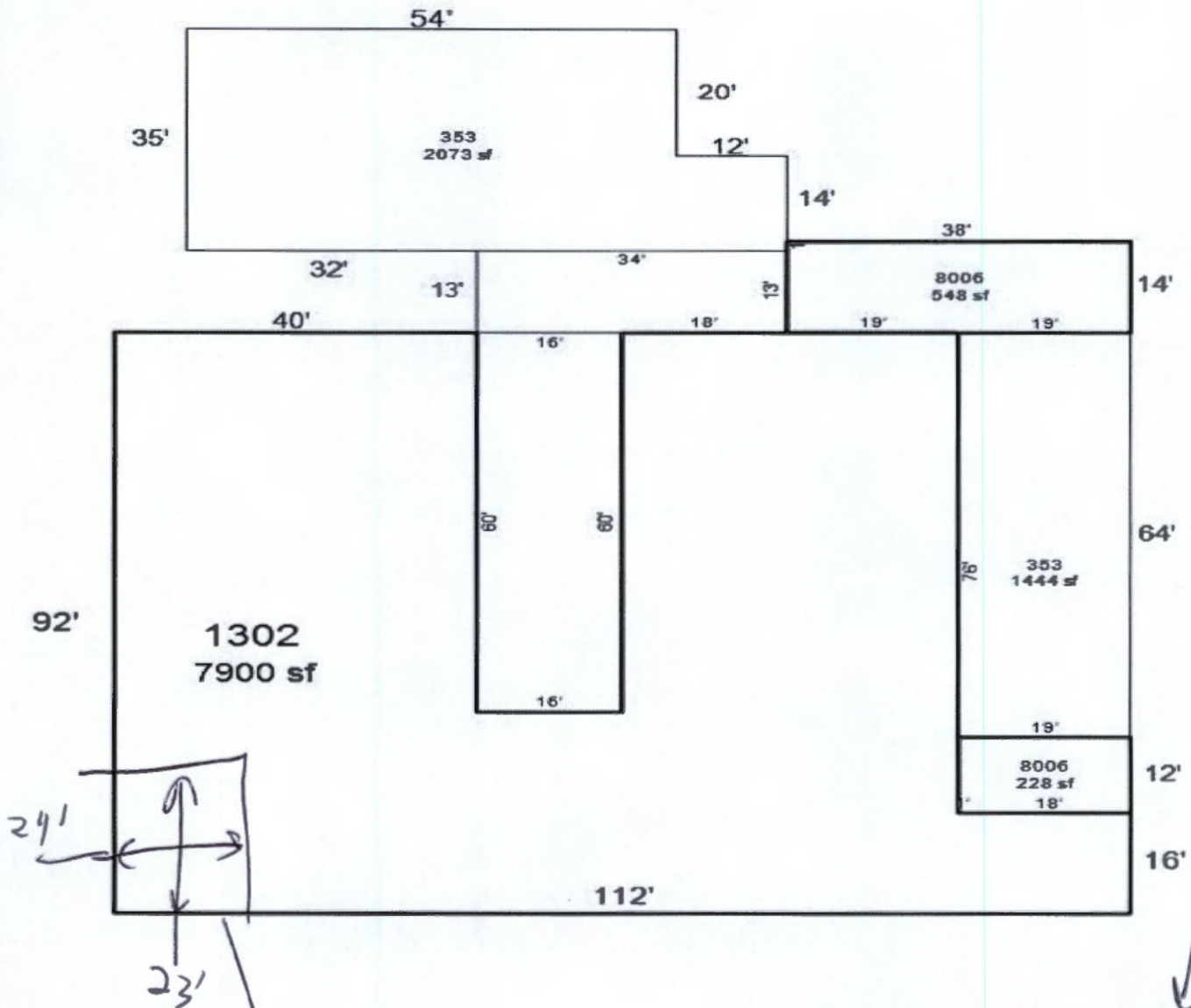
- 12: Please attach a site plan showing the dimensions of the lot, the location of building (both existing and proposed), and the location of existing buildings on adjacent property.

Attached

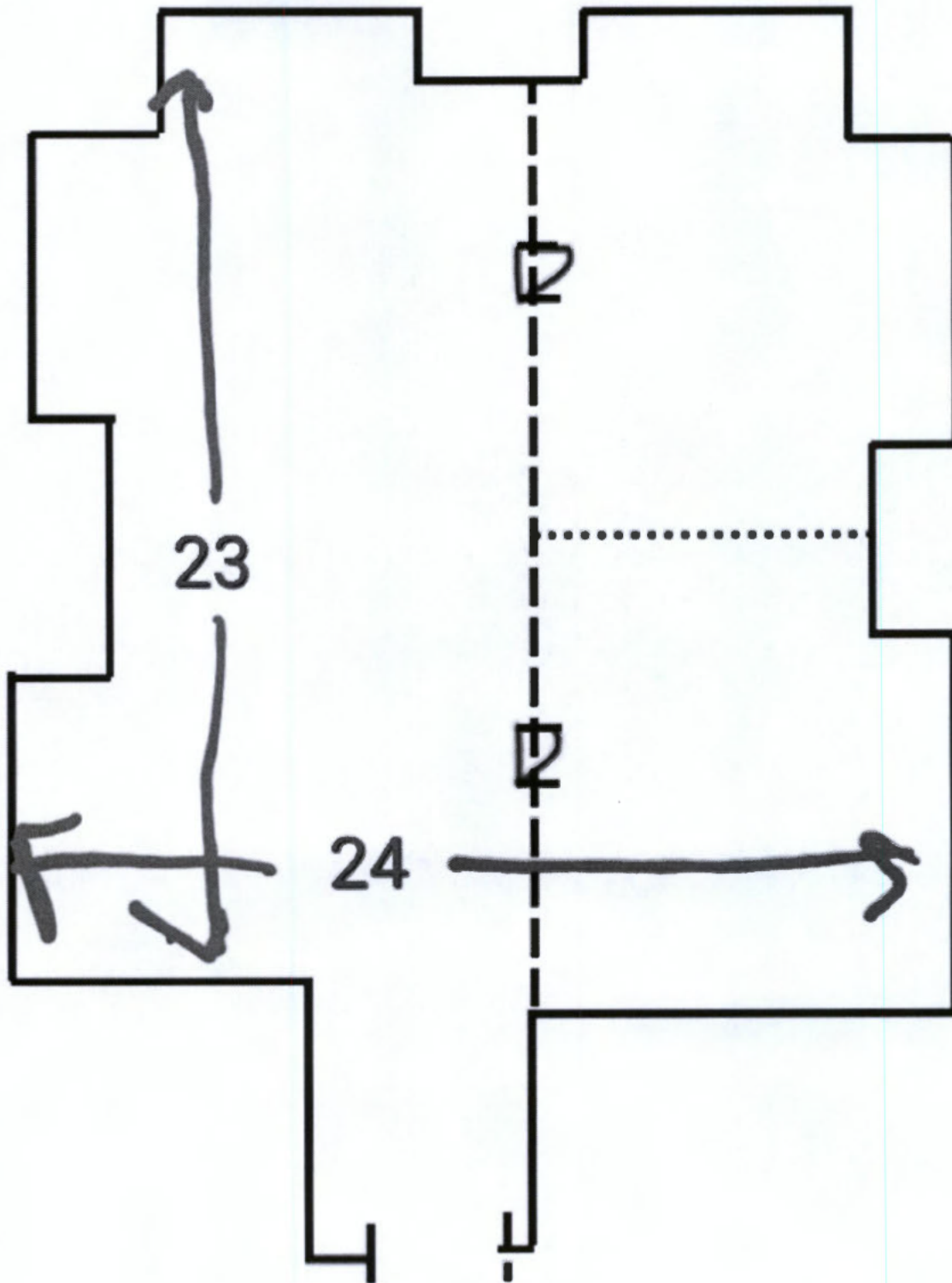
community since the previous Business License #6502 was issued January 6 2022 - ALSO ACTIVE MEMBER of CHAMBER of COMMERCE
If the space provided is not sufficient, the applicant may attach additional pages. The applicant also may submit any other pertinent information including photographs, drawings, maps, statistics, legal documents, and letters of support.

Business
Signature of Property Owner: _____

Case Number: _____
Date Filed: _____
Fee Received: _____
Present Zoning: _____



Lower Level Site I



📍 Overview

✓ Save

➦ Share



🔖 Bookmarks

🔍 Filter

🖌 Style

☰ List

🗄 Datasets

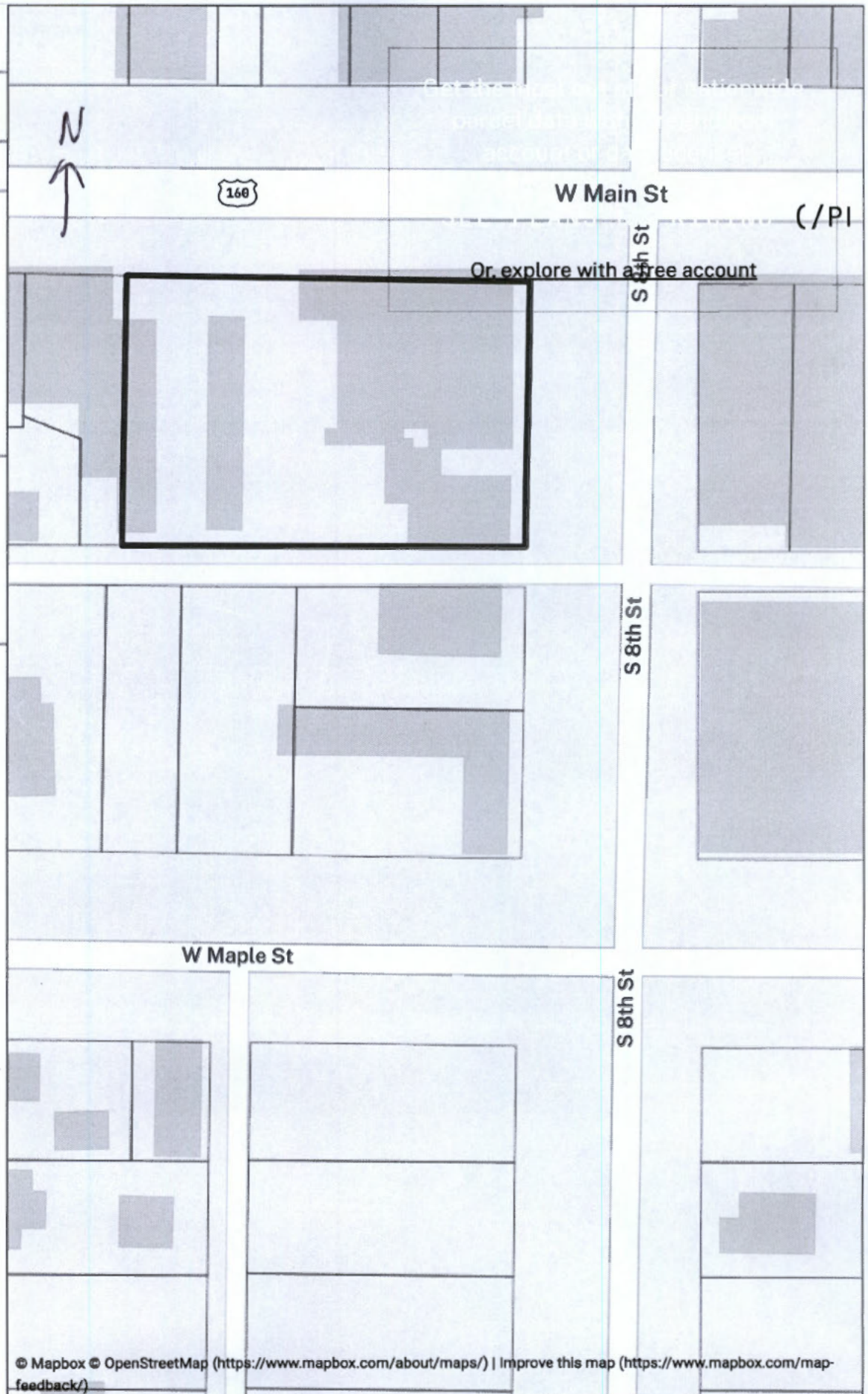
📶 Import

📄 Export

☑ Survey

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Bookmarks



201 W Main St

Owner: BOOTH HOTEL, LLC



Map



Posts



Account

These Links May Require Adobe Acrobat Reader, Click [here](#) to Download it.

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The Parcel Number for this Property is 063-099-31-0-20-20-001.00-0
Quick Ref ID: 7083

Owner Information

Owner Name	BOOTH RESIDENCES, LLC
Address	2301 MONACO PKWY DENVER, CO 80207

Property Situs Address

Address	201 W MAIN ST, Independence, KS 67301
---------	---------------------------------------

Land Based Classification System

Function	Mid-rise apartment (4-7 stories)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	21
Zoning	
Neighborhood	208.D
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Major Strip or CBD - 1
Location	Central Business District - 1
Parking Type	On Street - 2
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Commercial & Industrial - C	28,380	90,820	119,200
Residential - R	28,380	753,390	781,770
Total	56,760	844,210	900,970

Tract Description

Building Permit Information

Permit Number	Amount	Issue Date	Description
201000033	3,500	7/30/2010	OB&Y
67301	28,506	7/18/1995	
02091	2,500,000	10/23/1989	

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
716	011	572	622				

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	29439				X					C	28,380
Sqft	Primary Site - 1	29439				X					R	28,380

General Commercial Building Information

General Building Information	
LBCS Structure Code	High rise apartment building
Bldg No.	1
Building Name	BOOTH HOTEL
Identical units	1
No. of Units	21
Unit Type	
MS Mult	
MS Zip	

Apartment Data								
	1	2	3	4	5	6	7	8
Units	8	13						
BR Type	3	2						
Baths	1.5	1.0						

Commercial Building Sections & Basements																					
Sec	Occupancy	MSCls	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR%	Rsn	Inc Use	Net Area	Cls	RCN	%Gd	Value
1	Restaurant	C	2.00	1910		01/01		6,798	334	17	2	2				083			1,300,020	8	104,000
1	Apartment	C	2.00	1910		02/05		7,824	418	12	2.5	3				011		R	3,607,710	18	649,390
2	Restaurant	C	2.00	1910		01/01		1,320	86	17	2	2				083		C	183,780	8	14,700
3	Restaurant	C	2.00	1910		01/01		600	35	17	4	2				083		C	81,110	16	12,980
702	Apartment	C	2.00			1		7,889	608	10						084					
701	Apartment	C	2.00			1		1,195	608	10						011					
703	Apartment	C	2.00			1		1,320	608	10						086					
703	Apartment	C	2.00			1		600	608	10						086					

Commercial Building Section Components							
Sec	Code	Units	Pct	Size	Other	Rank	Year
1	Warmed and Cooled Air		100				
1	Stud -Brick Veneer		100				

1	Canopy, Retail Wood Frame	196				1.00
1	Warmed and Cooled Air		100			
1	Passenger #	1			6	
1	Wet Sprinklers	51744				
1	Brick, Solid		100			
1	Porch, Slab w/ Roof	200				
1	Porch, Slab w/ Roof	200				
1	Porch, Slab w/ Roof	200				
1	Porch, Slab w/ Roof	200				
2	Warmed and Cooled Air		100			
2	Stud -Brick Veneer		100			
3	Warmed and Cooled Air		100			
3	Stud -Brick Veneer		100			

Building 2

General Building Information

LBCS Structure Code	High rise apartment building
Bldg No.	1
Building Name	BOOTH HOTEL
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data

	1	2	3	4	5	6	7	8
Units								
BR Type								
Baths								

Commercial Building Sections & Basements

Sec	Occupancy	MSCls	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR%	Rsn	Inc Use	Net Area	Cls	RCN	%Gd	Value
1	Restaurant	C	2.00	1910		01/01		540	47	17	2	3				034		C	82,120	12	9,850
1	Restaurant	C	2.00	1910		01/01		486	18	17	4	2				034		C	59,510	16	9,520

Commercial Building Section Components

Sec	Code	Units	Pct	Size	Other	Rank	Year
1	Warmed and Cooled Air		100				
1	Stud -Brick Veneer		100				
1	Warmed and Cooled Air		100				
1	Stud -Brick Veneer		100				

Building 3

General Building Information

LBCS Structure Code	Restaurant
Bldg No.	2
Building Name	
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data

	1	2	3	4	5	6	7	8
Units								
BR Type								
Baths								

Commercial Building Sections & Basements

Sec	Occupancy	MSCls	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR%	Rsn	Inc Use	Net Area	Cls	RCN	%Gd	Value
1	Restaurant	C	2.00	1989		01/01		1,905	164	17	1	1				034			484,300	6	29,060
702	Restaurant	C	1.00			1		1,905	164	10											

Commercial Building Section Components

Sec	Code	Units	Pct	Size	Other	Rank	Year
1	Complete HVAC		100				
1	Passenger #	1			2		
1	Wet Sprinklers	3810					
1	Stud -Brick Veneer		100				

Other Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
90	Outbuildings	S	1.00	1	1989			10		8	134 X 62	1	3	3					41,460	14	5,800
92	Outbuildings	C	1.00	1	1989			10		8	110 X 18	1	3	3					104,190	8	8,340
94	Outbuildings	C	2.00	1	1995			10		8	26 X 6	1	3	3					5,130	8	410
53	Outbuildings	D	2.00	1	1989			10		8	31 X 6	1	3	3					810	20	160

Other Building Improvement Components

Id	Code	Units	Pct	Size	Other	Rank	Year
90	Paving, Concrete w/Base	8,308		10			
92	Canopy, Retail Wood Frame	1,980					
92	Canopy, Retail Wood Frame	1,980		10			
94	Canopy, Retail Wood Frame	156		10			
53		31					

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TECHNOLOGIES

←

201 W Main St

↗

Owner Information

Owner Name

Bouth Hotel, LLC

Mailing Address

Mailing Address

201 W Main St

Independence

KS

67361

Parcel Address

Parcel ID

0630993102010601000

Parcel Address

201 W Main St

Parcel Address City

Independence

Parcel Address Zip Code

67361-3544

Zoning, Land Use & Vacancy

Parcel Use Description

Commercial & Industrial

Land Based Classification System (LBCS)

Land Use Code: Structure

Land Use Code Description: Structure

Land Use Code: Site

Land Use Code Description: Site

USPS

Residential Delivery Indicator

USPS Vacancy Indicator

USPS Vacancy Indicator Date

USPS Delivery Point Validation

Delivery Point Validation Codes

Delivery Point Validation Notes

Delivery Point Match Type

CASS Error Codes

Structure Details

Regrid Calculated Date

Building Count

Building Footprint Square Feet

Geographic Information

Opportunity Zones

Federal Qualified Opportunity Zone No

Census Geographies

Census 2020 Block

201259504001079

Census 2020 Blockgroup

201259504001

Census 2020 Tract

20125950400

Regrid Calculated Data

Calculated Acres

0.67673

Calculated Parcel Sq Ft

29457

Additional Items

Primary Address Source

countyacoup

Latitude

37.222988

Longitude

-95.709579

Source Document Date

2022-02-17

PLSS Township

0325

PLSS Section

Section 31

PLSS Range

0196

Boundary Description

ORIG PLAT 331, T32, R16, BLOCK 66, Lot 1 - S. 29439 SQUARE FEET, Lot Width: 207.8 Lot Depth: 140.9.

Property Status

Active

Taxing Unit

106 INDEPENDENCE CITY

Neighborhood Code

208.0

LS_UUID

8c952d43-6365-4a08-a176-643d8553c115

Happy with these results?

Yes

No

Last Refreshed: August 16, 2022

CITY OF INDEPENDENCE

REC#: 01199508 9/08/2022 1:28 PM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 VARIANCE
CONDITIONAL USE PERMIT
MISC FEES 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance to modify Appendix B - Zoning of the City Code relating to coffee roasting.

SUMMARY RECOMMENDATION Consider adopting an ordinance modifying Appendix B - Zoning of the City Code to allow coffee roasting in a C-3, central business district as a conditional use.

BACKGROUND On October 4, 2022 the Planning Commission held a public hearing regarding this agenda item.

The following staff report was provided:

City staff has been approached by an existing business that is relocating downtown in the C-3, central business district. Their business would include roasting coffee that would be sold on-site. The permitted and conditional use table only allows coffee roasting in industrial districts (M-1 and M-2).

Appendix A

		Permitted Zoning District													
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2	
Coffee roasting and coffee products—manufacturing	2195												P	P	

POLICY EXPLANATION

1601.2. Proposal of amendments: Amendments may be initiated by the governing body, the planning commission, or upon application by the owners of the property affected.

1602.3. Disposition of amendment proposals: Upon receipt of proposed amendment from the zoning administrator, the planning commission shall hold a public hearing on the proposed amendment, and forward to the governing body its findings and recommendations with respect to the proposed amendment.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- a. Whether such change is consistent with the intent and purpose of these regulations;
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social economic conditions in the areas and zoning districts affected.

STAFF RECOMMENDATION If the text amendment is recommended by the Planning Commission, and subsequently approved by the City Commission, this will provide the opportunity to hold a Public Hearing to consider the conditional use permit. The public hearing would require notification of all property owners within 200' of the proposed location and would provide the opportunity to add additional conditions to address relevant concerns.

PLANNING COMMISSION ACTION The Planning Commission moved to recommend a text amendment to Appendix B-Zoning of the City Code to permit coffee roasting in a C-3, central business district as a conditional

use, as the change is consistent with the intent and purpose of these regulations, the area affected by such change would be the C-3, central business district by allowing niche coffee roasting in this zone, niche being defined as less than 100,000 pounds annually and the change is made necessary due to a recent planning concept of manufacturing and selling certain niche items in a storefront location in a downtown setting, such as the brewery.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt an ordinance amending Appendix B-Zoning of the City Code to permit coffee roasting in a C-3, central business district as a conditional use with certain additional conditions when located in the C-3 zone.

SUPPORTING DOCUMENTS

1. Ordinance 4413 - Small Scale Coffee Roasting
2. Public Hearing Notice Text Amendment Coffee Roasting
3. 10/04/2022-Unapproved P/Z Minutes

ORDINANCE NO. 4413

**An Ordinance Having to do with Small Scale Coffee Roasting
In the C-3 Central Business District.**

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

Section 1. Zoning code, Appendix A, Listing of Permitted and Conditional Uses, is amended to add the following new use as a conditional use in the C-3 district:

Coffee roasting and coffee products – small scale roasting and retail sales (annual roasting volume not to exceed 100,000 lbs).

Section 2. This ordinance shall take effect upon its publication in the official city news paper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 26th day of October, 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, October 4, 2022 at 5:30 p.m.

To consider a text amendment to modify Appendix B - Zoning of the City Code relating to coffee roasting and any additional modifications.

Case Number:

2022/ZA/05

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 4, 2022 Meeting

I. Call to Order

Present: Brent Littleton, Lisa Richard, Andy McLenon, Tim Haynes, Anthony (Tony) Royse, Michelle Anderson

Absent: Rachel Lyon, Kendall Neill, Mary Jo Meier

Staff: Kelly Passauer, David Cowan, Lydia Collins

Guests: Patrick Miller

Tim Haynes, Secretary, called the meeting to order.

II. Minutes

- a. Consider approving the minutes of the September 6, 2022 meeting.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Brent Littleton the Commission Approved the September 6, 2022 minutes.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Andy McLenon, Lisa Richard, Anthony (Tony) Royse

Nay: None

III. Planning Commission

- a. Public hearing to receive comments on a request for a conditional use permit for "Massage Services" in a C-3, central business district at 201 West Main Street.

Tim Haynes opened the public hearing.

Patrick Miller, owner of Amazing Hands Massage Therapy, explained his therapist credentials and that he was moving his business into the Booth Hotel.

The purpose of the conditional use was explained and the staff report was read.

There was no discussion from the Commission.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Lisa Richard the Commission approved a conditional use permit for "Massage Services" in a C-3, central business district at 201 W Main Street for Amazing Hands Massage.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 4, 2022 Meeting

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Andy McLenon, Lisa Richard, Anthony (Tony) Royse
Nay: None

- b. Public hearing to consider a text amendment to modify Appendix B - Zoning of the City Code relating to coffee roasting and any additional modifications.

Tim Haynes opened the public hearing.

The hearing was held to decide if the Commission would allow coffee roasting in a C-3, central business district.

The staff report was read.

Some Commission members felt that the text amendment should be more restrictive. Members discussed the number and size of roasters, pounds of roasted coffee and environmental safety measures for the surrounding neighborhood.

Tim Haynes said he would entertain a motion.

Motion:

On the motion of Brent Littleton, seconded by Anthony (Tony) Royse the Commission moved to approve a text amendment to Appendix B-Zoning of the City Code to permit coffee roasting in a C-3, central business district as a conditional use, as the change is consistent with the intent and purpose of these regulations, the area affected by such change would be the C-3, central business district by allowing coffee roasting in this zone, and the change is made necessary due to a recent planning concept of manufacturing and selling certain niche items in a storefront location in a downtown setting, such as the brewery.

Aye: Michelle Anderson, Brent Littleton, Anthony (Tony) Royse
Nay: Tim Haynes, Andy McLenon, Lisa Richard

Motion failed due to a tie vote.

The members discussed their concerns and decided to amend the suggested text amendment to include a limit on how many pounds of coffee could be roasted per year and to have a special conditional use section written for coffee roasting.

Motion:

On the motion of Brent Littleton, seconded by Anthony (Tony) Royse the Commission passed a text amendment to Appendix B-Zoning of the City Code

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 4, 2022 Meeting

to permit coffee roasting in a C-3, central business district as a conditional use, as the change is consistent with the intent and purpose of these regulations, the area affected by such change would be the C-3, central business district by allowing niche coffee roasting in this zone, niche being defined as less than 100,000 pounds annually and the change is made necessary due to a recent planning concept of manufacturing and selling certain niche items in a storefront location in a downtown setting, such as the brewery.

Aye: Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Tim Haynes, Andy McLenon, Lisa Richard

Nay: None

IV. Board of Zoning Appeals (Does not include outside City appointments)

V. Discussion

- a. Report on status of conditional use permit at 401 N. 8th Street.

Kelly Passauer updated the Commission on the status of completion for the conditional use permit at 401 N. 8th Street. Kelly also let the Commission know that there are three conditional use permits, one rezoning permit and one variance on the November 1, 2022 agenda.

VI. Adjournment

Motion:

On the motion of Tim Haynes, seconded by Lisa Richard the Commission adjourned the meeting.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Andy McLenon, Lisa Richard, Anthony (Tony) Royse

Nay: None

Kendall Neill, Chairperson

Tim Haynes, Secretary



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider adopting a Resolution establishing a policy for Sidewalk Maintenance and Improvement.

SUMMARY RECOMMENDATION Approve Policy.

BACKGROUND The repair and maintenance of sidewalks within the City is generally the duty of the homeowner. In order to improve the quality of selected sidewalks, a program has been funded to repair selected areas of sidewalk in conjunction with the attached policy. This policy would allow the City to select an area for improvement, inspect the area for necessary repairs, notify landowners, and give them the option of fixing the sidewalk or having the City fix the sidewalk and provide a mechanism to charge them.

Also within the policy is a cost-sharing program, and financial assistance program to reduce the financial impact of the necessary repairs to sidewalks.

FINANCIAL INFORMATION This policy will be funded via the annual budget process. \$50,000 was included in both 2022 and 2023. This project was titled "Residential Sidewalk Replacement Program" under "CITY GRANT PROGRAMS" in the 2023 Capital Improvements Budget.

SUGGESTED MOTION I move to adopt Resolution 2022-056 establishing a policy for Sidewalk Maintenance and Improvement.

SUPPORTING DOCUMENTS

1. Resolution 2022-056 - Sidewalk Maintenance and Improvement

RESOLUTION NO. 2022-056

**A RESOLUTION ADOPTING A POLICY FOR
SIDEWALK MAINTENANCE AND IMPROVEMENT**

BE IT RESOLVED by the governing body of the City of Independence, Kansas:

Section 1. The sidewalk maintenance and improvement policy as set forth in Exhibit “A” attached hereto and incorporated herein by reference, is hereby adopted.

Section 2. The sidewalk maintenance and improve policy adopted on this date shall take effect January 1, 2023.

ADOPTED by the governing body of the City of Independence, Kansas, on the 26th day of October, 2022.

Dean A. Hayse, Mayor

ATTEST:

David W. Schwenker, City Clerk

Exhibit “A”

SIDEWALK MAINTENANCE AND IMPROVEMENT POLICY

1. **PURPOSE.** The purpose of this policy is to provide guidance concerning the maintenance, inspection, repair, and improvement of sidewalks in the City of Independence, Kansas (hereafter “City”), in accordance with the Kansas Sidewalks Act of 1941 found at K.S.A. 12-1801 et seq., as amended, and City Code Section 94-94.

2. **POLICY.** Consistent with the state statute and city ordinance cited above, which provide that it shall be the duty of property owners to maintain sidewalks adjacent to their property, it shall be the overall general policy of the City to enforce this law and ordinance and require property owners to repair and maintain hazardous sidewalks adjacent to their property.

3. **APPLICABILITY.** This policy shall apply to all property owners owning property within the City, including the City.

4. **RESPONSIBILITIES OF CITY.** The City shall be responsible for the following:

- a. *Sidewalk Hazard Notice.* No later than January 15 of each year the city shall identify selected sidewalk hazards and issue notices to those property owners responsible for the repair of the selected sidewalk hazards. The notice issued to the property owner shall:
 - (i). Identify the location of the sidewalk hazards.
 - (ii). Advise the property owner of his/her responsibility to repair the sidewalk hazard no later than June 30 of that year.
 - (iii). Advise the property owner that he/she may qualify and apply for a cost sharing program to cover the cost of repair.
 - (iv). Advise the property owner that if the repairs are not made by June 30 of that year then the City may elect to make the repairs and assess the cost of repairs to the property owner.
- b. *Solicitation of Bids.* Annually, the City will prepare a bid package to solicit contractors to perform sidewalk repairs for the City. The City will award the contract for sidewalk repairs to the lowest responsible bidder who submits a responsive bid. The contract, which shall be based on the bid, will establish unit cost-pricing for the sidewalk repair program. The City shall solicit bids only for complete removal and replacement of the identified sidewalk hazard. If, for any reason, the annual bid is not awarded, the City may use any other bid and awarded contract for the same type of work, provided unit

cost-pricing is established with that bid and the contract allows for other work to be completed using that bid.

- c. *Repairs Made by the City.* The City will use the bid, as quantified in the contract, to make all repairs determined by the inspection that have not been repaired by the property owners by the last day of June of the same year.
- d. *Follow-up Inspections.*
 - (i) The City will document completed hazard repairs, which shall include a photograph and the date of the repair inspection.
 - (ii) The City will document non-completed or sub-standard hazard repairs, which shall include a photograph and the date of the inspection.
- e. *Billing.* If, by the last day of June, the property owner has not repaired the identified sidewalk hazard, the City will do the following:
 - (i) Repair the identified sidewalk hazard as part of the City contract.
 - (ii) Bill the property owner the cost of the repairs after completion of said repairs.
- f. *Assessment of Costs.* After a sidewalk hazard has been repaired by the City and payment has not been received by the City for said repair costs by the last day of November:
 - (i) The Governing Body will, by ordinance, in December of each year, assess the costs of repair to the property owner.
 - (ii) The ordinance shall assess to the property owner the costs of each repair, which shall include the costs of repair together with interest charged at a rate equal to four percent (4%) per annum in accordance with K.S.A. 12-1811, as amended, and any other costs that the City may have directly incurred as the result of making the repair.
 - (iii) The ordinance shall note that the property owner has the option either:
 - (1) to prepay to the amount of the assessment by the last day of July the year following publication of the ordinance summary; or
 - (2) to pay the amount of the assessment, together with interest thereon at a rate equal to four percent (4%) per annum in accordance with K.S.A. 12-1811, as amended, in five (5) annual installments, as part of the property owner's property taxes.

(iv) The ordinance shall require, as noted above, the property owner to pay to the City the amount of the assessment by the last day of July the year following the ordinance summary or the assessment will be placed on the tax rolls. After the ordinance is passed, a copy shall be sent to the property owner.

(v) After the ordinance is passed, an ordinance summary will be published in the City's official newspaper.

- g. *Taxation.* If the property owner decides not to prepay the assessment by the last day of July of the year following the publication of the ordinance summary, then the City Clerk shall determine the amount of the assessment, together with interest thereon at a rate equal to four percent (4%) per annum in accordance with K.S.A. 12-1811, as amended, and shall, in accordance with state law, certify the unpaid assessment, together with the interest accruing thereon, to Montgomery County, Kansas, for collection as a tax, payable in five (5) annual installments.

5. DOCUMENTATION. The City shall maintain, electronically, documentation related to the process set forth in Section 4 until such time as all assessments have been paid in full.

6. PROGRAM FUNDING. The City Manager will recommend with the annual City budget/CIP, appropriate funding for the repairs under this policy; including cost sharing, financial assistance, program staffing, and overhead costs.

a. *Cost-sharing Program.* The City will provide fifty percent (50%) cost-share funding, if funding is available, to assist private property owners with sidewalk repairs that meet the following criteria:

- (i) There is more than one sidewalk adjacent to the property, i.e., there are sidewalks adjacent to more than one side of the property; and
- (ii) The property is residential and is owner-occupied.

Property owners that meet those criteria may apply, in writing, to the City for cost sharing assistance by the last day of February of each year. Any request for cost sharing after the last day of February will not be accepted. Any property owner applying for assistance under the cost-sharing program must execute a waiver, whereby the property owner recognizes that, despite the City's participation in the costs of repair, the property owner retains all responsibility for the maintenance and repair of sidewalks adjacent to the property. Failure to execute the waiver shall result in a denial of the application.

All applications shall receive a notice of approval or denial by the last day of February of each year. Any application not resolved by that date shall be deemed denied. Repairs made under this program shall be completed by the City using the City's contractor. Funding for the cost-sharing program shall be available to those property owners that have received a sidewalk hazard notice from the City, who meet the cost sharing program requirements, and on a first-come, first-served basis, so long as funding is available.

Nothing under this cost-sharing program shall cause the required repair notice date for repair to be extended. Repairs to any sidewalk hazard shall still be required to be completed by the last day of June.

b. *Financial Assistance Program.* The City may provide financial assistance of one hundred percent (100%) under this program for qualified applicants that meet the US Department of Housing and Urban Developments (HUD) annual income thresholds, if funding is available. Anyone wishing to apply for financial assistance under this program must be a residential property owner occupying the home, and shall meet the criteria and guidelines as defined by HUD.

Any property owner applying for financial assistance must execute a waiver, whereby the property owner recognizes that, despite the City's participation in the costs of repair, the property owner retains all responsibility for the maintenance and repair of sidewalks adjacent to the property. Failure to execute the waiver shall result in a denial of the application.

Funding for this program shall be only available for a property owner that has received a sidewalk hazard notification from the City and is on a first-come, first-serve basis, so long as funding is available.

Financial aid funding requests by property owners that have received a sidewalk hazard notice from the City must be made by the last day of February each year. Any request for financial assistance funding under this program received after the last day of February will not be accepted.

Property owner shall use the official City financial assistance application form and process.

All applications submitted shall be reviewed and a determination by the City shall be made by the last day of February as to approval of financial assistance based on HUD guidelines for annual household income.

All applicants shall receive a notice of approval or denial by the last day of February. Any application not resolved by that date shall be deemed denied.

Repairs made under this program shall be completed by the City using the City's contractor.



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022

Department Public Works & Utilities

Director Approval John Garris, Lacey Lies

AGENDA ITEM Consider the design of the new North City Hall Parking Lot.

SUMMARY RECOMMENDATION Approve Large Parking Lot Design.

BACKGROUND A parking lot was designed By TreanorHL, architects on the current City Hall restoration project. It was requested to review alternatives that may be less costly. Two additional alternatives were selected for review, and TranSystems provided estimated construction cost information across the three projects, so they are priced from a consistent basis. In both cases, these new alternatives provide a parking lot using minimal concrete, and rely solely upon painted lines for delineation of stalls.

Adjustments were made to the construction engineering/inspection cost of the Treanor Design option, since the TreanorHL design would be more costly to inspect and manage.

The estimated costs for each alternative are shown below.

	Treanor Design	Plain Parking Lot, Small Footprint	Plain, Large Footprint
Estimate	\$550,000	\$420,000	\$480,000
Design	Complete	\$28,000	\$28,000
Construction Engineering/Inspection	\$75,000	\$68,000	\$68,000
Total	\$625,000	\$516,000	\$576,000
Number of Spaces	72	80	101
Number of ADA	3	4	6
Cost per Space	\$8,681	\$6,450	\$5,703

A plan view of each alternative is shown in the attached document.

Additionally, it was requested to add five parking spaces due north of the renovated City Hall, on the south side of Myrtle Street. These five spaces are also shown in the attached document. An approximate cost for the construction and inspection of these spaces is \$30,000, and is not included in any of the options listed above.

It is recommended to go with the lowest cost option, “Plain, Large Footprint” and include the five spaces south of Myrtle Street. It should also be noted that we are exploring other alternatives for the drop box location.

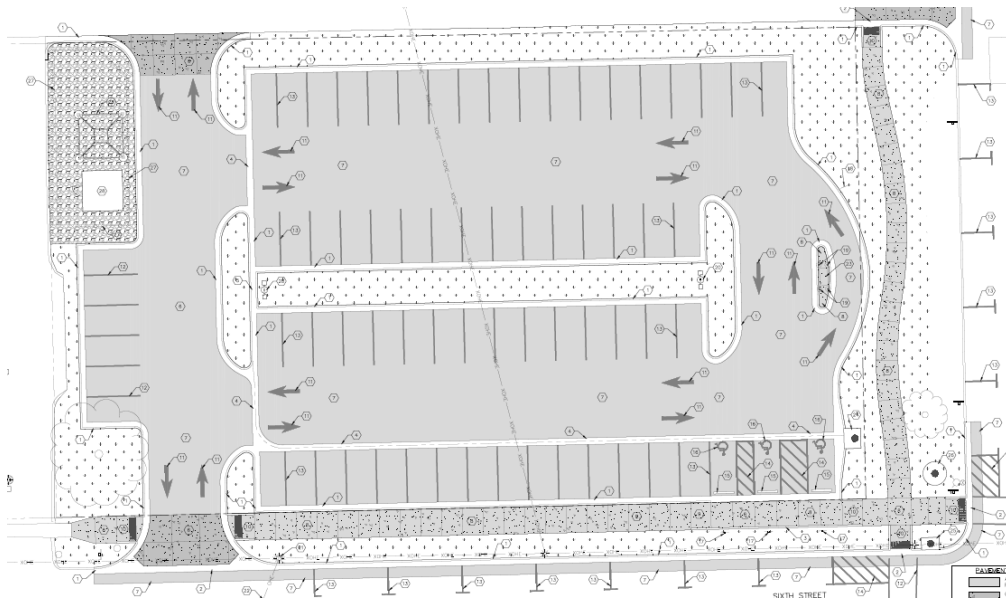
FINANCIAL INFORMATION \$28,000 Design & Bidding Contract with TranSystems from Fund 22, Combined Streets and Special Highway Fund. This project corresponds to FY23 Capital Budget Item entitled "Reconstruct Municipal Parking Lot"

SUGGESTED MOTION I move to approve the Plain, Large Parking lot and North Street Parking, and contract with TranSystems, Inc., for the design and bidding of this project.

SUPPORTING DOCUMENTS

1. City Hall Lot Alternatives (RCA)

Treanor Design



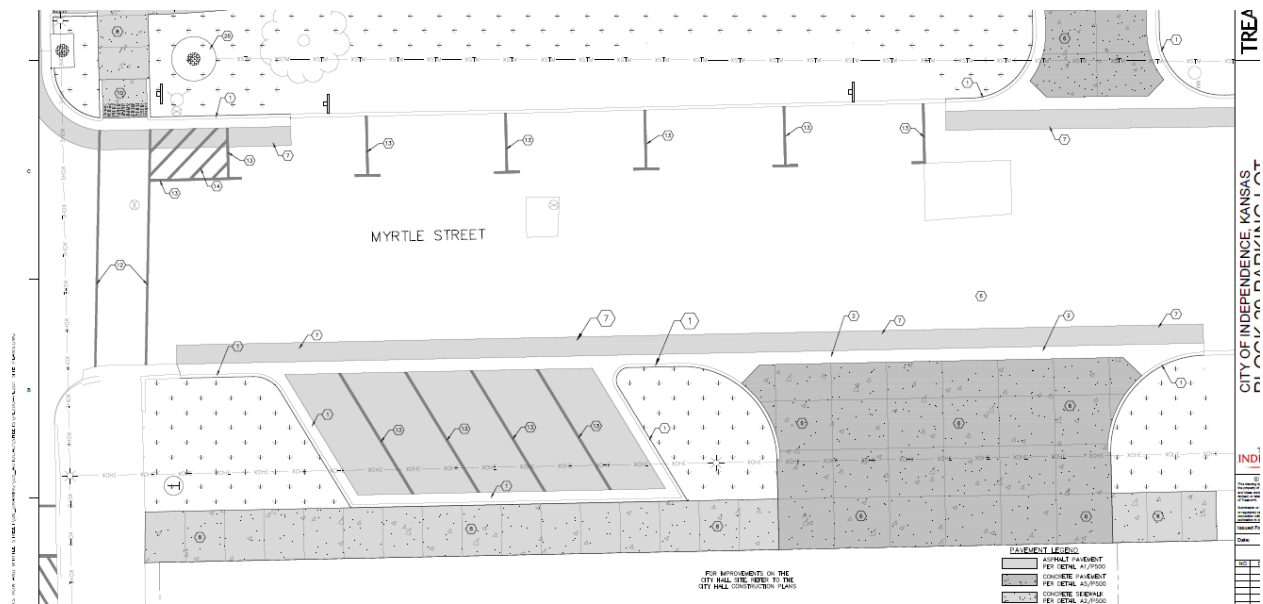
Large Footprint



Small Footprint



"North Street" Parking





**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022**

Department Street

Director Approval Lacey Lies

AGENDA ITEM Consider accepting award for KDOT City Connecting Link Improvement Program (CCLIP) grants for two projects: 1) Surface Preservation – Main Street, 8th Street to 5th Street and 2) Surface Preservation – 5th Street to 2nd Street.

SUMMARY RECOMMENDATION Authorize acceptance of grants.

BACKGROUND Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications were due in March for FY 2024 (July 1, 2023 – June 30, 2024). The City applied for two grants. Representatives of KDOT reached out and requested that the City change a Pavement Restoration project into a Surface Preservation project. The grants awarded to the City reflect that change and each project is now a 2” mill and overlay.

The following projects are awarded:

1. CCLIP Project, Surface Preservation – Main Street, 8th Street to 5th Street, 2” mill & overlay.

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$368,225	\$36,822	\$91,000	\$127,822

2. CCLIP Project, Surface Preservation – Main Street, 5th Street to 2nd Street, 2” mill & overlay.

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$365,000	\$36,500	\$88,000	\$124,500

FINANCIAL INFORMATION The City's total estimated cost for the two projects is \$252,322 and will be funded over FY 2023 and FY 2024 through Fund 22, Combined Street and Special Highway Fund.

SUGGESTED MOTION

1. I move to approve acceptance of KDOT’s CCLIP Surface Preservation Program for Main Street, from 8th to 5th Street and for execution of any necessary documents required by KDOT and to enter into a design contract with TranSystems.

2. I move to approve acceptance of KDOT's CCLIP Surface Preservation Program for Main Street, from 5th to 2nd Street and for execution of any necessary documents required by KDOT and to enter into a design contract with TranSystems.

SUPPORTING DOCUMENTS

1. CCLIP 5th to 2nd Cost Estimate REVISED
2. CCLIP 8th to 5th Cost Estimate REVISED

**Opinion of Probable Construction Cost
 Cost Estimate
 City of Independence
 CCLIP 5th to 2nd**

ITEM NO.	BID ITEM	UNIT	UNIT BID PRICE	QUANTITY	COST
1	Contractor Construction Staking	LSUM	\$5,000.00	1	\$ 5,000.00
2	Mobilization	LSUM	\$30,000.00	1	\$ 30,000.00
3	Milling 2"	SY	\$2.00	19052	\$ 38,104.00
4	HMA Surface (SM-12.5A)(PG 70-28)(2")	TON	\$130.00	2000	\$ 260,000.00
5	Pavement Marking	LSUM	\$10,000.00	1	\$ 10,000.00
6	Traffic Control	LSUM	\$20,000.00	1	\$ 21,896.00

Subtotal Participating = \$ 365,000.00

Design \$ 34,000.00
 Construction Engineering and Inspection \$ 54,000.00

Opinion of Probable Construction Cost
Cost Estimate
City of Independence
CCLIP PR 8th to 5th

ITEM NO.	BID ITEM	UNIT	UNIT BID PRICE	QUANTITY	COST
1	Contractor Construction Staking	LSUM	\$5,000.00	1	\$ 5,000.00
2	Field Office and Laboratory (Type A)	EA.	\$8,000.00	1	\$ 8,000.00
3	Mobilization	LSUM	\$60,000.00	1	\$ 60,000.00
4	Removal of Existing Structures	LSUM	\$5,000.00	1	\$ 5,000.00
5	Clearing and Grubbing	LSUM	\$5,000.00	1	\$ 5,000.00
6	Common Excavation	C.Y.	\$8.00	100	\$ 800.00
7	Rock Excavation	C.Y.	\$15.00	50	\$ 750.00
8	Mill 2"	S.Y.	\$2.00	9000	\$ 18,000.00
9	Compaction of Earthwork (Type AA)(MR-0-5)	C.Y.	\$2.00	100	\$ 200.00
10	Water (Grading)(Set Price)	MGAL	\$35.00	1	\$ 35.00
11	Curb and Gutter (Combined)(AE)	L.F.	\$35.00	400	\$ 14,000.00
12	Storm Sewer Connect to Exist. Collar	EA.	\$1,000.00	4	\$ 4,000.00
13	Sidewalk Construction (4")(AE)	S.Y.	\$55.00	608	\$ 33,440.00
14	Sidewalk Ramps	S.Y.	\$150.00	50	\$ 7,500.00
15	HMA Surface (SM-12.5A)(PG 70-28)(2")	TON	\$130.00	1150	\$ 149,500.00
16	Pavement Marking	LSUM	\$15,000.00	1	\$ 15,000.00
17	Signing	LSUM	\$12,000.00	1	\$ 12,000.00
18	Traffic Control	LSUM	\$30,000.00	1	\$ 30,000.00

Subtotal Participating = \$ 368,225.00

Design \$ 36,000.00
 Construction Engineering and Inspection \$ 55,000.00
 \$ 459,225.00



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider proclaiming November 5 through November 11, 2022 as the 100th Anniversary of the Dedication of the Memorial Hall Cornerstone.

SUMMARY RECOMMENDATION Approve the proclamation.

BACKGROUND City staff was contacted by the Chamber and Steve Aemisegger representing the American Legion. Mr. Aemisegger indicated that he wished to have the Masons and/or Legion rededicate the cornerstone of Memorial Hall in recognition of the 100th Anniversary. Newspaper clippings of this event indicate the Memorial Hall granite cornerstone was presented to the American Legion by C.W. Randolph of Cherryvale. On Armistice Day, November 11, 1922 a parade of veterans from West Main Street to Memorial Hall occurred directly prior to the laying of the cornerstone by John McCullagh, Grand Master of A.F. & A.M. of Kansas.

Following the same tradition from 100 years ago, the rededication of the cornerstone will occur immediately after the Veterans Parade of Honor scheduled for November 5, 2022 at 2 PM.

FINANCIAL INFORMATION This event is being organized by the American Legion in cooperation with the Chamber of Commerce as part of the Veterans Parade of Honor events.

SUGGESTED MOTION I move to proclaim November 5 through November 11, 2022 as the 100th Anniversary of the Dedication of the Memorial Hall Cornerstone.

SUPPORTING DOCUMENTS

1. Memorial Hall Cornerstone Proclamation 100 years
2. Cornerstone-11/11/1922
3. CORNERSTONE MEMORIAL HALL - November 11, 1922
4. Memorial_Hall_Cornerstone_Independence Daily Reporter (Independence, Kansas) · 10 Nov 1922
5. Independence_Daily_Reporter___Independence___Kansas___Saturday___November_11___1922
6. The_Morning_News___Coffeyville___Kansas___Saturday___November_11___1922
7. Legion_Appreciation_Independence Daily Reporter (Independence, Kansas) · 14 Nov 1922
8. Memorial_Hall_Cornerstone_South Kansas Tribune (Independence, Kansas) · 15 Nov 1922

PROCLAMATION

WHEREAS: The Governing Body wishes to acknowledge, on behalf of the citizens of Independence, that Memorial Hall was erected in appreciation of the sacrifices and services of the Independence and Montgomery County veterans of World War I; and

WHEREAS: The Governing Body wishes to observe the 100th anniversary of the laying of the Memorial Hall granite cornerstone, which was presented to the American Legion by C.W. Randolph of Cherryvale. On Armistice Day, November 11, 1922 a parade of veterans from West Main Street to Memorial Hall occurred directly prior to the laying of the cornerstone by John McCullagh, Grand Master of A.F. & A.M. of Kansas; and

WHEREAS: The Governing Body wishes to invite all neighbors and friends from surrounding areas to join in the Veterans Day of Honor Parade on November 5, 2022, at 2 p.m., and the rededication of the Memorial Hall cornerstone immediately following the parade; and

WHEREAS: The Governing Body of the City of Independence, Montgomery County, Kansas, does recognize with pride the value of Memorial Hall to the community and surrounding area and wishes to support rededicating this facility in appreciation of the sacrifices and services of all veterans; and

NOW, THEREFORE, BE IT PROCLAIMED by the Board of City Commissioners of the City of Independence, Montgomery County, Kansas that November 5 through November 11, 2022, be known as the:

100th Anniversary of the Dedication of the Memorial Hall Cornerstone

in this City and that the Veterans Day of Honor celebration, be permitted to use certain streets and public rights-of-way for the celebration on November 5, and to urge all persons to join in the activities of this annual event and the rededication of the Memorial Hall cornerstone.

PASSED AND APPROVED THIS 26th day of October 2022

THE CITY OF INDEPENDENCE, KS

Dean A. Hayes, Mayor

ATTEST:

David Schwenker, City Clerk

LAID BY
GRAND LODGE
OF KANSAS
A.F. & A.M.



NOV. 11, 1922

JOHN
MCCULLAGH
GRAND
MASTER

HAROLD R. ANDREWS POST

19 22



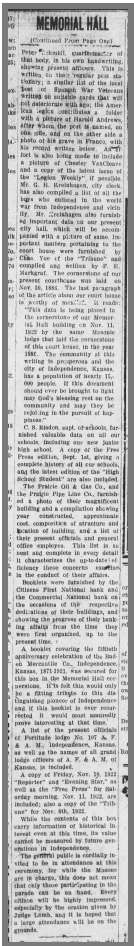
NO. 139 DEPT. OF KANSAS



CORNER STONE
OF MEMORIAL HALL
LAID TOMORROW

Armistice Day to Be Most
Fittingly Observed in
This City

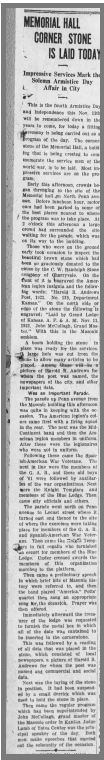
Armistice Day will be observed in this city tomorrow in a manner not surpassed by the occasion any more. The day that marks the end of the world war is being made memorable by the many acts of the hundreds of thousands of French and Allied soldiers who fought with the Americans and Allies in the great war. The day that marks the end of the world war is being made memorable by the many acts of the hundreds of thousands of French and Allied soldiers who fought with the Americans and Allies in the great war.



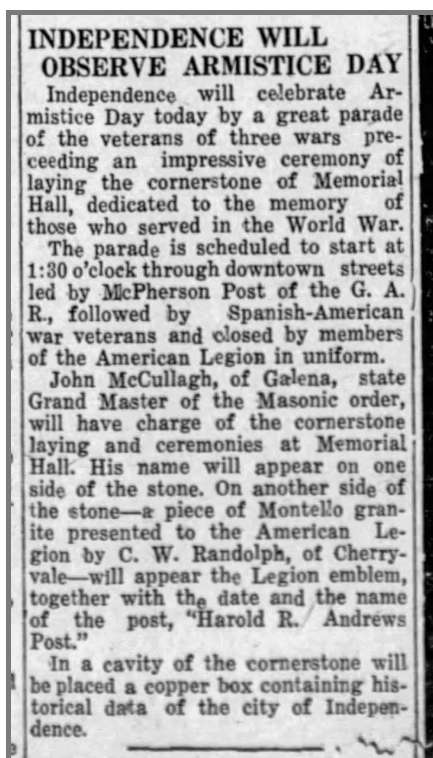
Memorial Hall Cornerstone Continued



Clipped By:
kellyp
Tue, Oct 25, 2022



Independence Daily Reporter - Independence, Kansas Â· Saturday, November 11, 1922



The Morning News -- Coffeyville, Kansas · Saturday, November 11, 1922

While the Armistice Day ceremonies were being observed at the laying of the Memorial hall cornerstone, an official legion airplane owned and driven by L. C. Miller was circling the site far in the air. Shortly before this Miller had thrown "appreciations" of the post to those below. One follows:

To the citizens of Independence:
Upon the laying of cornerstone
in Memorial Hall, Armistice Day,
1922.

Call on the Harold R. Andrews

—The American
legion by W. S. Dougherty Com.

kellyp

Tue, Oct 25, 2022

The accompanying picture gives completion. The real beauty of the state.

Clipped By:
kellyp
Tue, Oct 25, 2022



Report
CITY OF INDEPENDENCE
October 26, 2022

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Monthly Project and Public Works Report

BACKGROUND The October project spreadsheet is attached.

SUPPORTING DOCUMENTS

1. Project Status 10-2022

	Project Title	Project Description/Scope	Approx. Cost (000's)	Grant Portion	Arch. or Eng. Partner	Status	Last Month Progress	Next Month Plan/Issues	Projected Const Start	Projected Compl.
1	Transp. Alt. Grant	8' sidewalk to Wal-Mart	\$1,350	\$980	TranSystems	Pre-design.	Package submitted week of 5/9.	Grant awarded, accepted	1Q24	2Q24
2	Zoo and Park Power	Move power feed for Zoo and Park underground	\$300		PEC	Alternative review.	Field meeting held.	Revise scope and finalize report.	1Q22	3Q22
3	Zoo Master Plan	Create Master Plan for the future of the Zoo.	\$80		PGAV	Alternative review.	Draft final report, review during next committee meeting.	Next review, November 1, final draft.	4Q21	4Q22
4	Communication Tower	Build new communication tower for emergency services north of historic City Hall.	TBD	TBD	TUSA	Alternative review.	Reviewing scope alternatives.	Reviewing lower cost scope alternatives.	TBD	TBD
5	Parking Lot N. of City Hall	Design and construct new parking lot north of historic City Hall.	\$600	TBD	Treanor	Alternative review.	Prepare alternatives table.	Prepare RCA for review.	1Q23	2Q23
6	SE Improvements	Improvements to Lift Station for Reliability	\$100		TranSystems	Alternative review.	Sole bidder - reviewing results. Likely to update scope.	Scope updating - looking at pricing and specifications for pump, cleaning.	TBD	TBD
7	Central Park	New soccer fields, revamp existing ball fields.	\$7,500	TBD	Indigo	Design in progress.	On hold.	On hold.	TBD	TBD
8	CCLIP Grant	Reconstruct Penn from Morningside to City Limits	\$500	\$370	TranSystems	Pre-bid.	Plans at KDOT, await approval.	Prepare bid documents, RCA for bid.	1Q23	2Q23
9	CCLIP Grant	Mill and overlay Chestnut from 9th to Penn	\$220	\$150	TranSystems	Pre-bid.	Plans at KDOT, await approval.	Prepare bid documents, RCA for bid.	1Q23	2Q23
10	Waterline/Meter Project	New Water Meters, Replace Some Water Main	\$3,400		PEC	Design complete.	100% plan review, in to KDHE, AMI options review.	Awaiting KDHE approval. RFP prepared for inspection.	4Q22	2Q23
11	Water Plant Next Phase	Water Plant Capital Work Per Master Plan	\$6,000		PEC	Design complete.	100% plan review, in to KDHE for approval.	Reviewing/incorporating scope additions per KDHE.	4Q22	4Q26
12	KDHE Wastewater Loan	New sewer lines around 1st and Birch and around the Westminster area.	\$3,000		TranSystems	Pre-bid.	Waiting on final loan document (waiting on KDHE). Working on obtaining easements.	Receive final loan document (waiting on KDHE). Working on obtaining easements, have all but eight. Preparing contract change.	3Q22	2Q23
13	Water Tower Maint.	Maintain and Coat North Water Tower	\$240		N/A	Pre-construction.	Bid award RCA. Work in Spring, 2023.	Work in Spring, 2023.	1Q23	2Q23
14	Evidence Building	Buildout of existing building for evidence storage.	\$180		Echelon	In construction.	Project awarded, contractor started.	In construction.	3Q22	1Q23
15	CDBG	Lakeview lift station, I and I abatement.	\$1,700	\$700	TranSystems	In construction.	Working Lakeview new structure, set concrete.	November start on sewer lining.	3Q22	2Q23
16	City Hall/Fire/EMS	Refinish City Hall, construct new Fire/EMS personnel spaces.	\$10,000		Treanor	In construction.	Construction in progress.	Construction in progress, start City Hall work; working interiors at EMS.	1Q22	2Q23
17	Enterprise Drive	Buildout of street, utilities	\$1,700	\$1,100	TranSystems	In construction.	Surveyed ROW for easements, installed stop signs.	Complete easements at Laurel and Hackney, prepare to start work.	1Q22	4Q22
18	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	\$3,100	\$1,600	TranSystems	In construction.	Paving near completion.	Issues with RR permitting. Calls in to Union Pacific. Punchlist on main project, change order.	1Q22	4Q22
19	Wayfinding Signs	Design and installation of wayfinding signs in the	\$340	\$200	Avia	In construction.	Field construction started.	Construction near completion.	3Q22	4Q22
20	ADA 2021	Five+ locations - Big Cheese Lot, Alley Work	\$100		TranSystems	In construction.	Construction in progress.	Big Cheese to hold for 2022.	3Q21	4Q22
A	Airport Terminal	Upgrades/Remodel	\$100	TBD	In-House	Hold.	RCA for FAA terminal replacement.	Apply for grant, wait.	TBD	TBD
B	Whiskey Creek	Artificial lake for runoff water impoundment	TBD		TranSystems	Hold.	Fifth meeting in July.	Sixth meeting TBD.	TBD	TBD
C	KDOT Bridge Grant	Replace Cherry Street bridge with box culvert.	\$400	TBD	TranSystems	Hold.	New grant application submitted.	Wait.	TBD	TBD
D	KDOT CCLIP	Main Street - 8th to 2nd, two projects	\$1,000	\$800	TranSystems	Prepare to accept.	Meeting with KDOT, wait.	Awarded two projects. RCA to accept.	3Q23	2Q24
E	KDOT KAIP	Airport Projects	TBD	TBD	Lochner	Prepare Grant.	RCA to Commission.	Grant applied for. Wait.	TBD	TBD
F	Public Works	New building for Water, Street, and Sanitation	\$4,000		Echelon	Hold.	Hold.	Hold.	TBD	TBD
G	Airport	Paving at airport to support business.	\$900	\$900	TranSystems	Applied for.	Grant application submitted.	Wait.	TBD	TBD
	Green shade denotes changed/new information from last month.									



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Discussions prior to acquisition of real estate.

SUMMARY RECOMMENDATION Go into executive session for discussions prior to acquisition of real estate.

BACKGROUND

FINANCIAL INFORMATION

SUGGESTED MOTION I move that we recess for an executive session for discussion of possible acquisition of real estate for City and public purposes pursuant to the preliminary discussion on acquisition of real estate exception, (KSA 75-4319(b)(6)). The open meeting will resume at _____. In the executive session will be the Commission, City Attorney, City Manager, Assistant City Manager, City Engineer, and Finance Director.

SUPPORTING DOCUMENTS