

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

January 26, 2023

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. Planning Commission -- One Resignation
- B. Economic Development Advisory Board -- One Resignation

III. PRESENTATIONS

- A. Presentation by Chief Harrison regarding Independence's 911 PSAP.

IV. CONSENT AGENDA

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

- A. Consider approving City Commission minutes from December 8 and 22, 2022.
- B. Consider authorizing rebidding of two new fuel bowsers.
- C. Consider awarding disposal of the Water Treatment Plant residuals.
- D. Consider authorizing the street closure at Riverside Park on May 6, 2023 from 8:00 a.m. to 10:30 a.m. for the first annual Run4Fun 5K.

V. ITEMS FOR COMMISSION ACTION

- A. Consider converting Independence Public Safety to UHF-Digital.
- B. Consider authorizing changes to the Maple Street Contract for stormwater and final paving work near the railroad.
- C. Consider adopting an ordinance amending the requirements for an apprentice plumber.
- D. Consider adopting a resolution for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 North 11th Street.
- E. Consider adopting an ordinance rezoning a tract of land at 800 North 21st Street to M-1, industrial services district.
- F. Consider setting a Public Hearing to consider the condemnation of 1000 W. Chestnut as dangerous and unsafe.
- G. Consider requesting an extension of time for the CDBG sewer improvement project.

VI. REPORTS

- A. City Board Minutes
- B. Monthly Capital Project and Public Works Report
- VII. CITY MANAGER’S COMMENTS
- VIII. COMMISSIONERS’ COMMENTS
- IX. PUBLIC CONCERNS
- X. EXECUTIVE SESSION
 - A. Data relating to financial affairs or trade secrets of second parties.
 - B. Personnel matters of non-elected personnel.
- XI. ADJOURNMENT



Action Item
CITY OF INDEPENDENCE
January 26, 2023

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Planning Commission -- One Resignation

BACKGROUND Kendall Neill's term expired on January 1, 2023. Kendall Neill would not like to be reappointed. Applications are being received for Kendall Neill's open position through noon on Friday, February 3, 2023. For more information, visit this link: [Planning Commission Opening \(Inside City Limits\)](#)

PLANNING & ZONING COMMISSION (3 year terms -- 9 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Mary Jo (Dancer) Meier	2nd term*	January 1, 2025	
Kendall Neill	1st term	January 1, 2023	January 23, 2020 Resigned 01/03/2023
Brent Littleton**	2nd term	January 1, 2025	January 25, 2019
Tony Royse Secretary	2nd term	January 1, 2025	March 28, 2019
Andy McLenon**	2nd term*	January 1, 2024	October 26, 2016 January 8, 2018
Michelle Avery	1st term*	January 1, 2024	June 28, 2018
Tim Haynes Chair	Unexpired	January 1, 2024	February 24, 2022
Lisa Richard	2nd term*	January 1, 2026	August 8, 2019 December 19, 2019
Rachel Lyon Vice Chair	2nd term	January 1, 2026	May 14, 2020
*Served an unexpired term.			
**Outside City Appointment. Not on Board of Zoning Appeals.			
Meeting Place: Veterans Room, Memorial Hall			
Meeting Date: First Tuesday			
Meeting Time: 5:30 p.m.			

SUPPORTING DOCUMENTS



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Economic Development Advisory Board -- One Resignation

SUMMARY RECOMMENDATION Appoint someone to fill the vacancy.

BACKGROUND Paul Yarowski has resigned from the Economic Development Advisory Board. Two applications were received by the Friday, January 20, 2023 deadline from Karl Johnson and Keith Stone.

ECONOMIC DEVELOPMENT ADVISORY BOARD (3 year terms – 7 members)			
Members	Term	Expires	Appointed
Paul Yaroslaski	1st term*	January 1, 2025	October 10, 2019 Resigned 01/03/2023
Chuck Goad, Chair	1st term*	January 1, 2025	October 10, 2019
Wayne Stephany, Vice Chair	1st term*	January 1, 2025	October 10, 2019
Rod Zinn	1st term	January 1, 2025	January 13, 2022 Replaced Brian Hight
Lori Kelley	1st term*	January 1, 2024	October 10, 2019
Jason Curtis, Secretary	1st term*	January 1, 2024	October 10, 2019
Jim Kelly	Unexpired	January 1, 2024	June 23, 2022
Ex-Officio:			
Lisa Wilson, Director Independence Chamber of Commerce		Riley Lukomski, Director Montgomery County Action Council	
Tabatha Snodgrass, Director Independence Main Street		April Nutt, Director Housing Authority	
Meeting Place: Memorial Hall Meeting Date: First Tuesday Meeting Time: 3:30 PM			

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to appoint _____ to an unexpired term on the Economic Development Advisory Board ending on January 1, 2025.

SUPPORTING DOCUMENTS

1. JohnsonKarl-EDAB-Received 01062023_Redacted
2. StoneKeith-EDAB-Received 01102023_Redacted

From: noreply@civicplus.com
To: [Kelly Passauer](#)
Subject: Online Form Submittal: Board Application
Date: Friday, January 06, 2023 9:27:01 AM

Board Application

Board Applying For: Economic development

Name Karl Johnson

Date 1/6/2023

Address 1407 Birdie Dr

Email Address [REDACTED]

Phone Number [REDACTED]

Educational Background:

High School Name and Location *Field not completed.*

Graduated/Degree *Field not completed.*

College Name and Location U of North Texas

Graduated/Degree BBA

Major Finance

Other Education Name and Location *Field not completed.*

Graduated/Degree *Field not completed.*

Emphasis *Field not completed.*

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

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

What experiences have you had that you feel would assist you as a board member?	Employer in city, experienced in developing small businesses for 20 years.
Why do you want to become a member of the board?	To help the community in its goal of greatness..
Do you feel that there are any issues needing immediate attention by the board? If so, please explain.	Increase tax receipts to lower burden on taxpayers.
Other comments:	<i>Field not completed.</i>

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

From: noreply@civicplus.com
To: [Kelly Passauer](#)
Subject: Online Form Submittal: Board Application
Date: Tuesday, January 10, 2023 7:53:27 AM

Board Application

Board Applying For: Economic Development Advisory Board

Name Keith Stone CPA

Date 1/10/2023

Address 135 Timberlane Drive

Email Address [REDACTED]

Phone Number [REDACTED]

Educational Background:

High School Name and Location Independence KS

Graduated/Degree 1982

College Name and Location Abilene Christian University

Graduated/Degree 1987

Major Accounting

Other Education Name and Location *Field not completed.*

Graduated/Degree *Field not completed.*

Emphasis *Field not completed.*

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

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

What experiences have you had that you feel would assist you as a board member?	Training and experience as a Certified Public Accountant in public practice and ownership in a successful small business that I helped start. I have experience with large, medium and small companies.
Why do you want to become a member of the board?	To work with other members of the board to advance the healthy economic development of Independence. To consider the impact of new opportunities on the well-being of the community.
Do you feel that there are any issues needing immediate attention by the board? If so, please explain.	I feel that I will bring fresh eyes.
Other comments:	I believe that Independence is a great place to live and I believe in the future of Independence.

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



Presentation
CITY OF INDEPENDENCE
January 26, 2023

Department Police

Director Approval Jerry Harrison

AGENDA ITEM Presentation by Chief Harrison regarding Independence's 911 PSAP.

BACKGROUND Chief Harrison will present to the City Commission regarding the Independence 911 Dispatch Center.

SUPPORTING DOCUMENTS



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023

Department City Clerk

Director Approval

AGENDA ITEM Consider approving City Commission minutes from December 8 and 22, 2022.

SUMMARY RECOMMENDATION Approve the minutes from December 8th and 22nd, 2022.

BACKGROUND

FINANCIAL INFORMATION

SUGGESTED MOTION I move to approve the City Commission minutes from December 8th and 22nd, 2022.

SUPPORTING DOCUMENTS

1. December 8 2022 Minutes
2. December 22 2022 Minutes

Minutes of the City Commission's December 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; John Garris, City Engineer/Director of Public Works and Utilities; Brian McHugh, Memorial Hall Supervisor; Shawn Wallis, Fire/EMS Chief; Lacey Lies, Director of Finance; April Nutt, Director of Housing Authority; Scott Patton, Park and Zoo Director and Jerry Harrison, Chief of Police

Visitors Present: Larry McHugh, Brea Sanford, Cassidy Sanford, Dorcas Sutton, Kale Groff, Karma Roth, Ned Stichman, Babs Emert, Jade Umloff, Julian Garrison and Tyler Stair

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. 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 November 10, 16, and 17, 2022.

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

Suggested Motion:

I move to approve the City Commission Minutes from November 10, 16, and 17, 2022.

- B. Consider a resolution exempting the City from GAAP (Generally Accepted Accounting Principles) requirements.

Each year the Commission adopts a resolution exempting the City from all requirements of GAAP. The GAAP requirement provides for a fixed asset accounting system in lieu of just an inventory system, as well as other financial reporting requirements. This action is taken based on past recommendations of the auditors that the GAAP requirements would cost the City additional funds to prepare the City audit and would not provide any additional benefit to the City.

Suggested Motion:

I move to adopt Resolution No. 2022-058, waiving the requirements of K.S.A. 75-1120a(a) as they apply to the City of Independence, Kansas for the year ended December 31, 2022.

- C. Consider adopting an ordinance approving the appropriations for 2023 authorized expenditures.

The purpose of this ordinance is to allow for transactions to be fully processed through to payment in a timely manner, up to the budgeted authority in each fund or as otherwise previously authorized by Commission approved contract. Approving one ordinance authorizing payment up to previously approved amounts will allow for a more streamlined process as it will save staff time re-preparing ordinances, as well as allow the City to pay its vendors, reconcile accounts, and operate in a more efficient manner. In addition to accounts payable, this will also allow for the processing of payroll. All payment records would still be provided to the Commission as a report on a monthly basis at either the first or second monthly Commission meeting. As always, procurement policies must also be followed.

Suggested Motion:

I move to adopt Ordinance 4414, approving appropriations for 2023 authorized and budgeted expenditures.

- D. Consider authorizing award of the Concrete Patching Bid.

The City requires concrete patching work to be completed at various locations due to utility repair activity and required pavement maintenance (including pavement flow lines). Additionally, pricing for sidewalk work is required both for our new Sidewalk Policy as well as incidental repairs. Adding in ADA ramps and curb and gutter completes the work that we would generally need to do for small repairs around the City.

The City requested bids for these four categories of work, and received one response from J. Graham Construction, Inc, who did not bid on the work last year. Three other competent contractors were contacted, but declined to bid.

For management purposes, four unit price contracts will be created, one for each of the bid items, and they will be tracked singly for data gathering as well as the ability to charge to the proper City account.

Suggested Motion:

I move to authorize award of four contracts for J. Graham Construction, Inc., one for each bid item, at the unit costs as specified on the bid documents.

- E. Consider authorizing the Mayor to sign the 2022 Tree City USA Application for Certification.

On February 25th, 2016 the City Commission approved Ordinance # 4214 creating a Tree Board 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.

The attached application completes the certification for the 2022 calendar year.

Suggested Motion:

I move to sign the Tree City USA Applications for Certification for 2022.

III. PUBLIC HEARING

- A. Public hearing to amend the 2022 Budget.

This request is to amend the 2022 Budget for the following funds:

1. Education Sales Tax - to account for the increase in sales tax revenue collections that are then passed through to USD 446.
2. Special Use Sales Tax - to account for the increase in sales tax revenue collections that are then distributed to allocated areas (General Fund, Building & Facilities, Street, ADA).
3. Airport - to accommodate higher sales and purchases of fuel at the Independence Municipal Airport.
4. Bond & Interest - due to 2022 Bond Issuance
5. General Fund - to show reimbursement to the General Fund for ARPA dollars received under the Revenue Loss Rule and subsequent transfer of funds to the Economic Development Fund.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted the 2022 amended budget.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

IV. ITEMS FOR COMMISSION ACTION

A. Consider adoption of the Zoo Master Plan.

After recognizing that there is a significant amount of work to be done due to aging infrastructure at Ralph Mitchell Zoo, the Commission authorized the creation of a Zoo Master Plan to guide the operational philosophy and identify capital spending required to provide Zoo staff with the facilities necessary to provide adequate animal care, increase tourism, and improve the overall aesthetic appeal of the Zoo. PGAV Architects was engaged as the contractor for this plan.

A steering committee was assembled that included members of the city staff, FORPAZ, and the Park Board to help guide the decision-making process. Over the course of several months, the Zoo was studied and versions of the plan were reviewed by operational staff so that the goals of the plan were met.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted the Zoo Master Plan.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider approving construction of a Sensory Garden area in Riverside Park playground

At Zoo Brew 2021, FORPAZ raised money for playground improvements in Riverside Park. The FORPAZ Board decided they would like to use the money to construct a play area designed specifically for use by children with physical and mental disabilities. Referred to as a "Sensory Garden," this area will mainly feature musical elements which are scientifically proven to be therapeutic for children with Autism Spectrum Disorders (ASD). This play area will be ADA-accessible and CPSI (Certified Playground Safety Inspector) compliant. The area would be located on the north side of the Corythosaurus dinosaur statue in the playground. This would require the removal of one set of outdated swings from that area. This project is being funded entirely by FORPAZ and would require no investment from the City.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved the construction of a Sensory Garden play area in the Riverside Park playground.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider accepting a Trail Builder Grant from the Sunflower Foundation.

In November of 2021, the City applied for a Trail Builder Grant through the Sunflower Foundation. The Sunflower Foundation's mission is "To serve as a catalyst for improving the health of Kansans." They seek partnerships with organizations and communities that focus on similar goals.

The City of Independence and the Independence Recreation Commission are dedicated to focusing efforts on improving Independence and Montgomery County's unhealthy statistics through strategic implementation of new avenues of recreation, such as trail systems. We believe that a key to promoting equitable opportunities for all is establishing free access to physical activity. Trails provide this access and provide immense benefits for emotional and mental health, as well as physical health.

The 1.1-mile concrete trail to be located at the Central Park Sports Complex

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

will assist us in reaching our goals of improving the health, both mental and physical, of not only Independence, but Montgomery County residents and visitors.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission accepted the Sunflower Foundation's Trail Builder Grant.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider setting a Public Hearing to consider the condemnation of 618 S. 1st Street.

On November 30, 2022, the residence at 618 S. 1st Street was involved in a structure fire that did extensive damage to the structure. The building department is requesting the City Commission set a Public Hearing to consider condemnation of the structure for February 23, 2023 at 5:30 p.m.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission set a Public Hearing to consider the condemnation of 618 S. 1st Street as dangerous and unsafe on February 23, 2023 at 5:30 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider adopting a resolution rescinding condemnation proceedings for 813 S. 17th.

On September 18, 2022, the structure at 813 S. 17th was involved in a fire resulting in extensive damage. The owner of the property has contracted with MEGA and cleared the lot per City specifications. The City Staff recommends rescinding the condemnation proceedings that were initiated and returning the insurance proceeds currently being held by the City.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted a resolution rescinding a previous resolution setting a date to consider condemnation of 813 S. 17th Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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

- F. Consider a resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 1201 W. Pine St.

Code Enforcement Officer Erin Musgrove has dealt with multiple nuisance issues at 1201 W. Pine Street for the last several years. Recently, the occupant brought in an RV camper and stripped the vehicle in the back yard along with other debris scattered about the yard. The Code Enforcement Officer has sent multiple notices and issued a citation on 11/21/22. City Staff is receiving weekly calls from neighbors about the neighborhood's nuisances and hazards. City Staff does not believe the occupant has the means to abate the nuisance and therefore is asking the Commission to approve the Resolution giving us the authority to abate the nuisance in 20 days.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a resolution authorizing the abatement of unhealthy and unsafe conditions at 1201 W. Pine Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider purchasing a new sanitation truck.

After approval, the City advertised for bids on a new sanitation truck and the bids were received in November. This advertisement for bids was for a different type of sanitation truck than has been traditionally purchased by the City:

The bid documents specified a truck incorporating the "Curotto Can" technology. This front-loading, automated technology has been shown to provide quicker service as well as require less manpower to operate.

A rough analysis was performed on the incremental cost to purchase the truck, since it was anticipated to cost twice what a standard rear-loading truck would cost.

It was assumed that the truck required more maintenance due to the automated technology, but it was also assumed that the truck would be able to be operated by two people instead of three. There was no assumption included that the truck would speed up pickup, though it is likely that there will be fewer landfill trips as well as faster individual house service with the system.

It was assumed that the truck (outside of the automated mechanism) would require approximately the same maintenance as a standard truck. Based on those assumptions, the truck shows a rate of return of approximately 7% on the additional money spent without considering productivity.

A single bid was received from Elliott Equipment Co. for \$403,137.00. After bidding, Elliott notified us that they could lower the bid price if we chose to use a slightly different model, at a savings of \$7,500, leaving the net bid, with deduction, of \$395,637.00.

Time from order to delivery is anticipated at 330 days.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission approved the purchase of a new sanitation truck from Elliott Equipment Co. for \$395,637.00.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider setting a Public Hearing for the submission of a CDBG Grant for 106 N. 8th Street for December 22, 2022.

Trident Partners LLC requests the City of Independence approve the submission of a Commercial Rehabilitation Community Development Block Grant for 106 North 8th Street. The purpose of Commercial Rehabilitation grants is to help cities improve the quality of their downtown commercial districts by assisting private property owners in the rehabilitation of blighted buildings. It is hoped that strategic investment of grant funds will help prevent the spread of blighted conditions to other nearby structures. The grant will be submitted for the maximum grant allowed of \$250,000 with a 25% required match. The City of Independence would serve as a pass-through entity, with the building owner being responsible for meeting the grant guidelines and will be held responsible if they are not met.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission set a Public Hearing for the submission of a Commercial Rehabilitation CDBG Grant for 106 N. 8th Street for December 22, 2022 at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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

- I. Consider adopting an ordinance rezoning a tract of land at 2500 W Laurel St from C-4, highway commercial district to M-2, heavy industrial district.

On September 6, 2022, the Planning Commission recommended rezoning this parcel from C-4, highway commercial district, to M-2, heavy industrial district.

adopt an ordinance rezoning a tract of land at 2500 W Laurel St from C-4, highway commercial district to M-2, heavy industrial district.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted an ordinance rezoning a tract of land at 2500 W Laurel St from C-4, highway commercial district to M-2, heavy industrial district.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- J. Consider adopting a resolution modifying the 2023 pay plan.

The City's pay plan is updated each year to keep pace with inflation and the labor market. Last year the pay plan was adjusted by 2%, although the rate of inflation at that time, according to the Urban Wage Earners CPI index (November 2021) was 6.8%. Currently, the Urban Wage Earners CPI index for all items (October 2022) is 7.7%. In addition, Montgomery County is currently increasing its wage scale by approximately 8%, and it is becoming difficult to compete with similar local governmental positions, i.e., police officers, dispatchers, public works, etc. Therefore, it is recommended to combine the budgeted 2% Cost of Living Adjustment and 2% Merit to increase the pay scale by 4%. We are currently evaluating alternative incentives for those employees who perform above average on their evaluations.

It should be noted that the position of Airport Supervisor was changed to Airport and Building Maintenance Supervisor, and the pay range was modified from a Grade 20 to a Grade 21.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a resolution authorizing the 2023 pay plan resolution.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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

K. Consider the 2023 City Commission and City holiday schedule.

Each year during reorganization, which is scheduled for January 12, 2023, the City Commission considers modifying the date and times of meetings. However, since reorganization starts after the year begins, it is recommended to move forward with the approval of the 2023 City Commission Meeting and City Holiday Schedule for planning purposes. The Commission meeting schedule generally consists of the 2nd and 4th Thursdays at 5:30 PM and the 3rd Wednesday at 9 AM for work sessions. The Commission may wish to consider deleting the 3rd Wednesday meeting on June 21, 2023 to avoid back-to-back meetings. This meeting date is highlighted on the Draft Schedule.

The Commission is aware of the current retention and recruiting challenges that many employers, including the City, are currently struggling with. In order to meet our goal of becoming an employer of choice, we have reviewed other governmental entity holidays, including other cities. Based on our review, it is recommended to add the following City holidays:

- Monday, February 20, 2023 -- President's Day - Federal Holiday
- Friday, April 7, 2023 -- Good Friday
- Monday, October 9, 2023 -- Indigenous Peoples Day (Formerly Columbus Day - Federal Holiday)

In addition to the above, it is recommended to add the following administrative holidays for 2023:

- Monday, July 3, 2023
- Tuesday, December 26, 2023

The additional holidays for 2023 are highlighted on the attached schedule.

We make this recommendation as part of our recruitment and retention efforts and to stay competitive with other employers.

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. REPORTS

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

- A. City Board Minutes
- B. November Sales Tax Report

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commissioners about the employee luncheon the next day and she reported about a letter that was received from the county.

Finance Director Lies reported on the recent water billing concerns.

VII. COMMISSIONERS' COMMENTS

None

VIII. PUBLIC CONCERNS

None

IX. 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

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

Louis Ysusi, Mayor

Dean A. Hayse, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's December 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; John Garris, City Engineer/Director of Public Works and Utilities; Mike Devore, Memorial Hall Maintenance; Shawn Wallis, Fire/EMS Chief; Lacey Lies, Director of Finance; April Nutt, Director of Housing Authority and Jerry Harrison, Chief of Police

Visitors Present: Larry McHugh

A. Call to Order

Mayor Hayse called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. CONSENT AGENDA

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

A. Consider approving the following Cereal Malt Beverage licenses:

1. Kevin Ford Db a Ace & Gunner's Tavern 112 S. 25th, Independence KS 67301

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

2. Jessica Box DBA Indy Brew Works 223 W Main Independence KS 67301
3. Matthew Kent DBA Gramps Tavern 811 N. 11Th, Independence KS 67301
4. Pete's Independence 401. W Main, Independence KS 67301
5. Akas 1 LLC 3024 W. Main, Independence KS 67301
6. Walgreens #09454 301 W. Main, Independence KS 67301
7. Walmart #2893 121 Peter Pan, Independence KS 67301
8. Pizza Hut Of SE Kansas 1815 N. Penn, Independence KS 67301
9. Casey's General Store #1814 1305 N Penn, Independence KS 67301
10. DG Retail, LLC 1210 East Main Independence KS 67301
11. G &W 2 LLC 416 W Myrtle Independence KS 67301
12. Mikie's 1901 N. Penn Independence, KS 67301

Suggested Motion:

I move to approve the Cereal Malt Beverage licenses as listed.

- B. Consider authorizing the Capital Improvement Plan for submittal to the Federal Aviation Administration.

Annually, the City works with Lochner to prepare and provide a Capital Improvement Plan (CIP) for the Federal Aviation Administration (FAA).

The latest version of the CIP summary varies from last year's plan on minor cost fluctuations due to inflation.

Suggested Motion:

I move to authorize the Capital Improvement Plan for submittal to the Federal Aviation Administration.

- C. Consider authorizing the purchase of a new Street Department truck with lift gate.

The City solicited bids for a replacement lift gate truck earlier this (2022) summer and there were no responses. The existing truck is used for hauling bulky equipment and is also the primary vehicle used in repairing potholes. The current lift gate is having performance issues.

After requesting bids from multiple car dealers, a quote was finally received in early December. This quote (attached) was from Quality Motors here in Independence for the total amount of \$76,805.00. This is very close to the originally budgeted amount.

Suggested Motion:

I move to authorize awarding the purchase of the new Street Department

truck to Quality Motors, for the price of \$76,805.00 and to execute any required documentation for this purchase.

- D. Consider authorizing a change order with Professional Engineering Consultants, P.A. (PEC).

PEC has been working through the engineering design and KDHE approval associated with Water Treatment Plant Master Plan items. PEC has requested Supplemental Agreement No. 5 due to changes and/or construction of work sooner than anticipated, as outlined below.

After review with KDHE, a dechlorination system was specified as required for water streams that would be sent back to the river after chlorination. This requires a new building, equipment, and associated piping to be accounted for and engineered. This amount is included in this change.

The design of other minor improvements to the existing infrastructure (clearwell vents, etc.) that were included in a later phase, but pulled forward by KDHE, are also included.

This change order includes the design, bidding, and construction administration tasks for the above items.

Additionally, PEC has been working with the City on preparing a process and gaining the necessary approvals to bid for the disposal of water plant residual sediments. This was planned work, but was too undefined at the time of the original Master Plan approval to be quantified. This effort is included in the change order as well.

Suggested Motion:

I move to authorize execution of Supplemental Agreement No. 5 with Professional Engineering Consultants, P.A., for the amount of \$43,200.00.

- E. Consider bidding disposal of the Water Treatment Plant residuals.

As a part of the Water Treatment Plant's processes, sediment is generated. Since this sediment exits the process after the water treatment has begun (i.e., chemicals are introduced), it cannot be reintroduced back into the water. This sediment ("residuals") is stored in basins prior to being appropriately disposed of. These basins are nearly full of accumulated residuals.

As this is not waste with deleterious properties, it can be integrated into

agricultural or pastureland. This request is to bid the hauling and disposal of the material in accordance with KDHE guidelines.

Bids will be due on January 12, 2023.

Suggested Motion:

I move to approve bidding Water Treatment Plant residual disposal.

- F. Consider chemical bids for the Water Treatment Plant.

Chemicals are included in the approved operating budget. Bids received were 20% - 90% higher than last year. The biggest increase (90%) is carbon, which will increase by approximately \$6,000 more this year.

Suggested Motion:

I move to approve the low bid for chemicals for the WTP for use in 2023.

- G. Consider awarding the bid for a new sewer pump.

As part of the effort to increase reliability of City infrastructure, the Southeast Lift Station has been reviewed. After the bids on the revisions to Southeast were found to be uneconomical, a secondary plan was created. A pump has been in use for some time that will fill the need for emergency service, plus allow the Southeast Lift Station to be properly maintained.

After review of the quotes and options received, the recommendation is to purchase the pumper offered by Alliance Pump for \$93,491.50. This pump represents the exact model in use for over a year and a half by the Water and Sewer Department to keep the sanitary sewer system operational.

There is one pump that was offered that was less expensive, but it did not meet the minimum bid requirements for self-priming and also for an oil-cooled seal. Self-priming is required for reliable operation, and the oil-cooled seal is required to prevent damage in the nearly certain condition where the line becomes clogged and the pump "runs dry". Because of these deficiencies, it is recommended to purchase the Alliance Pump.

Suggested Motion:

I move to approve purchase of the new sanitary sewer pump from Alliance Pump & Mechanical Service, Inc. for \$93,491.50.

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

- H. Consider adopting an ordinance amending Ordinance No. 4344 having to do with court costs.

The current city ordinance does not allow the municipal court judge to assess the cost of incarceration unless and until the defendant is sentenced to incarceration. There are times when a defendant is arrested, placed in jail, and may serve 1-4 days in jail before being released. Even if the defendant is later convicted and sentenced, the wording of our current ordinance does not allow the defendant to be assessed the cost of the pre-conviction incarceration. The attached ordinance changes that. A conviction is still required, but under the new amendment, the judge can assess the cost of both pre- and post-conviction incarceration.

Suggested Motion:

I move to adopt Ordinance 4423, which amends incarceration fees.

III. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 1016 W. Myrtle as dangerous and unsafe.

The City of Independence recently removed 1010 and 1020 W. Myrtle structures as dangerous and unsafe. It was determined that a third garage, owned by Chris Linker was actually addressed as 1016 W. Myrtle and was not included in the condemnations of 1010 and 1020 W. Myrtle. In order to follow City policy to clear the lots, the City is requesting the condemnation and removal of this garage and debris located at 1016 W. Myrtle. The owner has failed to respond to mail or phone calls from the City.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a resolution condemning the property at 1016 W. Myrtle as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Public Hearing to consider condemnation of 217 S. Earl as dangerous and unsafe.

The property at 217 S. Earl was involved in a structure fire and the house was a total loss. The previous owner, Dennis Musgrove, removed the house but refused to clear the property and left the garage. He has now sold the

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

property to Wallace Cady of Delaware, Oh., who has plans to build a house in 2023. City Staff recommends adjourning the hearing until May 25, 2023 to allow the owner to submit plans and begin his building project.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adjourned the hearing until May 25, 2023, at 5:30 pm.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Public Hearing to consider condemnation of a garage at 108 S. Wald as dangerous and unsafe.

The garage at 108 S. Wald Ave was destroyed by fire in October 2022. The property tenant has attempted to remove the debris but has not been successful in removing all of the debris and slab. City staff recommend condemnation as dangerous and unsafe, and this will give the owner an additional 30 days to finish the removal of the garage structure and concrete.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a resolution condemning the garage at 108 S. Wald as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Public Hearing for submission of a CBDG Commercial Rehabilitation Grant for 106 N. 8th on behalf of Trident Partnerships LLC, including the approval of Resolution #2022-070 and Resolution #2022-071.

Trident Partners LLC requests the City of Independence approve the submission of a Commercial Rehabilitation Community Development Block Grant for 106 North 8th Street. The purpose of Commercial Rehabilitation grants is to help cities improve the quality of their downtown commercial districts by assisting private property owners in the rehabilitation of blighted buildings. It is hoped that strategic investment of grant funds will help prevent the spread of blighted conditions to other nearby structures. The grant will be submitted for the maximum grant allowed of \$250,000 with a 25% required match. The City of Independence would serve as a pass-through entity, with the building owner being responsible for meeting the grant guidelines and will be held responsible if they are not met.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission approved the submission of Trident Partnerships LLC's Commercial Rehabilitation Community Development Block Grant for 106 North 8th by approving Resolution #2022-070; a "Resolution Declaring a Building Blighted" and Resolution #2022-071; a "Resolution Clarifying Legal Authority" and authorizing the Mayor to sign all documents.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

IV. ITEMS FOR COMMISSION ACTION

A. Consider change order for the City Hall project

City Staff has been working with TreanorHL and McCownGordon as the project progresses at City Hall.

Changes to Wood Frame Trim:

The majority of the cost is the change made to the W06 (courtroom frame) for the double acoustical glazing.

- At W05 – Trim was added and deleted to work with ceiling heights and ballistic glazing.
- At frame W06 - Add wood parting stops at sidelite panels to accommodate acoustical double glazing.

Changes to Millwork:

These are the general items.

- Basement Quartermaster Room – Added 2nd row of shelving/closet rods to two walls.
- 2nd Floor Breakroom – Modification of millwork cabinets to incorporate an icemaker.
- 1st Floor Admin work/mail and the Police work/mail – Modifications to the cabinets to accommodate the department's different needs.
- 1st Floor Dispatch Breakroom – Added wall cabinets above lockers for additional storage of emergency supplies.

Door Hardware:

- Added (2) doors and frames to 2nd Floor Police to separate the detectives/interview room for added security.
Changed (3) doors and frames on the 1st Floor from aluminum sliding doors/frames to hollow metal frames with swing wood doors to match the rest of the building's interior doors/frames/finishes and simplify door hardware/be standard with other offices.
Eliminate (1) hollow metal door and frame on the 1st Floor to simplify egress/control functionality.

The total cost of these change orders from contingency is \$15,927.28

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved change orders in the amount of \$15,927.28.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Consider electrical repairs for the Evidence Building.

There is a generator currently installed in the Evidence Building. It was originally installed when Independence EMS was stationed at the site. Any work with the generator is outside the original scope of the project. The contractor has had the generator inspected and serviced (oil and filter change, air filter change, and a new battery installed). The electrician reported that the generator is adequate for the needs of the Evidence Building. However, the wiring is not to the current code and needs to be replaced and a disconnect needs to be added. The cost is \$2,875.

The electrician informed city staff a new generator would cost significantly higher and the wiring and disconnect would still need to be replaced. The total rough estimate for a new generator purchase, install, and the work and materials required to meet current code is approximately \$15,000.

City staff believe that due to the significant increase in cost of purchasing a new generator and the necessity to update the installation components to current code, it is better to fund the required repairs and rely on the generator already on-site.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission authorized the work necessary to bring the Evidence Building generator up to

the current code.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

C. Consider approving additional funding for the Downtown Building Grant

To meet the 2022 budget versus grant request shortfalls and 2023 projected grant requests, the Economic Development Advisory Board recommends reallocating the remaining \$47,974 in the 2022 Economic Development budget to the Downtown Building Grant program. In addition, the board recommends transferring \$50,000 from the Incubator Building fund to the Economic Development fund, to increase funding for the 2023 Downtown Building Grant program. Funding would be as follows:

2022 Funding - increase by \$10,614 to fulfill the gap in program funding for Trident Partnerships

2023 Funding –

Original Budget	\$50,000
From 2022 Eco/Devo	\$37,360
From Incubator Fund	\$50,000
Total 2023 Funding	\$137,360

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission increased program funding for the Downtown Building Grant as recommended.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

D. Consider approval of Downtown Building Grants.

Trident Partnerships has applied for three building renovations to occur in the Downtown Historic District and will apply for two more buildings in January 2023 for a total of five buildings. Trident Partnership is investing over 10 million dollars in downtown upper-story apartments and retail business space in our Historic Downtown. The Downtown Building Grant committee met on December 08, 2022 and discussed the applications. The City currently has \$64,386.36 in building grant funds available. It was the recommendation of the committee to request approval of \$64,386.36 for these three applications. In addition, the committee took a request to the Economic Development Advisory Board to consider recommending additional funding

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

to Trident Partnerships LLC's 2022 applications, to fill the gap of \$10,613.64, for a total of \$75,000.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission approved No. \$75,000 total in downtown building grant funds for 120 N. 8th, 208 N. 8th and 221 W. Main Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider adopting an ordinance regulating political signs.

On December 6, 2022 the Planning Commission recommended adopting a text amendment to the zoning code regarding temporary signs.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission accepted the recommendation of the Planning Commission and adopted Ordinance No. 4425 regulating political signs.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider adopting an ordinance rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

On December 6, 2022 the Planning Commission conducted a public hearing to consider rezoning 701 Taylor Road from R-1, large lot single-family dwelling district, to R-3, low density multifamily dwelling district. No one from the notification area commented on the case other than the applicant. The Planning Commission recommended on a six to one vote to approve the rezoning.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted an ordinance rezoning 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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

- G. Consider adopting a resolution for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.

On December 6, 2022, the Planning Commission held a public hearing to consider a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with conditions. No one from the notification area spoke at the public hearing other than the applicant. The Planning Commission unanimously recommended approving the conditional use permit as recommended by City staff.

adopted a Resolution adopting a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with conditions

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a Resolution adopting a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with conditions.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider adopting an ordinance rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

On December 6, 2022, the Planning Commission held a public hearing to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district, to C-2, commercial services district. No one from the notification area except the applicant commented at the public hearing. One of the Planning Commissioners felt strongly that this rezoning did not follow the Comprehensive Plan as she felt this area should remain residential and made a recommendation to table action. That motion died due to a lack of a second. A second motion was made to approve the rezoning, which passed with five members in favor, one opposed, and one abstained.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted an ordinance rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district, to C-2, commercial services district.

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- I. Consider setting the date of February 23, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 1016 E. Edison as dangerous and unsafe.

On December 14, 2022, the residence at 1016 E. Edison was involved in a fire that extensively damaged the second floor and attic space. The building department is requesting a Public Hearing to consider condemnation as dangerous and unsafe be set for February 23, 2023 at 5:30 p.m.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a resolution setting a Public Hearing to consider the condemnation of 1016 E. Edison as dangerous and unsafe on February 23, 2023 at 5:30 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- J. Consider adopting an ordinance amending Appendix D concerning Cemetery Fees.

The most recent adjustment to the fee schedule for Mount Hope Cemetery occurred in 2014. Due to the increased cost of maintaining the cemetery since that time, it is recommended that the city implement an increase in the price of burial spaces and services. The Cemetery Director and Cemetery Sexton have compiled a list of suggested prices, based on current pricing at other cemeteries in the area.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted an ordinance amending Appendix D concerning cemetery fees.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- K. Consider authorizing the bidding of two new fuel bowzers for the Independence Municipal Airport.

Historically, the City has purchased integrated mobile fueling trucks as a means to sell and dispense fuel to aircraft. The new Airport Manager, Aaron Shrader, has significant experience in aviation and suggested the use of fueling bowzers, or trailers that are capable of being affixed to the back of a

pickup truck. These bowzers have self-contained engines for pumping, and are used in many locations.

Individual trucks are convenient, but have the drawback of being three to four times the cost of a fuel bowser. The Airport has had a capital schedule for a new fueling vehicle for over a year, which would only replace one vehicle, and that is likely with funding only sufficient to purchase a used vehicle. With the same amount of funding, it is likely that two new fuel bowzers can be built, replacing trucks that date back to the late 1970s and mid 1980s that are currently nearing the end of life and using the existing pickup trucks at the airport to move the fuel bowzers.

The primary reason for using a truck would be for large, bulk deliveries. With our current airport size and clientele, it is felt that these bowzers will provide a very safe method to conveniently deliver fuel at a lower cost, potentially saving nearly \$200,000 versus the cost of purchasing new trucks, and lowering overall maintenance costs due to the lowered complexity.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission authorized bidding for the 100LL fuel bowser and jet A bowser as described in the attached bid documents.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- L. Consider the 2023 City Commission and City holiday schedule.

This item was tabled from the last Commission meeting as the Commission requested to know the dates other area local governments observed as holidays. The Request for Commission Action (RCA) from the last meeting is attached, in addition to a survey that includes other area cities, the County, and the State. The only proposed holiday that is unique to Independence is the Administrative Holiday on July 3rd to provide a four-day weekend and would only be for 2023. You may wish to delete that one or trade it with Juneteenth (June 19th), which is consistent with Cherryvale and the County.

Another item brought up at the last meeting is that the June 21, 2023 Special Meeting (third Wednesday) may be needed as a budget work session.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission approved the 2023 City Commission Meeting and City Holiday schedule with

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

the following amendments to add a total of 2 additional holiday days with a consideration to revisit.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. REPORTS

A. Monthly Projects and Public Works Report

Engineer Garris presented the report.

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reminded everyone that there would be no trash service for the rest of the week and trash service would resume on Tuesday and City Hall would be closed on Monday.

Assistant City Manager Cowan gave a weather update.

VII. COMMISSIONERS' COMMENTS

Commissioner Emert commented on the relocation of the dropbox.

Commissioner Ysusi reminded the public to check on neighbors during this weather event.

Mayor Hayse reminded the public to drive safely during the holiday season and thanked all of the volunteers helping out during this weather event.

VIII. PUBLIC CONCERNS

None.

IX. EXECUTIVE SESSION

A. Data relating to financial affairs or trade secrets of second parties.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission recessed for an executive session concerning confidential data relating to

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

financial affairs and/or trade secrets of a company pursuant to the exception found at K.S.A. 75-4319(b)(4). The open meeting will resume at 7:12 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 7:12 p.m. with no action taken.

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

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception found at K.S.A. 75-4319(b)(2). The open meeting will resume at 7:24 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 7:24 p.m. with no action taken.

X. 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

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

Louis Ysusi, Mayor

Dean A. Hayse, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023

Department Airport

Director Approval John Garris

AGENDA ITEM Consider authorizing rebidding of two new fuel bowzers.

SUMMARY RECOMMENDATION Authorize rebid.

BACKGROUND Historically, the City has purchased integrated mobile fueling trucks as a means to sell and dispense fuel to aircraft. The new Airport Manager, Aaron Shrader, has significant experience in aviation and suggested the use of fueling bowzers, or trailers that are capable of being affixed to the back of a pickup truck. These bowzers have self-contained engines for pumping, and are in used in many locations.

Individual trucks are convenient, but have the drawback of being three to four times the cost of a fuel bowser. The Airport has had a capital schedule for a new fueling vehicle for over a year, which would only replace one vehicle, and that likely with funding only sufficient to purchase a used vehicle. With the same amount of funding, it is likely that two new fuel bowzers can be built, replacing trucks that date back to the late 1970s and mid 1980s that are currently nearing the end of life and use the existing pickup trucks at the airport to move the fuel bowzers.

The project had a bid opening date of January 12, 2023. There was only one bid for one of the fuel types. It is felt, based on our observations of the market, that this single bid was not economically competitive. As such, it is recommended that the City rebid the bowzers. We had initially reached out to one company (who did not bid, as the employee we were working with resigned) and will reach out to them and several others to ensure that we have competitive bids.

FINANCIAL INFORMATION

SUGGESTED MOTION I move to authorize rebidding of the 100LL fuel bowser and jet A bowser as described in the attached documents.

SUPPORTING DOCUMENTS

1. Advertisement for Bid - 100LL BOWSER - 2023a
2. Advertisement for Bid - JET A BOWSER - 2023a



Advertisement for Bid

The City of Independence, Kansas, is accepting bids for one new 100LL AVGAS 1000 Gallon Aircraft Bowser meeting or exceeding the attached specifications.

Bids must be sent to the office of the City Clerk, 811 W. Laurel Street, Independence, Ks. 67301, on or before 2:00 p.m. Thursday, February 16th, 2023. Bids shall be enclosed in a sealed envelope plainly marked on the outside "100LL Bowser Trailer". If bid is mailed, the original envelope shall be enclosed in a separate envelope addressed to the City Clerk, also plainly marked on the outside as stated above. E-mail or fax bids will not be accepted. The apparent low bid will then be presented to the Independence City Commission at a 2023 regular meeting for their formal action.

The city reserves the right to accept or reject any or all bids or to waive any irregularities should any occur as may best benefit the City. The City Manager may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening bids, but that a bid may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitted bids.

Lacey Lies, Finance Director

1/17/2023

Date

SPECIFICATIONS

ONE NEW 100LL AVGAS 1000 GALLON AIRCRAFT BOWSER

DESIGN INFORMATION

REFUEL BOTH FIXED WING AND ROTARY WING AIRCRAFT AT 75 GPM

TANK INFORMATION

ELLIPTICAL SHAPE CONSTRUCTED OF STAINLESS STEEL. TANK EQUIPPED WITH 16" MANWAY, 10" FILL, AND 2" GRAVITY TANK DRAIN. VENT AND MECHANICAL TANK GAUGE. BOTTOM LOADING CAPABLE.

TRAILER INFORMATION

UNIT IS FRONT STEER, TOWABLE BOWSER EQUIPPED WITH TOW BAR WITH PINTLE HITCH CONNECTION AND BRAKE. CAPABLE OF NO MORE THAN 15 MPH.

SAFETY EQUIPMENT

ONE STATIC GROUND REEL WITH 50' OF CABLE AND CLAMP, GROUNDING LUG AND 20 LB. FIRE EXTINGUISHER AND MOUNTING BRACKET.

FINISH

PAINTED WHITE WITH PLACARDS, WARNING DECALS, AND PRODUCT IDENTIFICATION MARKINGS.

SPECIFIC EQUIPMENT REQUIREMENTS

1000 GALLON JET A TANK

FUELING ONLY PIPING PACKAGE

DIESEL DRIVEN ENGINE AND PUMP PACKAGE

VF-22SB-PG2-WP FILTER PACKAGE INCLUDING DP GAUGE

SPRING REWIND HOSEREEL

METER WITH MECHANICAL REGISTER

1-1/2" X 50' REFINED FUEL HOSE

OVERWING NOZZLE

SCULLY TANK OVERFILL PROTECTION SYSTEM – 2 WIRE OPTIC PROBE WITH THERMISTOR SOCKET



DELIVERY INCLUDED TO

INDEPENDENCE MUNICIPAL AIRPORT
498 FREEDOM DRIVE
INDEPENDENCE, KS 67301

PLEASE PROVIDE WARRANTY INFORMATION.

FOR ANY QUESTIONS OR FURTHER INFORMATION, PLEASE CONTACT:

AARON SHRADER
AIRPORT SUPERVISOR
AIRPORT@INDEPENDENCEKS.GOV

THE CITY OF INDEPENDENCE IS A TAX-EXEMPT MUNICIPALITY.

CITY OF INDEPENDENCE, KANSAS

BOWSER TRAILER BID FORM

1. NEW 100LL 1000 GALLON BOWSER TRAILER \$_____

2. ESTIMATED DELIVERY DATE _____

Bidder Information:

Name _____

Address _____

City _____ St. _____ Zip _____

Phone _____

E- Mail Address _____

Authorized Officer _____

Title _____

Date _____



Advertisement for Bid

The City of Independence, Kansas, is accepting bids for one new JET A 1000 Gallon Aircraft Bowser meeting or exceeding the attached specifications.

Bids must be sent to the office of the City Clerk, 811 W. Laurel Street, Independence, Ks. 67301, on or before 2:00 p.m. Thursday, February 16th, 2023. Bids shall be enclosed in a sealed envelope plainly marked on the outside "JET A BOWSER TRAILER". If bid is mailed, original envelope shall be enclosed in a separate envelope addressed to the City Clerk, also plainly marked on the outside as stated above. E-mail or fax bids will not be accepted. The apparent low bid will then be presented to the Independence City Commission at a 2023 regular meeting for their formal action.

The city reserves the right to accept or reject any or all bids or to waive any irregularities should any occur as may best benefit the City. The City Manager may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening bids, but that a bid may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitted bids.

Lacey Lies, Finance Director

12/17/2023

Date

SPECIFICATIONS

ONE NEW JET A 1000 GALLON AIRCRAFT BOWSER

DESIGN INFORMATION

REFUEL BOTH FIXED WING AND ROTARY WING AIRCRAFT
CAPABLE OF UNDERWING AND OVERWING REFUELING at 75-100 GPM

TANK INFORMATION

ELLIPTICAL SHAPE CONSTRUCTED OF STAINLESS STEEL. TANK EQUIPPED WITH 16" MANWAY, 10" FILL, AND 2 " GRAVITY TANK DRAIN. VENT AND MECHANICAL TANK GAUGE. BOTTOM LOADING CAPABLE.

TRAILER INFORMATION

UNIT IS FRONT STEER, TOWABLE BOWSER EQUIPPED WITH TOW BAR WITH PINTLE HITCH CONNECTION AND BRAKE. CAPABLE OF NO MORE THAN 15 MPH.

SAFETY EQUIPMENT

ONE STATIC GROUND REEL WITH 50' OF CABLE AND CLAMP, GROUNDING LUG AND 20 LB. FIRE EXTINGUISHER AND MOUNTING BRACKET.

FINISH

PAINTED WHITE WITH PLACARDS, WARNING DECALS, AND PRODUCT IDENTIFICATION MARKINGS.

SPECIFIC EQUIPMENT REQUIREMENTS

1000 GALLON JET A TANK
FUELING ONLY PIPING PACKAGE
DIESEL DRIVEN ENGINE AND PUMP PACKAGE
VF-22SB-PG2-WP FILTER PACKAGE INCLUDING DP GAUGE
SPRING REWIND HOSEREEL
1-1/2" X 50' REFINED FUEL HOSE
OVERWING NOZZLE
SINGLE POINT NOZZLE WITH HECV
METER WITH MECHANICAL REGISTER
2" SPRING RETURN BALL VALVE WITH LANYARD
GAMMON 1-1/2" DRY BREAK DISCONNECT
2 MILLIPORE SAMPLE COLLECTION – INLET AND OUTLET
SCULLY TANK OVERFILL PROTECTION SYSTEM – 2 WIRE OPTIC PROBE WITH THERMISTOR SOCKET



DELIVERY INCLUDED TO

INDEPENDENCE MUNICIPAL AIRPORT
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INDEPENDENCE, KS 67301

PLEASE PROVIDE WARRANTY INFORMATION.

FOR ANY QUESTIONS OR FURTHER INFORMATION, PLEASE CONTACT:

AARON SHRADER
AIRPORT SUPERVISOR
AIRPORT@INDEPENDENCEKS.GOV

THE CITY OF INDEPENDENCE IS A TAX-EXEMPT MUNICIPALITY.

CITY OF INDEPENDENCE, KANSAS

BOWSER TRAILER BID FORM

1. NEW JET A 1000 GALLON BOWSER TRAILER \$_____

2. ESTIMATED DELIVERY DATE _____

Bidder Information:

Name _____

Address _____

City_____St._____Zip_____

Phone _____

E- Mail Address _____

Authorized Officer _____

Title _____

Date _____



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023**

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider awarding disposal of the Water Treatment Plant residuals.

SUMMARY RECOMMENDATION Approve award of residual removal.

BACKGROUND As a part of the Water Treatment Plant's processes, a sediment is generated. Since this sediment exits the process after the water treatment has begun (i.e., chemicals are introduced), it cannot be reintroduced back into the water. This sediment ("residuals") is stored in basins prior to being appropriately disposed of. These basins are nearly full of accumulated residuals.

A bid opening for this work was held on January 12, 2023. The low bid of the three was from MEGA, LLC for \$72,600. This contractor has done this type of work before and is familiar with our basins. It is recommended that we award the bid to this contractor.

FINANCIAL INFORMATION This expenditure will be paid for out of the Water Treatment operating budget.

SUGGESTED MOTION I move to approve awarding of the Water Treatment Plant residual disposal for \$72,600 to MEGA, LLC.

SUPPORTING DOCUMENTS

1. MEGA LLC
2. Solids Removal - Bid Tabulation

SECTION VIII – PRICING

Bid Pricing shall be inclusive of all costs including equipment, operator time, fuel, etc. Bid pricing is based on actual time and materials to complete the scope of work. Bid items below shall be not-to-exceed costs based on the estimated time and materials required to haul 3,400 cubic yards.

Description	Time and Materials Not-to-Exceed Amount
Solids Removal, Hauling and Disposal	72,600 ⁰⁰

Provide a description of experience, time and materials rates for equipment and personnel for the project and attach them to this bid.

Bidder Information:

Name MEGA LLC

Address 2950 CR 3800

City Independence St. KS Zip 67301

Phone 620-331-9209

E- Mail Address DirtDude1960@gmail.com

Authorized Officer JAY BRUEWING

Title owner

Date 1-10-23

MEGA WILL USE ITS OWN DISPOSAL SITE.

Bid Tabulation

MEGA, LLC	\$72,600
Hodges Farms & Dredging, LLC	\$156,900
DRT Biosolids, Inc	\$ 310,000



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023

Department Park, Zoo & Cemetery

Director Approval Scott Patton

AGENDA ITEM Consider authorizing the street closure at Riverside Park on May 6, 2023 from 8:00 a.m. to 10:30 a.m. for the first annual Run4Fun 5K.

SUMMARY RECOMMENDATION Approve street closures at Riverside Park on May 6th from 8:00 a.m. to 10:30 a.m. for the first annual Run4Fun 5K.

BACKGROUND In 2023, a group of running enthusiasts received a \$6,000 grant to start a running club in Independence. Called "Run4Fun", the group is focused on encouraging kids and their parents to pursue running together. The group has requested consent to host a 5K fun run at Riverside Park, which is anticipated to be the first of an annual event. The run will follow the same 5K route as the Neewollah 5K, which requires closure of all streets in Riverside Park, and North 5th Street, from Oak Street to Morningside PL.

FINANCIAL INFORMATION No financial impact

SUGGESTED MOTION I move to authorize the request to close streets at Riverside Park on May 6th, 2023 from 8:00 a.m. to 10:30 a.m. for the first annual Run4Fun 5K.

SUPPORTING DOCUMENTS

1. Park Activity Application
2. Neewollah 5K Map
3. 5K Barricade Locations

City of Independence
Park Activity Application

Event Date: May 6, 2023 Time: Start 8:00 am Ending 10:30 am

Size of Group 50-100

Type of Event: Concert: ☐ Display: ☐ Exhibit: ☐ Other: 5K race & 1 mile run

Individual/Business/Organization: Run4Fun Club

Individual/Business Address: 3773 County Road 3000, Independence

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

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

If not for profit complete the following:

Contact Person: Tammy Roth Phone Number: [REDACTED]

Are you renting a building? NO

Please describe your event: This is a 5K & 1 mile fun run for families

Area of the park you are planning on using: I am planning to use the 5K Course that travels starting at the oval.

Services Needed: Barricades ☒ Yes ☐ No If yes, provide a map for placement.
Barricades must be maned during the event. During breaks of event participates those that are renting facilities must be given access. Barricades must be removed 15 minutes past the end of the event.

Street Closing Needed: ☒ Yes ☐ No If yes, provide a map for location.
Time of street closing: From: 7:00 am To: 9:30 am
Times must be approved by park staff.

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

Trash Containers Needed: yes, at finish line (in oval)

Special Arrangements: I have plans to use a professional
time that will bring equipment for timing.

Police, EMS or Fire Department Needed: Yes ☒ No If yes, please provide
details. For safety we can man the street
closure barricades.

Other City Equipment Requested: None that I am aware of
at this time.

Attachments:

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

Signature of Renter: Larry R. Dr

Date: 1-17-2023

Approved by: _____ Date: _____

2022 Neewollah 5K

Independence, KS

Measured by:
Trevor Darmstetter
trevor@timerguys.com
9/7/2022

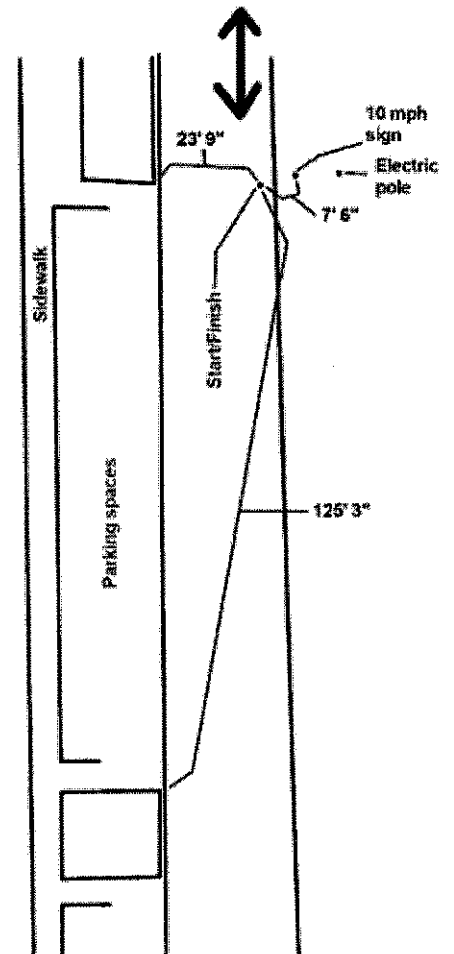
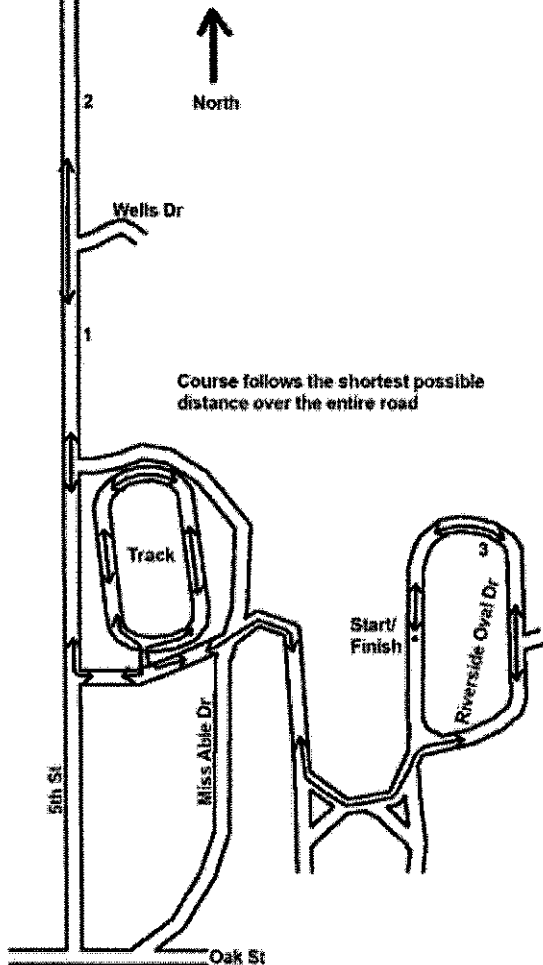
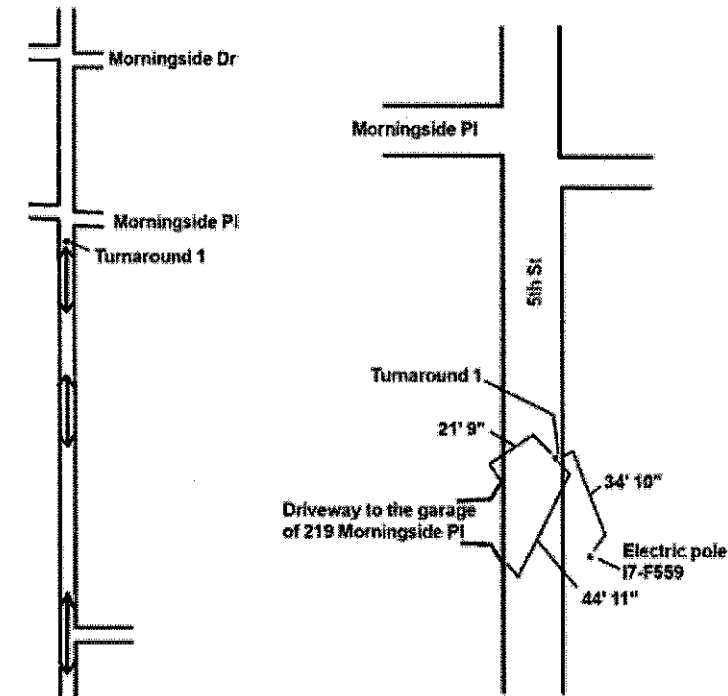
Start / Finish - Even with N edge of sidewalk ramp, 7' 6" from 10 mph sign next to electric pole, 23' 9" from SE corner of cutout, and 125' 3" from NE corner of cutout

Mile 1 - 37' 1" N of N edge of parking S of cemetery road

Turnaround 1 - 21' 9" from N corner of driveway to the garage of 219 Morningside PI, 44' 11" from S corner of drive, and 34' 10" from electric pole 17-F559

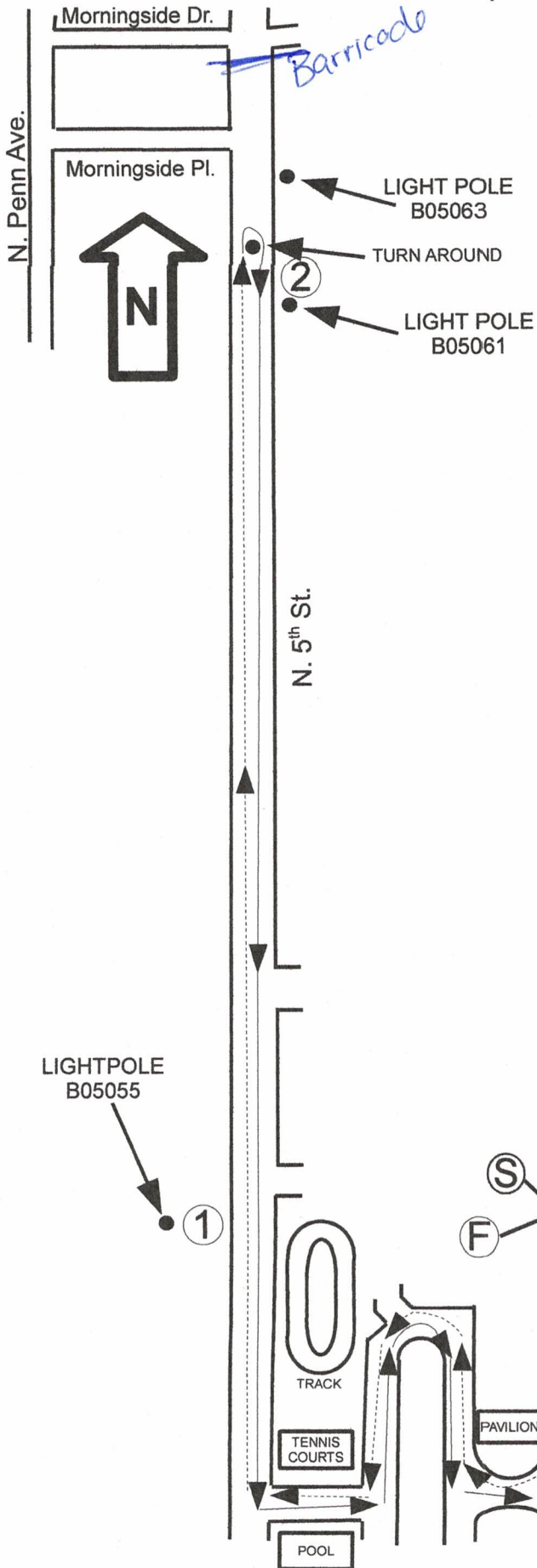
Mile 2 - 57' 4" S of drive to 1736 5th St

Mile 3 - 24' 7" S of electric pole B02339



8:30 - 11:00

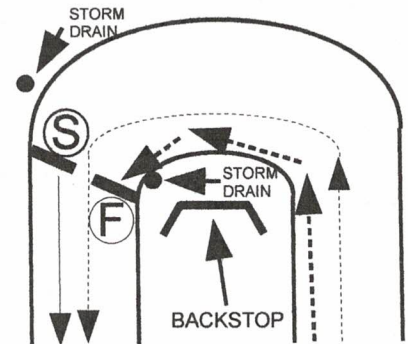
Neewollah 5k Independence, KS



Start, finish, mile markers and turnaround all marked with nail and washer

- Start:** West of backstop, 27'9" SW of storm grate on North side of road and 28" SW of storm grate on south side of road.
- Mile 1:** Even with light pole #B05055 on west side of street.
- Turnaround:** 86'6" South of light pole #B05063 on East side of street to the south of Morningside Pl.
- Mile 2:** 99'3" North of light pole #B05061 on East side of street.
- Mile 3:** Even with 1st utility pole to the North of Wells Dr. on the east side of the road.
- Finish:** West of backstop, 27'9" SW of storm grate on North side of road and 28" SW of storm grate on south side of road.

Start/Finish Detail



AT THE START, ONE FULL LOOP MUST BE COMPLETED IN RIVERSIDE PARK BEFORE EXITING SOUTH OF THE PAVILION.

Morningside Dr

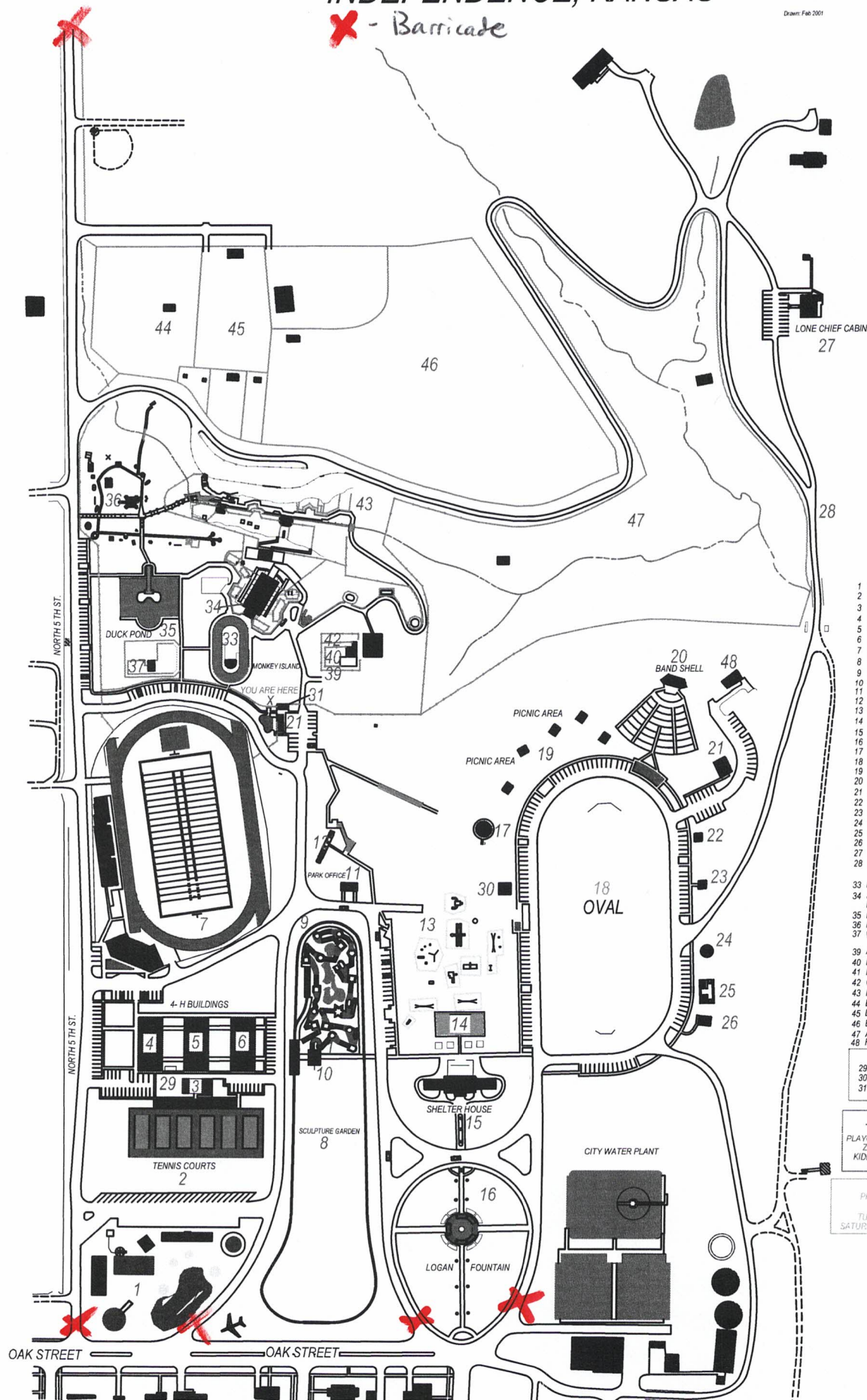
RIVERSIDE PARK INDEPENDENCE, KANSAS

✗ - Barricade



Drawn Feb 2001

VERDIGRIS RIVER



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

RESTROOMS

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

DRINKING FOUNTAINS

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

CONCESSIONS

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

UPDATED JUNE 27 TH, 2011

BY: MIKE Page 56 of 152



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023

Department Police

Director Approval Jerry Harrison

AGENDA ITEM Consider converting Independence Public Safety to UHF-Digital.

SUMMARY RECOMMENDATION Authorize City staff to contract with Action Communications for labor and equipment to move IPD and IFD-EMS to Action Communications' UHF Digital radio network.

BACKGROUND With the remodel of 1916 City Hall, IPD will be moving its entire operation back to 1916 City Hall. This will require IPD Dispatch to move its communications system and the NG911 call handling system to 1916 City Hall. IPD's current VHF radio system is failing and creating a danger to police officers. After working with TUSA Radio Consultants, City staff has elected to move IFD-EMS and IPD from their current radio systems (UHF for Fire, VHF for Police) to a UHF Digital System in use by all other public safety agencies in Montgomery County. IPD and IFD-EMS will be trading in all serviceable old radio equipment to defray costs on this project. Action Communications has agreed to wipe programming from all traded equipment at no cost to the city.

Action Communications provided written notice in an email that there is a \$2,000 maintenance fee annually effective 1-1-23. This fee covers 16 hours of labor for any issues with the system that require on-site resolutions.

The radio project qualifies as a sole source purchase as the local network is a proprietary Kenwood NextEdge network owned, operated, and maintained by Action Communications.

FINANCIAL INFORMATION This project is a part of the previously submitted USDA Grant. USDA has been notified that we must make a decision to keep our quoted price and avoid an 8% price increase, as well as have the equipment in time for the move to City Hall. They could not confirm whether or not purchasing the equipment prior to an award notice would make it ineligible or not. We are hopeful that due to the constraints, it will still be eligible. This will be paid for with budgeted dollars and 911 dollars, as eligible.

SUGGESTED MOTION I move to authorize City staff to engage with Action Communications for the work as presented.

SUPPORTING DOCUMENTS

1. Radio Project Presentation
2. Email Trade in for Labor
3. 2k maintenance email
4. Action Quote 9-19-22

PSAP Move & UHF-Digital Conversion

Report to the Independence City Commission

Options

- 800 Mghz Kansas Statewide Interoperable Communications System (KSICS)
 - Interoperable statewide, public safety grade.
 - Cost=\$2.5 to \$5.5 million
- Very High Frequency (VHF)
 - Not interoperable, Commercial grade (lower than public safety grade), IPD's current frequency, unreliable signal
 - Cost=Unknown cost to repair
- Ultra High Frequency (UHF)
 - Not interoperable, commercial grade, IFD-EMS current frequency, reliable signal
 - Cost=Roughly half of moving to UHF Digital
- UHF-Digital
 - Interoperable in Montgomery County only, commercial grade, all other public safety agencies in MG CO are on this system, reliable signal countywide
 - Cost=\$84,416.31

Proposal

- IPD's VHF Signal is creating officer safety issues
 - Audio samples of typical radio transmissions    
- All other public safety agencies in MG CO are on the UHF Digital System we proposing
 - This provides for county-wide interoperability that will eliminate 3rd party relay of communication through dispatch, speed response, and improve safety for citizens and first responders
 - UHF Digital and KSICS are only viable options that allow for any level of interoperability combined with reliable signal

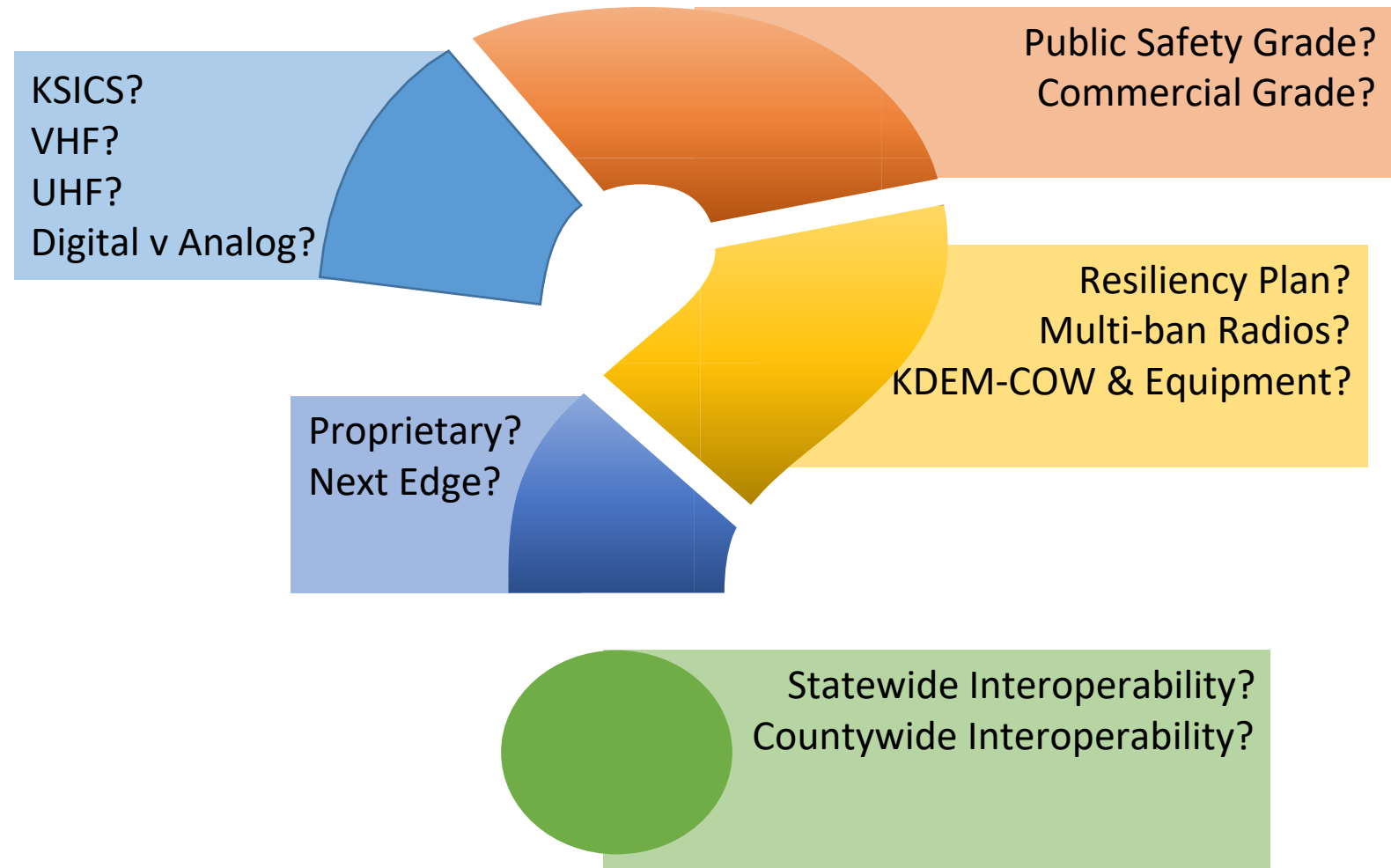
Staff Recommendation

- Move to locally available UHF-Digital system
- KSICS is the only Public Safety Grade system but cost is astronomically prohibitive, \$2.5 to \$5.5 million
- UHF Digital costs \$84,416.31
- TUSA “in good faith cannot recommend” moving to the commercial grade UHF-Digital System due to concerns of resiliency
- All public safety agencies in MG CO operate on commercial grade systems now
- UHF-D provides county-wide interoperability

Resiliency Plan

- The City of Independence UHF Digital system resiliency plan
 - Maintain analog UHF as primary back-up
 - Rely on Emergency Management process for major events as secondary back up
 - KDEM will provide equipment to get us on KSICS temporarily until our system is restored

Questions?



Clarification

trish@actioncomm.biz <trish@actioncomm.biz>

Thu 9/1/2022 3:35 PM

To: Jerry Harrison <jerryh@independenceks.gov>

Hello Jerry,

I failed to mention on the quote that instead of charging labor for installing the mobile radios in the vehicles we will keep the radios we remove. They were not included on the credit on the quote.

Thanks,

Trish Hollenbeck

Action Communications, LLC

201 S Sunset Blvd

Bartlesville, OK 74003

Office 918-333-5600

Fax 918-337-0810



Virus-free. www.avast.com

RE: Quote for New Radio System

trish@actioncomm.biz <trish@actioncomm.biz>

Mon 9/19/2022 4:17 PM

To: Jerry Harrison <jerryh@independences.gov>

Cc: dave@actioncomm.biz <dave@actioncomm.biz>; kevin@actioncomm.biz <kevin@actioncomm.biz>; betty@actioncomm.biz <betty@actioncomm.biz>; Kelly Passauer <kellyp@independences.gov>; David Cowan <davidc@independences.gov>; Lisa Helkenberg <lisah@independences.gov>; Lacey Lies <laceyl@independences.gov>

 1 attachments (115 KB)

Independence Police Dept - Quote #DT83122IPD.pdf;

Good Afternoon Jerry,

I changed the number of days the quote price is valid from 30 to 60.

We have discovered that we failed to let you know there is an annual maintenance fee of \$2000 that covers 16 hours of labor for any issues with the system that requires on-site solutions. This will be billed per calendar year beginning January 1, 2023. The remainder of this year will no be charged. This will give time to make sure everything is operating as it should.

Thanks,

Trish Hollenbeck

Action Communications, LLC

201 S Sunset Blvd

Bartlesville, OK 74003

Office 918-333-5600

Fax 918-337-0810

From: Jerry Harrison <jerryh@independences.gov>

Sent: Monday, September 19, 2022 10:45 AM

To: trish@actioncomm.biz

Cc: dave@actioncomm.biz; kevin@actioncomm.biz; betty@actioncomm.biz; Kelly Passauer <kellyp@independences.gov>; David Cowan <davidc@independences.gov>; Lisa Helkenberg <lisah@independences.gov>; Lacey Lies <laceyl@independences.gov>

Subject: Re: Quote for New Radio System

Dave and Trish,

Can you provide us a quote on the radio project that expires at the end of October? The current quote expires the end of September and we are still awaiting word on a grant to fund the project.

Jerry Harrison

Chief of Police
Independence Police Department
811 W. Laurel
Independence KS 67301
620-332-1700

From: trish@actioncomm.biz <trish@actioncomm.biz>

Sent: Thursday, September 1, 2022 3:15 PM

To: Jerry Harrison <jerryh@independences.gov>

Cc: dave@actioncomm.biz <dave@actioncomm.biz>; kevin@actioncomm.biz <kevin@actioncomm.biz>; betty@actioncomm.biz <betty@actioncomm.biz>

Subject: Quote for New Radio System

Good Afternoon Jerry,

Attached is the quote. I have also attached a list of the credit allowed for the Motorola radios from the Police Department.

Thanks,

Trish Hollenbeck

Action Communications, LLC
201 S Sunset Blvd
Bartlesville, OK 74003
Office 918-333-5600
Fax 918-337-0810



Virus-free. www.avast.com

Action Communications L.L.C.

201 South Sunset Blvd.
Bartlesville, OK 74003
918-333-5600

Quote

Date	Quote #
8/31/2022	DT83122IPD

Name/Address
Independence Police and Fire Department Jerry Harrison jerryh@independenceks.gov

Project/PO Number
Police and Fire Department Joining the Trunking System

Qty	Description	List Price	Your Price	Total
51	NX-5300K5 Kenwood UHF Portable Radio - Includes Antenna, Battery and Charger	1,147.66	803.36	40,971.36
2	6 Bay Charger with 6 extra batteries	1,398.40	1,118.32	2,236.64
38	NX-5800K2 Kenwood UHF Mobile Radio for PD	1,104.80	773.36	29,387.68
32	ETRAB4503 Phantom Antenna	59.99	53.99	1,727.68
19	Base Station Antenna	47.99	43.19	820.61
19	Base Station Ground Plane Kits	49.99	44.99	854.81
2	NXR-5800K3 Kenwood UHF Repeater	7,084.70	6,376.70	12,753.40
2	SLXSEC60BRM Power Supply - 60 Amp	832.80	749.52	1,499.04
3500	Feet of LMR400 Solid Center Coax -This is only an estimated footage, will be billed accordingly	1.99	1.40	4,900.00
38	Coax Connectors for LMR400 Coax	7.13	6.41	243.58
250	Feet of LMR600 for Cellphone Booster (This is only an estimated footage, will be billed accordingly)	2.75	2.50	625.00
1	5 Channel Audio Mixer Amp with Microphone	329.00	299.00	299.00
3	8" Commercial In-Ceiling Metal Speakers	83.00	74.70	224.10
200	Feet of Speaker Wire	0.55	0.49	98.00
1	Mono 3.5mm Plug	5.99	5.39	5.39
16	Labor hours for Lead Tech to move radio computers	95.00	95.00	1,520.00
32	Labor hours for 2 helpers	75.00	75.00	2,400.00
	Radio and Repeater Trade-in Credit			-1,000.00
	New Motorola Radio Trade-in Credit - See attached			-15,150.00
	Other Battery Charger Option			
2	12 Bay Charger & 12 batteries (not included in quote)	2,470.80	1,926.64	3,853.28
Quote prices are valid for 60 days.			Quote Total	\$84,416.29

Acceptance of this quote requires a 50% downpayment

Thanks for your business!



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023**

Department Street

Director Approval John Garris

AGENDA ITEM Consider authorizing changes to the Maple Street Contract for stormwater and final paving work near the railroad.

SUMMARY RECOMMENDATION Authorize changes.

BACKGROUND After bidding and awarding of the Maple Street Contract, a review of the storm sewer downstream of the connection point showed that there was ballast (large stone) from the railroad bed above inside the stormwater pipe. The implication is that the stormwater pipe has been breached in the vicinity of the Union Pacific railroad bed and that the stormwater system has the potential to impact the integrity of the rail bed over time. As such, drilling a new stormwater pipe is recommended to replace this existing line.

After getting the permit details from Union Pacific, the contractor, Bettis Asphalt & Construction, Inc., prepared a change order in the amount of \$353,748.00. After reviewing with Shawn Turner from TranSystems, the recommendation is to accept this change order as it is felt there would be minimal advantage in bidding this work separately. This is attached as Change Order 005.

Change Order 006 is to change the scope of work to asphalt paving near the railroad, per the direction of Union Pacific. This change totals \$19,287.50. It is likewise recommended by TranSystems that this change be approved.

FINANCIAL INFORMATION The Maple Street project was included in the City's Multi-Year Capital Improvement Plan and these additional costs will be paid for using the City's recent \$3,500,000 Street Bond. The total project cost for the Maple Street Project, after CO #5 and #6 and including engineering design and construction administration, would be \$3,780,273.93. After the KDOT Grant, the City's responsibility for this project totals \$2,416,184.93.

SUGGESTED MOTION I move to authorize the change order for the stormwater and railroad changes on Maple Street and the execution of any necessary documents.

SUPPORTING DOCUMENTS

1. C005- signed
2. C006- signed
3. City 2022-006 - Capital Improvement Plan Bonds



Change Order

PROJECT:	CHANGE ORDER NO.: 005	Owner	X
Maple Street Improvements	DATE: 1/5/2023	Engineer	X
17th to Peter Pan		Contractor	X
	PROJECT NUMBER P112200040	Field	X
TO CONTRACTOR	CONTRACT DATE: 10/7/2021	Other	
Bettis Asphalt & Construction, INC.	CONTRACT FOR: General Construcion		
PO BOX 1694			
Topeka, KS 66601			

THE CONTRACT IS CHANGED AS FOLLOWS:

For the proposed storm sewer changes to bore under the UP Railroad.

Attached are the supporting documents from the subcontractor and the plans for the boring.

Line	Description	Unit	Unit Price	Plan Qty.	Act. Qty.	Diff.	Cost Diff.
70	Bore Under UP Railroad	LS	\$ 353,748.00	0.0	1.0	1.0	\$ 353,748.00
						0.0	\$ -
						0.0	\$ -
						0.0	\$ -
						0.0	\$ -
						0.0	\$ -
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						0.0	\$ -
						0.0	\$ -
						0.0	\$ -
						0.0	\$ -
						0.0	\$ -
						0.0	\$ -
Total of this Change Order							\$ 353,748.00

Original Contract Sum	\$ 2,757,829.37
Net Change by Previously authorized Change Orders	\$ 140,549.06
Contract Sum Prior to this Change Order	\$ 2,898,378.43
Contract Sum will be Increased by this Change Order by	\$ 353,748.00
New Contract Sum Including this Change Order	\$ 3,252,126.43

NOT VALID UNTIL SIGNED BY THE ENGINEER, CONTRACTOR AND OWNER

TranSystems
ENGINEER (Firm Name)

115 S. 6th, Independence, KS
ADDRESS


BY (Signature)

Trista Bynum
(Typed Name)

1-5-2023
DATE

Bettis Asphalt & Construction
CONTRACTOR (Firm Name)

PO BOX 1694, Topeka, KS
ADDRESS


BY (Signature)

Bill Delich
(Typed Name)

1-5-2023
DATE

City of Independence
OWNER (Firm Name)

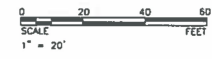
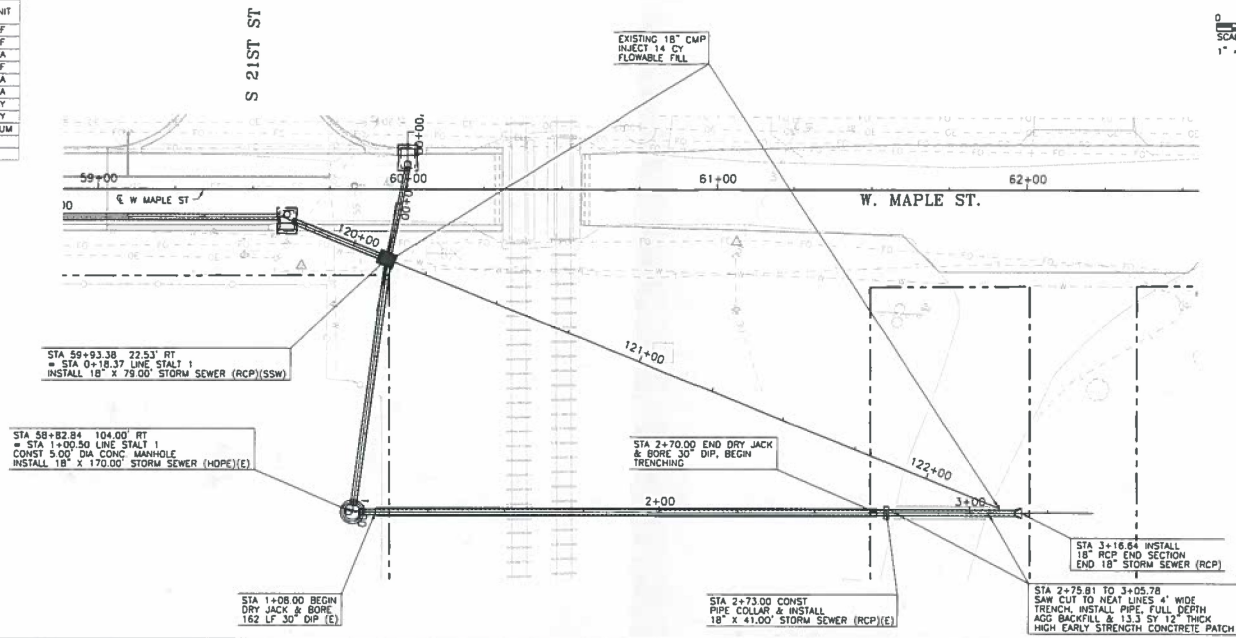
811 W. Laurel St., Independence
ADDRESS

BY (Signature)

(Typed Name)

DATE

ITEM	DESCRIPTION	QTY	UNIT
1	18" HDPE	170	LF
2	18" RCP	120	LF
3	18" RCP END SECTION	1	EA
4	30" DIP - DRY JACK & BORE	162	LF
5	5' DIA CONCRETE MANHOLE	1	EA
6	PIPE COLLAR	1	EA
7	12" HIGH EARLY STRENGTH CONCRETE	13.3	SY
8	FLOWABLE FILL	14	CY
9	SURFACE RESTORATION	1	LSUM

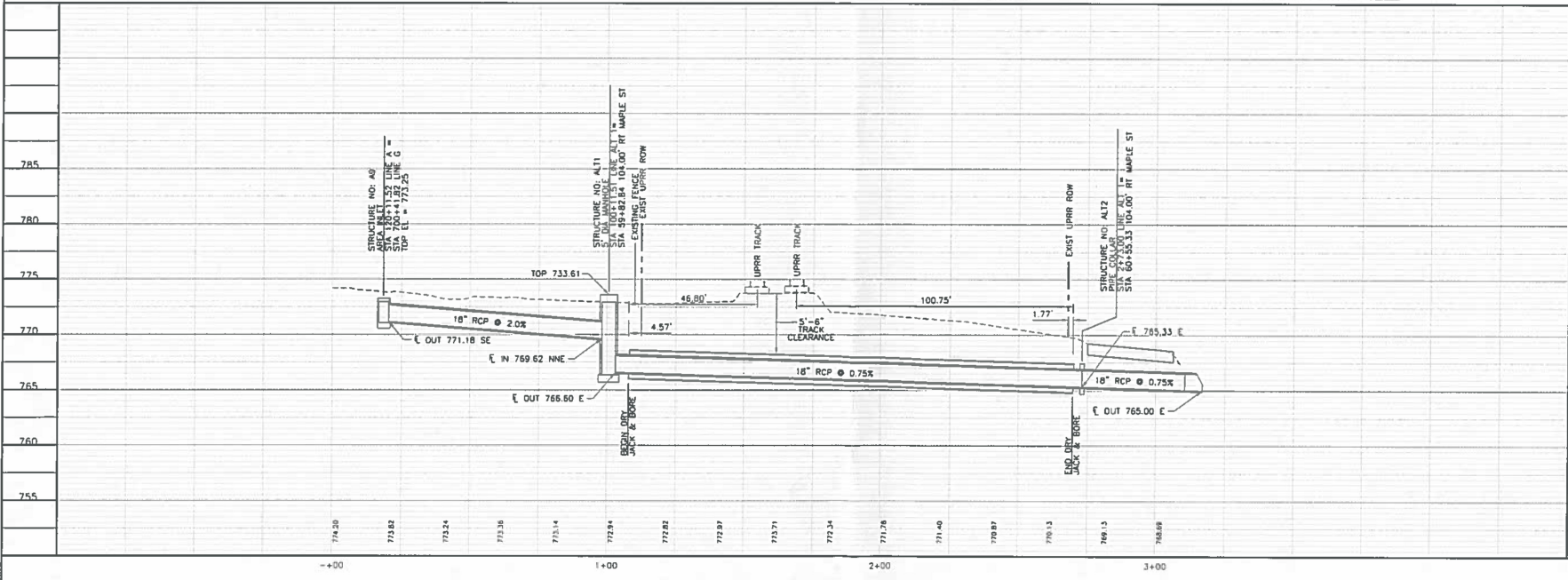


TranSystems

115 SOUTH 6TH STREET
INDEPENDENCE, MO 64601
TEL: 816.234.4444 FAX: 816.234.4444

CONSULTANTS:

WEST MAPLE STREET IMPROVEMENTS
PETER PAN ROAD TO S 17TH STREET

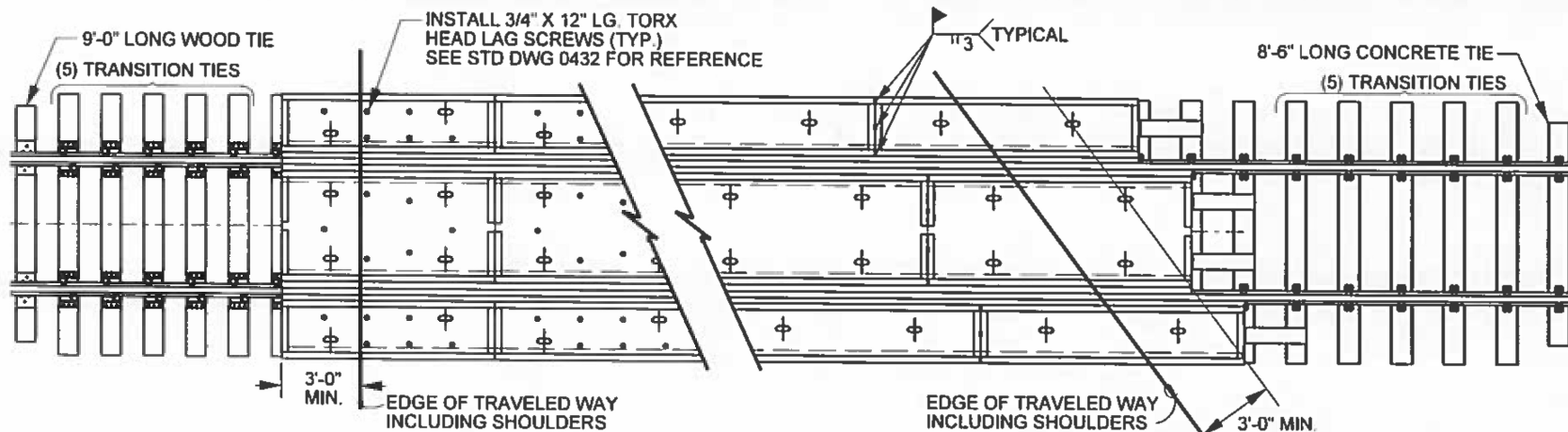


REVISIONS:	DATE	DESCRIPTION
1	10/27/2021	REVISED STORM DRAINAGE SYSTEM

PROJECT NO:	P112200005
SCALE:	1"=20'
DATE:	11/02/2022
DESIGNED BY:	SOT
DRAWN BY:	CLH
CHECKED BY:	SOT

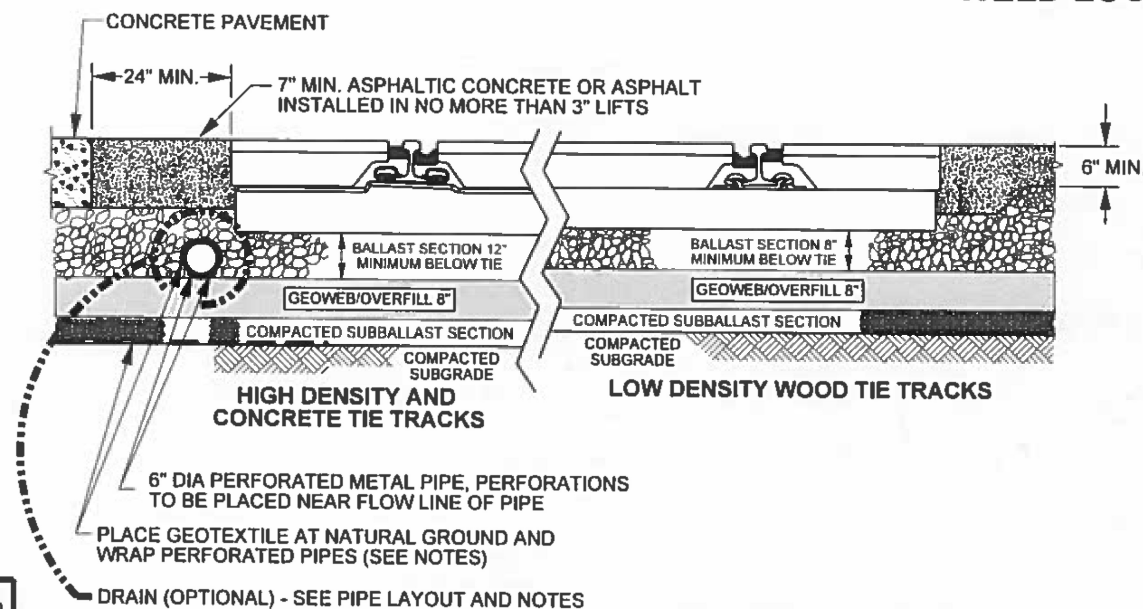
SHEET TITLE:	STORM SEWER LINE ALT 1 STA 0+18.37 TO STA 3+16.34
SHEET NO.	STALT1
SHEET	1 OF 2

IF THIS DRAWING IS LESS THAN 22" X 34" IT IS A REDUCED SIZE DRAWING



PLAN VIEW OF PANEL WITH TIMBER TIES

**PLAN VIEW OF PANEL & JOINT
WELD LOCATION W/CONCRETE TIES**



TYPICAL BALLAST AND ASPHALT DETAIL

NOTES:
SEE PAGE 2 FOR NOTES AND MORE DETAILS.

**UNION PACIFIC RAILROAD
ENGINEERING STANDARDS**

**INSTALLATION OF ROAD
CROSSINGS W/ PRECAST
CONCRETE PANELS**



ADOPTED: SEP. 21, 2020
REVISED:
FILE NO.: 0304

STD DWG

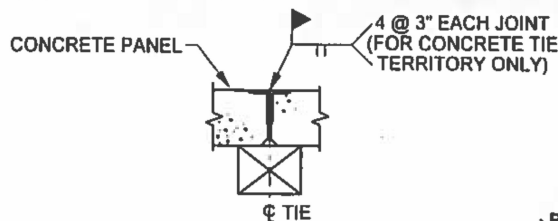
0304

PAGE 1 OF 2

STD DWG
0304
PAGE 1 OF 2

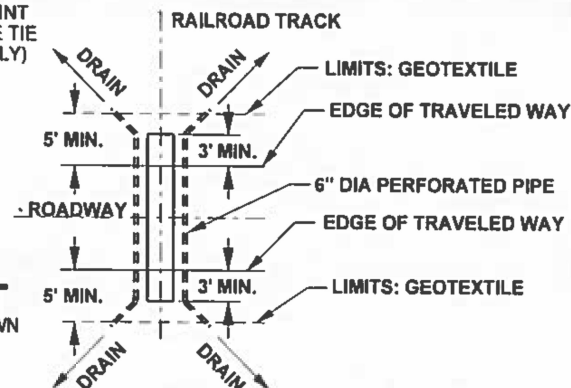
NOTES:

- CROSSING PANEL SUPPORT THROUGH THE CROSSING MUST BE UNIFORM. CONCRETE TIE SPACING IS TO BE A MAXIMUM OF 24" CENTER TO CENTER. WOOD TIE SPACING TO BE MAXIMUM OF 19 1/2" CENTER TO CENTER. TIE SPACING MUST BE ADJUSTED TO SUPPORT THE ENDS OF THE PANELS
- CROSSING SITE IS TO BE INSPECTED PRIOR TO START OF INSTALLATION TO DETERMINE THAT PROPER DRAINAGE AND SURFACE SUPPORT IS PROVIDED, TRACK GRADE IS UNIFORM AND EXISTING TIES ARE AT LEAST 10' LONG.
- IF CONDITIONS WARRANT, SITE IS TO BE OVER-EXCAVATED AND CROSSING DRAINAGE SYSTEM INSTALLED USING COMPACTED, WELL GRADED GRANULAR FILL, SUBBALLAST, GEOTEXTILE AND PERFORATED DRAINAGE PIPE (IF REQUIRED) INSTALLED PER DETAILS OF THIS DRAWING.
- GEOWEB UNDERLAYMENT RECOMMENDED FOR ALL ROAD CROSSING INSTALLATIONS.
- ADDITIONAL SITE DRAINAGE INCLUDING PROPER DRAINAGE AT EACH QUADRANT OF CROSSING SHALL BE COMPLETED TO ENSURE CROSSING DRAINAGE.
- PRECAST PANELS ARE TO BE HANDLED AND SUPPORTED AT SPECIFIED LIFTING INSERT LOCATIONS ONLY. LIFTING EQUIPMENT AND CONNECTION INSERTS ARE TO BE PROPERLY SIZED TO HANDLE THE LENGTH OF PANELS BEING INSTALLED. RING LIFTING DEVICES ARE AVAILABLE FROM COMPANY WAREHOUSE.
- APPROACH ASPHALT ROADWAY PAVING IS TO MEET STATE DOT HIGHWAY SPECIFICATIONS AND INSTALLED ACCORDINGLY. ASPHALT IS TO BE INSTALLED WITH PAVER WITH MAXIMUM 3" LIFTS AND LAID PARALLEL TO CROSSING TO MINIMIZE APPROACH SETTLEMENTS.
- GEOTEXTILE AND PIPE TO BE INSTALLED ONLY AT LOCATIONS WHERE REQUIRED BY STATE OR LOCAL AGENCIES OR WHERE DESIGNATED BY CHIEF ENGINEER.
- GALVANIZED ELASTIC FASTENERS ARE TO BE USED WITHIN THE CROSSING AREA. PANDROL E-CLIPS TO BE USED ON WOOD TIE CROSSINGS AND SAFELOK CLIPS ON CONCRETE TIE CROSSINGS.
- ALL RAIL JOINTS IN CROSSING AREA TO BE WELDED, DO NOT INSTALL BOLTED JOINT BARS.



JOINT BETWEEN PANELS

INTERIOR JOINTS BETWEEN PANELS MUST REST ON CENTER LINE OF A WOOD OR CONCRETE TIE AS SHOWN



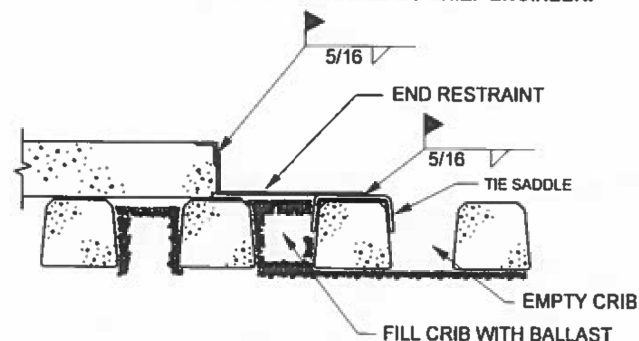
TYPICAL PIPE LAYOUT

NOTE:

GEOTEXTILE & PIPE TO BE INSTALLED ONLY AT LOCATIONS WHERE REQUIRED BY STATE OR LOCAL AGENCIES OR WHERE DESIGNATED BY CHIEF ENGINEER.

REQUIRED COMPONENTS	
RING LIFTING DEVICE	410-1371
3/4" TORX SCREW FOR WOOD TIES (STD DWG 131500)	130-5400
ELASTOMERIC BEARING PAD FOR 141 LB. RAIL ON WOOD TIES	540-0203
CONFORMAL ELASTOMERIC BEARING PAD FOR 10'-0" CONCRETE TIES	503-6315
CONFORMAL ELASTOMERIC BEARING PAD FOR 8'-6" CONCRETE TIES	503-6312
END RESTRAINT FOR CONCRETE TIES (ONLY)	540-1925

OPTIONAL COMPONENTS	
20' SECTION 6" PERFORATED PIPE	510-3201
6" ADJUSTABLE ELBOW	510-3557
6" PIPE BANDS	510-3379
100' ROLL GEOTEXTILE	550-0119
GEOWEB PANEL	550-0120
ATRA KEY (BOX OF 450)	550-0122



END RESTRAINT DETAIL (FOR CONCRETE TIES ONLY)

UNION PACIFIC RAILROAD ENGINEERING STANDARDS

INSTALLATION OF ROAD CROSSINGS W/ PRECAST CONCRETE PANELS



ADOPTED SEP. 21, 2020
REVISED:
FILE NO. 0304

STD DWG

0304

PAGE 2 OF 2

RESOLUTION NO. 2022-006

A RESOLUTION AUTHORIZING AND PROVIDING FOR IMPROVEMENTS INCLUDED IN THE MULTI-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF INDEPENDENCE, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 14-570 *et seq.*, as amended by Charter Ordinance No. 11 (the “Act”) of the City of Independence, Kansas (the “City”), provides that the City Engineer may file with the governing body of the City (the “Governing Body”) a master capital improvements plan (the “Plan”) for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness heretofore created for public improvements, and which master capital improvements plan may require a number of years to execute; and

WHEREAS, upon approval of the master capital improvements plan by the Governing Body, the City is authorized to issue its general obligation bonds (the “Bonds”) in an amount sufficient to carry out such master capital improvements plan and associated costs; and

WHEREAS, the City Engineer has filed such a Plan for years 2022 – 2023, as may be amended, with the Governing Body, a copy of which is attached as *Exhibit A*; and

WHEREAS, the Governing Body desires to ratify and approve the Plan and to authorize the issuance of the Bonds to finance all or a portion of such Plan.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

Section 1. Plan Approval. The Governing Body hereby ratifies and approves the Plan, a copy of which is attached as *Exhibit A*.

Section 2. Bond Authorization. Under the authority of the Act, the Governing Body hereby authorizes the issuance of the Bonds for the projects included in the Plan in the amounts set forth below, exclusive of interest on interim financing, associated financing costs and capitalized interest:

<u>Description</u>	<u>Amount</u>
<i>Street Improvements</i>	\$ 3,500,000
<i>Facility Improvements</i>	10,000,000
<i>Quality of Life Improvements</i>	4,500,000

Section 3. Reimbursement. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 4. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

ADOPTED AND APPROVED by the governing body of the City of Independence, Kansas, on February 24, 2022.

(Seal)

ATTEST:



Clerk

Mayor

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on February 24, 2022, as the same appears of record in my office.

DATED: FEBRUARY 24, 2022.

Clerk

EXHIBIT A

**CITY OF INDEPENDENCE, KANSAS
MULTI-YEAR CAPITAL IMPROVEMENTS PLAN**

<u>PROJECT</u>	<u>TYPE</u>	<u>ESTIMATED COST</u>
MAPLE STREET COST SHARE	STREET IMPROVEMENTS	\$3,100,000.00
ENTERPRISE DRIVE IMPROVEMENTS	STREET IMPROVEMENTS	1,700,000.00
MAIN STREET 8 TH TO 10TH	STREET IMPROVEMENTS	1,385,000.00
VARIOUS PARKING LOT & ALLEY IMPROVEMENTS	STREET IMPROVEMENTS	1,555,200.00
NEW ROADWAYS & EXTENSIONS	STREET IMPROVEMENTS	2,500,000.00
OAK STREET IMPROVEMENTS	STREET IMPROVEMENTS	250,000.00
FREEDOM DRIVE IMPROVEMENTS	STREET IMPROVEMENTS	875,000.00
PENNSYLVANIA AVENUE IMPROVEMENTS (MORNINSIDE TO CITY LIMITS)	STREET IMPROVEMENTS	500,000.00
CHESTNUT STREET (9 th to PENNSYLVANIA)	STREET IMPROVEMENTS	<u>220,000.00</u>
	SUBTOTAL – STREET IMPROVEMENTS	\$12,085,200.00
CENTRAL PARK SPORTS COMPLEX	QUALITY OF LIFE IMPROVEMENTS	<u>\$7,000,000.00</u>
	SUBTOTAL – QUALITY OF LIFE IMPROVEMENTS	\$7,000,000.00
1916 CITY HALL	FACILITY IMPROVEMENTS	\$5,980,000.00
FIRE/EMS BUILDING	FACILITY IMPROVEMENTS	3,115,249.00
SECURITY INFRASTRUCTURE (RADIO TOWER)	FACILITY IMPROVEMENTS	<u>1,500,000.00</u>
	SUBTOTAL – FACILITY IMPROVEMENTS	\$10,595,249.00
	TOTAL CIP	\$29,680,449.00

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF INDEPENDENCE, KANSAS
HELD ON FEBRUARY 24, 2022**

The governing body met in regular session at the usual meeting place in the City, at 5:30 P.M., the following members being present and participating, to-wit:

Dean A. Hayse, Louis Ysusi and Tim Emert

Absent: None

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

There was presented a Resolution entitled:

**A RESOLUTION AUTHORIZING AND PROVIDING FOR IMPROVEMENTS
INCLUDED IN THE MULTI-YEAR CAPITAL IMPROVEMENT PLAN FOR
THE CITY OF INDEPENDENCE, KANSAS; AND PROVIDING FOR THE
PAYMENT OF THE COSTS THEREOF.**

Tim Emert moved that the Resolution be adopted. The motion was seconded by Commissioner Louis Ysusi. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body as follows:

Yea: Hayse, Ysusi, Emert

Nay: None

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2022-006 and was signed by the Mayor and attested by the Clerk.

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Independence, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)



A handwritten signature in blue ink, appearing to read "David D. Schuler", is written over a horizontal line.

Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider adopting an ordinance amending the requirements for an apprentice plumber.

SUMMARY RECOMMENDATION City Staff recommends adopting the proposed ordinance.

BACKGROUND The Plumbing Board approved a change to Section 18-197 regarding apprentice plumbers' allowed activity. An apprentice plumber currently cannot work without a journeyman or master plumber on the job site. Allowing an apprentice to do routine plumbing work will allow the three current local licensed plumbers the ability to complete more jobs and to train new potential plumbers to join the profession.

FINANCIAL INFORMATION No financial impact by this Ordinance change

SUGGESTED MOTION I move to adopt an ordinance amending the requirements for an apprentice plumber.

SUPPORTING DOCUMENTS

1. Ordinance 4428 - Ammending Apprintice Plumbers

ORDINANCE NO. 4428

**AN ORDINANCE AMENDING THE REQUIRMENTS
FOR AN APPRENTICE PLUMBER**

Be it ordained by the governing body of the City of Independence:

Section 1: City Code Section 18-197 (3) is amended to read as follows in its entirety:

(3) Apprentice plumber: an Apprentice Plumber must work a minimum of one year in the plumbing field and work under the supervision of a Master Plumber. The one year of experience may be substituted for by one year of training completed at a plumbing trade school. An Apprentice Plumber must be licensed by the City of Independence under a Master Plumber and may do routine plumbing work without a Master Plumber or Journeyman Plumber present at the job site, provided however, a Master Plumber or Journeyman Plumber must inspect the work and only a Master Plumber or Journeyman Plumber may call for inspection by the City Inspector.

Section 2: This ordinance will take effect upon its publication in the official city newspaper.

*Adopted by the governing body of the City of Independence on the 26th day of January
2023.*

Louis Ysusi, Mayor

ATTEST:

David Schwenker, City Clerk



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a resolution for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 North 11th Street.

SUMMARY RECOMMENDATION Approve the conditional use permit.

BACKGROUND On January 3, 2023 the Planning Commission held a public hearing to consider a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 514 North 11th Street. The preschool is being constructed by the school district. On an 8-0 vote, the Planning Commission recommended approving the request with the conditions recommended by City staff.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt a resolution for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 N. 11th Street, with the conditions as recommended by City staff.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-002 - 514 N 11th - CUP
2. CUP 010323 Schools preprimary 514 N 11th
3. January 3, 2023 Planning and Zoning Minutes - Draft Unapproved

RESOLUTION NO. 2023-002

**A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO
OPERATE A PRE-PRIMARY SCHOOL (PRESCHOOL) AT 514 NORTH 11TH
STREET**

WHEREAS, at a public hearing conducted on January 3, 2023, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit to operate a pre-primary school (preschool) at 514 North 11th 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 a pre-primary school (preschool) at 514 North 11th Street, is approved as hereinafter modified.

The property in question has the following legal description:

Tract #1: Lot 5 & 6, Acres 2.02, County Clks Sub OL 5 Addition 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 location.
2. The applicant must follow all City codes.
3. If any of the above conditions are not met the conditional use permit will no longer be valid.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 26th day of January, 2023.

(Attest)

Mayor

Director of Finance / City Clerk



REQUEST FOR PLANNING COMMISSION ACTION CONDITIONAL USE CITY OF INDEPENDENCE JANUARY 3, 2023

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a request for a conditional use permit for "Schools - preprimary" in an R-2, single-family dwelling district at 517 North 10th Street.

SUMMARY RECOMMENDATION Approve the request for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street.

BACKGROUND The USD 446 Independence Board of Education wants to build a preprimary school at 517 North 10th Street. Schools may be built in an R-2 district, but need a conditional use permit to do so. Appendix "A" of the Zoning Ordinance allows a preprimary school (preschool) as a permitted use in the C-1 and C-2 districts. Preprimary schools (preschools) are allowed as a permitted use in the C-1, C-2 and C-4 zones, and as a conditional use in the R-2, R-3, R-4, R-5, O/P and C-3 zones. Preprimary schools (preschools) are not permitted in the A-1, R-1, M-1 and M-2 zones.

		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
Schools, preprimary	6811			C	C	C	C	C	P	P	C	P		

The school board first gave the address as 517 N. 10th Street but the 911 address has since been updated at 514 N. 11th Street.

503.0. - R-2, single-family dwelling district.

503.1. Intent: The purpose of this district is to provide for single-family residential development of low population density together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

POLICY EXPLANATION 901.0. - 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.

(Ord. No. 3863, § 1, 12-20-01)

902.0. - Processing procedure.

902.1. Application of conditional use permit: Application for conditional uses, as designated in appendix "A" of this ordinance shall be on forms obtained from the city clerk's office. The application shall be filed with the zoning administrator at least 30 days prior to the regular city planning and zoning commission meeting at which the proposed conditional use will be considered. As determined by the zoning administrator, the application shall include any or all of the following items deemed relevant by the zoning administrator, plus any other information or materials not listed below which the zoning administrator deems relevant:

- a. Statement of intended use of the property.
- b. Site plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting.
- c. Existing and proposed topography, drawn at appropriate contour intervals as specified by the zoning administrator.
- d. Location of, and proposed connections to, existing water supply and sanitary sewer systems.
- e. Description of architecture and exterior materials to be utilized.
- f. Names of the landowner, developer and firm preparing the plan.
- g. Legal description of the tract.
- h. North point, scale and date.

The Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance.

In considering those types of uses which may be desirable, necessary or convenient to the community, the Commission should review and make recommendations based in part on 901.1.

Additionally, the decision of the Planning Commission to recommend approval or denial of the proposed conditional use shall be based on the following criteria (902.2):

- 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.

ACTION BY THE PLANNING COMMISSION Any recommendations regarding a conditional use permit

for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the requests. Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

STAFF RECOMMENDATION City staff recommends granting the conditional use permit with the following conditions:

1. The conditional use permit is not transferable to another location.
2. The applicant must follow all City codes.
3. If any of the above conditions are not met the conditional use permit will no longer be valid.

The basis of staff's recommendation is that granting the conditional use permit is consistent with the criteria "a through g" of Section 902.2 of the zoning code.

SUGGESTED MOTION I move to approve the request for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 N. 11th Street, with the conditions as recommended by City staff.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Preprimary School 517 N 10th
2. 517 N 10th St 200 ft Notification Map
3. CUP Application 517 N 10th Preprimary School BOE
4. Early Learning Center - Site Plan

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, January 3, 2023, at 5:30 p.m.

To receive comments on a request for a conditional use permit for “Schools – preprimary” in an R-2, single-family dwelling district at 517 North 10th Street.

Legal Description:

Lot 5 & 6, Acres 2.02, County Clerks Subdivision OL 5 to the City of Independence, Montgomery County, Kansas.

Common Address:

517 North 10th Street

Applicant/Owners:

Board of Education

Case Number:

2023/CUP/01

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

200' Notification



APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Wallace Design Collective PC
123 North Martin Luther King Jr. Boulevard, Tulsa, Oklahoma 74103

LEGAL DESCRIPTION OF LAND INVOLVED:

LOTS 5 & 6 COUNTY CLERKS SUBDIVISION OL 5 INDEPENDENCE MONTGOMERY COUNTY KANSAS

COMMON ADDRESS OF SAID LAND:

517 N 10th Street, Independence, KS 67301

PRESENT ZONING CLASSIFICATION: R-2 Single-Family Dwelling District

STATEMENT OF INTENDED USE OF PROPERTY:

The proposed use of the property is an Early Learning Center, Pre-K school. The new building will contain an approximate 16,000 square foot and will include 7 classrooms, a motor lab, cafeteria and admin spaces/offices

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

New structure will be pre-engineered metal building with metal roof/wall panels, stone veneer, and exterior storefront system

On the reverse side, please provide the following information: (1) Site Plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting; (2) Existing and proposed topography, drawn at appropriate contour intervals as specified by the Zoning Administrator; (3) Location of, and proposed connections to, existing water supply and sanitary sewage system; (4) North point, scale and date; (5) Names of landowner, developer and firm preparing the plan.

11-28-22
Date

Rustyn Arnold
Signature of Applicant
Superintendent of Schools

I hereby certify that I have personally verified the dimensions as shown on the attached drawing and find them to be a correct representation of the conditions.

Date

Signature of Building Inspector

Action of Planning and Zoning Commission:

(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary

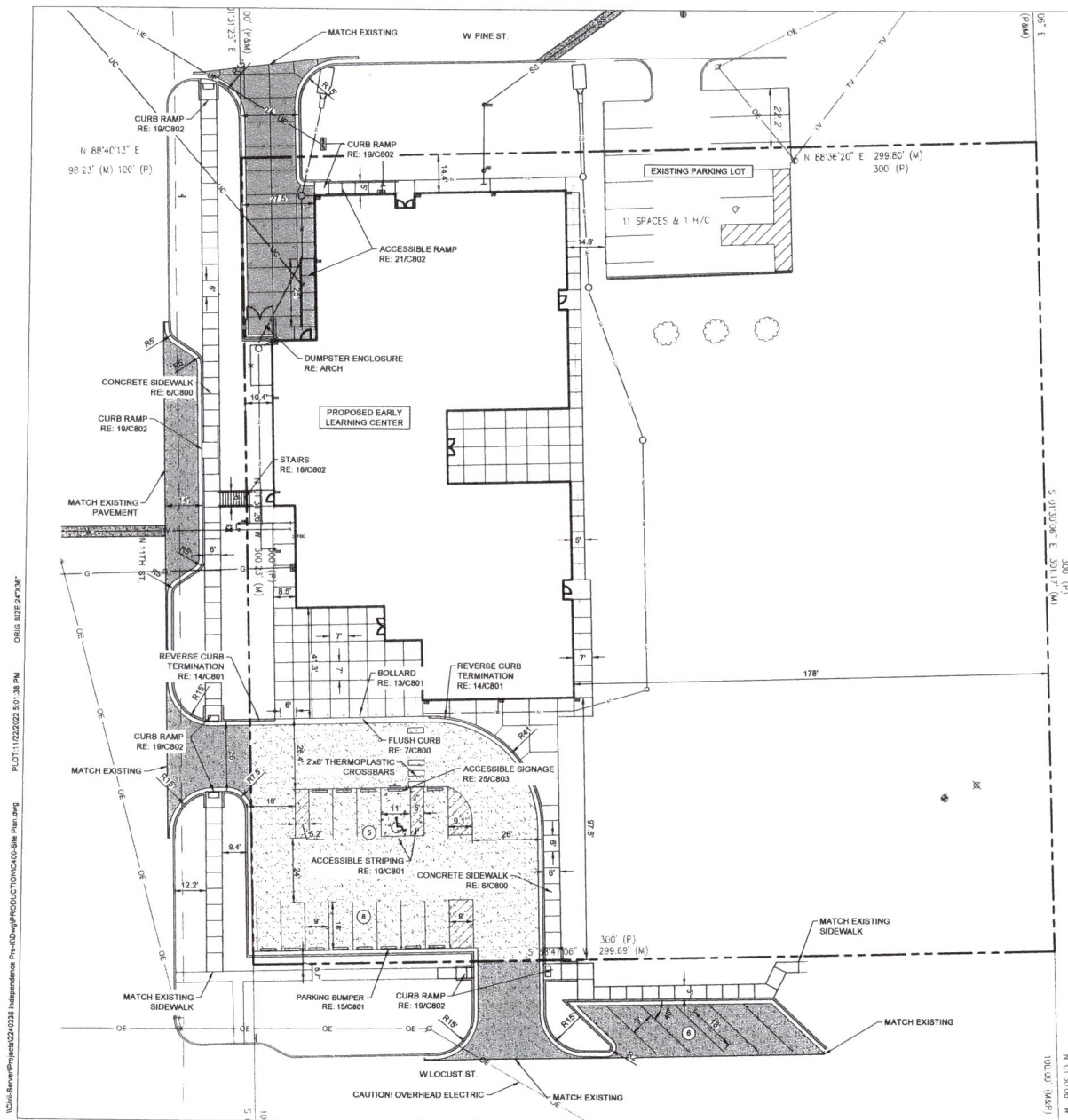
CITY OF INDEPENDENCE

REC#: 01210456 12/05/2022 10:39 AM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 VARIANCE
\$100 FOR VARIANCE
\$200 CONDITIONAL USE PERMIT
MISC FEES 300.00CR

TENDERED: 300.00 CHECK
APPLIED: 300.00-

CHANGE: 0.00



GENERAL SITE NOTES:

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL REGULATIONS AND CODES, WHICHEVER IS MORE STRINGENT.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH O.S.H.A. STANDARDS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
4. REFER TO LANDSCAPE PLANS FOR GRASS, TREES AND PLANTED MATERIALS.
5. ALL DIMENSIONS AND COORDINATES ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.
6. RADII = 2'-0" UNLESS OTHERWISE INDICATED.

PARKING SUMMARY

STANDARD:	18
VAN ACCESSIBLE:	1
TOTAL PROVIDED PARKING:	19

BENCHMARKS:

BENCHMARKS PER TOPOGRAPHIC SURVEY COMPLETED BY CORNERSTONE REGIONAL SURVEYING, LLC, DATED 09.18.2022.

BENCHMARK 1	CONTROL POINT 1	CONTROL POINT 2
IRON ROD	IRON ROD	IRON ROD
ELEV: 808.29	ELEV: 808.22	ELEV: 805.14
N: 1528673.44	N: 1528678.37	N: 1528217.97
E: 2124239.67	E: 2124251.61	E: 2124290.06

LEGEND

	STANDARD DUTY ASPHALT PAVEMENT RE: 3/C800
	HEAVY DUTY ASPHALT PAVEMENT RE: 3/C800
	HEAVY DUTY CONCRETE PAVEMENT RE: 3/C800
	STANDARD DUTY CONCRETE PAVEMENT RE: 3/C800
	CONCRETE SIDEWALK RE: 6/C800

CAUTION NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.



Know what's below.
Call before you dig.



INDEPENDENCE PUBLIC SCHOOLS
EARLY LEARNING CENTER
INDEPENDENCE, KS

ORIGINAL ISSUE	1/22/2022
REVISED ISSUE	0
DRAWN BY:	IMZ
CHECKED BY:	ATT
SITE PLAN	

REVISION NUMBER	
-----------------	--

JOB NUMBER	2240338
C400	

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023
Meeting**

I. Call to Order

Present: Lisa Richard, Brent Littleton, Rachel Lyon, Mary Jo Meier, Kendall Neill, Andy McLenon, Tim Haynes, Michelle Anderson

Absent: Anthony (Tony) Royse

a. Reorganization

1. Election of Chair
2. Election of Vice Chair
3. Election of Secretary

Election of Chair

Motion:

On the motion of Lisa Richard, seconded by Andy McLenon the Commission elected Tim Haynes Chair.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier

Nay: None

Election of Vice Chair

Motion:

On the motion of Andy McLenon, seconded by Lisa Richard the Commission elected Rachel Lyon as Vice Chair.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier

Nay: None

Election of Secretary

Motion:

On the motion of Andy McLenon, seconded by Tim Haynes the Commission elected Tony Royse as Secretary.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier

Nay: None

b. Orientation by the City Attorney.

Jeff Chubb, City attorney, presented the orientation to the board.

c. Consider setting future meeting dates for 2023.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023 Meeting

Motion:

On the motion of Mary Jo Meier, seconded by Andy McLenon the Commission approved to continue meeting the first Tuesday of each month at 5:30 pm with the exception of rescheduling the July 4, 2023 meeting to July 11, 2023 due to the holiday; the August 1, 2023 meeting to August 8, 2023 due to the primary election; and the November 7, 2023 meeting to November 14, 2023 due to the general election.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None

II. Minutes

- a. Consider approving minutes of the December 6, 2022 Planning and Zoning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved the minutes of the December 6, 2022 meeting.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None

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

- a. Public hearing to receive comments on a variance request to reduce the setback(s) in an R-3, low density multifamily dwelling district at 301 S. 6th St.

Tim Haynes opened the public hearing.

Robert Miller stated that the existing garage was built for a Model T and he wants to make it into a two-car garage that fits modern vehicles and be six feet from the rear property line and six feet from the front yard.

Motion:

On the motion of Brent Littleton, seconded by Kendall Neill the Commission approved a variance to reduce the rear yard setback by 4 feet (from 10 feet to 6 feet) and the front yard setback (because it is a corner lot) by 19 feet (from 25 feet to 6 feet) in an R-3 low density multifamily dwelling district for 301 South 6th Street.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023
Meeting**

- b. Public hearing to receive comments on a variance request to reduce the setback(s) in an R-2, single-family dwelling district at 517 N. 10th St.

Tim Haynes opened the public hearing.

Andy McLenon asked if traffic would enter the complex off of 10th Street or 11th Street.

David Cowan said that it will be on the corner of 11th & Locust where they can access the circle drive with no direct access to 11th Street.

Tim Haynes asked if this will be located in the field across from the middle school.

David Cowan said yes, it will be in that field in the southwest corner where the entrance is at.

Motion:

On the motion of Kendall Neill, seconded by Lisa Richard the Commission accepted a variance to reduce the front yard setback 19 feet (from 25 feet to 6 feet) in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 N. 11th Street, for the USD 446 Board of Education.

**Aye: Rachel Lyon, Andy McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None**

IV. Planning Commission

- a. Public hearing to receive comments on a request for a conditional use permit for "Schools - preprimary" in an R-2, single-family dwelling district at 517 North 10th Street.

Tim Haynes opened the public hearing.

Motion:

On the motion of Rachel Lyon, seconded by Lisa Richard the Commission approved the request for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 N. 11th Street, with the conditions as recommended by City Staff.

- 1. The conditional use permit is not transferable to another location.**
- 2. The applicant must follow all City codes.**
- 3. If any of the above conditions are not met the conditional use permit will**

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023
Meeting**

no longer be valid.

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None**

- b. Public hearing to receive comments on a request to rezone a tract of land located at 800 N. 21st Street to M-1, light industrial district.

Tim Haynes opened the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Rachel Lyon the Commission approved rezoning a tract of land located at 800 North 21st Street to M-1, light industrial district..

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None**

V. Discussion

Kelly Passauer asked the Commission if they would consider setting a date for a public hearing for a text amendment to modify off-street parking regulations for parking in the rear of a business in industrial zones. The subject of allowing gravel surfacing for employee parking has come up again.

There was discussion as to whether the City Commission would even consider this matter as they have turned it down in the past.

Motion:

On the motion of Tim Haynes, seconded by Lisa Richard the Commission initiated a public hearing for a text amendment to modify off-street parking regulations on February 7, 2023.

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None**

VI. Adjournment

Motion:

On the motion of Lisa Richard, seconded by Brent Littleton the Commission adjourned the meeting..

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard**

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023
Meeting**

Nay: None

Tim Haynes, Chairperson

Anthony (Tony) Royse, Secretary



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance rezoning a tract of land at 800 North 21st Street to M-1, industrial services district.

SUMMARY RECOMMENDATION Adopt the ordinance and approve the rezoning.

BACKGROUND On January 3, 2023 the Planning Commission held a public hearing to consider rezoning a tract of land at 800 North 21st Street to M-1, industrial services district. On an 8-0 vote, the Planning Commission recommended approving the rezoning.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt an ordinance rezoning a tract of land at 800 North 21st Street to M-1, industrial services district.

SUPPORTING DOCUMENTS

1. Ordinance 4429 - Rezoning 800 N 21st St
2. Rezone 010323 800 N 21st to M1
3. January 3, 2023 Planning and Zoning Minutes - Draft Unapproved

ORDINANCE NO. 4429

AN ORDINANCE REZONING LAND FROM UNZONED TO M-1, LIGHT INDUSTRIAL DISTRICT LOCATED AT 800 N 21ST STREET.

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

Section 1. The following described real estate is hereby rezoned from Unzoned to M-1, light industrial district:

Acres 5.3, A; Reserve A, & Vac Mill St Lyg N, Mears Addition to the City of Independence, Montgomery County, Kansas.

Section 2. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 26th day of January, 2023.

LOUIS YSUSI, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



**REQUEST FOR PLANNING COMMISSION ACTION
REZONE
CITY OF INDEPENDENCE
JANUARY 3, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a request to rezone a tract of land located at 800 N. 21st Street to M-1, light industrial district.

SUMMARY RECOMMENDATION Rezone 800 N. 21st Street to M-1, light industrial district.

BACKGROUND On July 29, 2004 the City Commission adopted the attached ordinance annexing the former SMP property (currently EarthCare at 800 North 21st Street). City staff has been unable to locate any documentation that initiated the rezoning of this property after it was annexed.

At the December 6, 2022 Planning and Zoning Commission/Board of Zoning Appeals meeting a public hearing was initiated for the January 3, 2023 meeting.

POLICY EXPLANATION Acceptance of a rezoning request must be based on the following factors: A) Character of the neighborhood, B) Zoning and uses of properties nearby, C) Suitability of the subject property for the uses to which it has been restricted, D) Extent to which the proposed use will detrimentally affect nearby property, E) Length of time the subject property has remained vacant as zoned, F) Public gain versus private hardship, G) Economic impact on the owner of the subject property and the economic impact on the surrounding properties, H) Recommendation of City's permanent staff, I) Conformance with the comprehensive plan, J) Availability and adequacy of required utilities and services to serve the proposed use, K) Impact on streets and parking, L) Environmental impacts, M) Ability to meet requirements of applicable codes.

LEGAL ADDRESS Acres 5.3, A; Reserve A, & Vac Mill St Lyg N; Mears Addition to the City of Independence, Montgomery County, Kansas.

DESCRIPTION OF TRACT(S) Industrial

ZONING AND USES OF PROPERTY NEARBY Residential to the north, M-1 to the East, West and South.

CHARACTER OF THE NEIGHBORHOOD Industrial with residential to the north.

SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED The subject property is not zoned so there is not a restriction by the City.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED Since it was annexed in 2004.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY Nearby property will not be affected.

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 zoning now so it will be a gain to have zoning in place.

CONFORMANCE WITH THE COMPREHENSIVE PLAN The Comprehensive Plan's 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. This was the reason the land was annexed to begin with and should have been rezoned at the time as that is what the land has been used for.

STAFF RECOMMENDATION City staff recommends rezoning 800 North 21st Street to M-1, light industrial district.

SUGGESTED MOTION I move to accept the request to rezone a tract of land located at 800 North 21st Street to M-1, light industrial district.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Rezoning 800 N 21st
2. 800 N 21st Notification Map
3. 800 N 21st Aerial
4. 3923, ANNEXATION, SMP (1)

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, January 3, 2023, at 5:30 p.m.

To receive comments to consider rezoning a tract of land at 800 North 21st Street from Unzoned, to M-1, light industrial district.

Legal Description:

Acres 5.3, A; Reserve A, & Vac Mill St Lyg N; Mears Addition to the City of Independence, Montgomery County, Kansas.

Common Address:

800 N 21st Street

Applicant/Owners:

Earth Care Products Inc

Case Number:

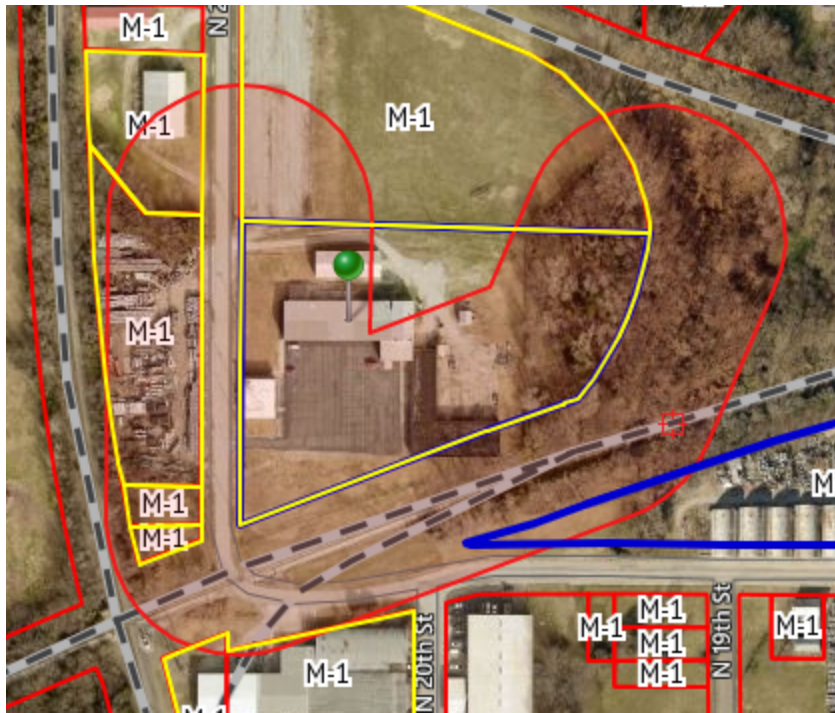
2022/ZA/01

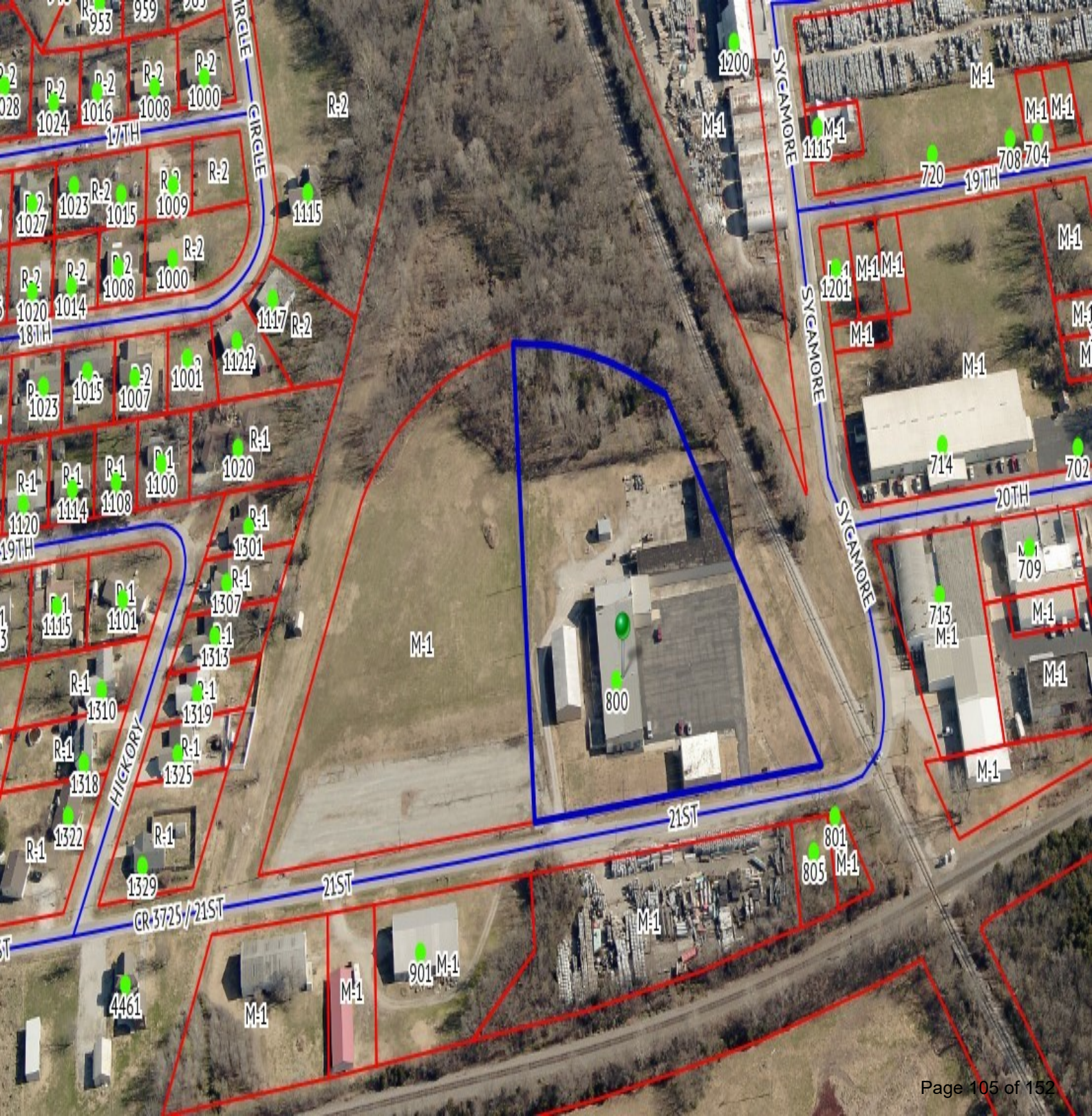
The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# 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





Affidavit of Publication

STATE OF KANSAS,

Montgomery County,

SS:

Herbert A. Meyer III

, being first duly sworn,

deposes and says: That he is the Publisher

of the

Independence Daily Reporter

a daily newspaper printed in the state of Kansas, and published in and of general circulation in Montgomery County, Kansas, with a general paid circulation on a daily basis in Montgomery County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Independence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive day, the first publication thereof being made as afore-said on the 15th day of August, 2004, with subsequent publications being made on the following dates:

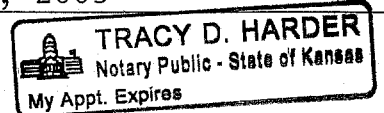
Subscribed and sworn to before me this 15th day of August, 2004

Tracy D. Harder
Notary Public

My commission expires: August 9, 2005

Printer's fee \$ 24.45

Additional Copies \$ _____



(First published in the Independence Daily Reporter August 13, 2004)

ORDINANCE NO. 3923

AN ORDINANCE ANNEXING LAND TO THE CITY OF INDEPENDENCE, KANSAS.

WHEREAS, the following described land is located in Montgomery County, Kansas;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1)-(6); and

WHEREAS, the governing body of the City of Independence, Kansas, finds it advisable to annex such land;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and made a part of the City of

Independence, Kansas:

Lot 11, Block 3, Mears Addition to the City of Independence, Montgomery County, Kansas;

All of blocks 1 and 2, Reserve "A", and all of Reserve "B" lying North of a line beginning at a point on the East line of said Reserve "B", 109 feet north of the Southeast corner thereof, and running West to the West line thereof, all in Mears Addition to the City of Independence, including the vacated alley along the North and East side of said Block 1.

A strip of land 12 1/2 feet in width along the Southwest side of Lot 11 on an arc formed by an abandoned rail spur running from the Northwest to the Southeast. Also a strip of land 12 1/2 feet in width along a northerly line of Reserve B of Mears Addition to the City of Independence formed by an arc of abandoned rail spur running from the Northwest to the Southeast, all in the W/2 of Section 25, Township 32 South, Range 15 East, Montgomery County, Kansas, excluding any area currently in the City of Independence.

Section 2. This ordinance shall be effective after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Independence, Kansas this 29th day of July 2004.

s. Phillip Chappuis

ATTEST:

s. Anthony D. Royse

Director of Finance/City Clerk

(SEAL)

August 15, 2004

ORDINANCE NO. 3923

AN ORDINANCE ANNEXING LAND TO THE CITY OF INDEPENDENCE, KANSAS.

WHEREAS, the following described land is located in Montgomery County, Kansas;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1)-(6); and

WHEREAS, the governing body of the City of Independence, Kansas, finds it advisable to annex such land.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and made a part of the City of Independence, Kansas:

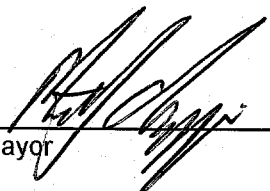
Lot 11, Block 3, Mears Addition to the City of Independence, Montgomery County, Kansas;

All of blocks 1 and 2, Reserve "A", and all of Reserve "B" lying North of a line beginning at a point on the East line of said Reserve "B", 109 feet north of the Southeast corner thereof, and running West to the West line thereof, all in Mears Addition to the City of Independence, including the vacated alley along the North and East side of said Block 1;

A strip of land 12 ½ feet in width along the Southwest side of Lot 11 on an arc formed by an abandoned rail spur running from the Northwest to the Southeast. Also a strip of land 12 ½ feet in width along a northerly line of Reserve B of Mears Addition to the City of Independence formed by an arc of an abandoned rail spur running from the Northwest to the Southeast, all in the W/2 of Section 25, Township 32 South, Range 15 East, Montgomery County, Kansas, excluding any area currently in the City of Independence.

Section 2. This ordinance shall be effective after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Independence, Kansas this 29th day of July 2004.

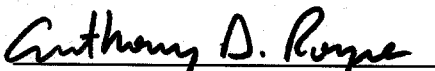


Mayor

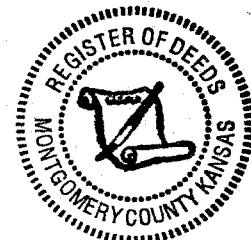
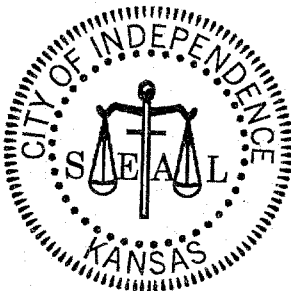
STATE OF KANSAS MONTGOMERY COUNTY
FILED FOR RECORD
MARILYN CALHOUN, REGISTER OF DEEDS
1:54:43 PM, 8/11/2004 Receipt No.: 10024
ORDINANCE \$0.00

BOOK: 542 PAGE: 229

ATTEST:



Anthony D. Royse
Director of Finance / City Clerk



ORDINANCE NO. 3923

AN ORDINANCE ANNEXING LAND TO THE CITY OF INDEPENDENCE, KANSAS.

WHEREAS, the following described land is located in Montgomery County, Kansas;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1)-(6); and

WHEREAS, the governing body of the City of Independence, Kansas, finds it advisable to annex such land.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and made a part of the City of Independence, Kansas:

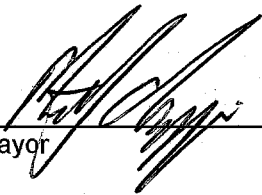
Lot 11, Block 3, Mears Addition to the City of Independence, Montgomery County, Kansas;

All of blocks 1 and 2, Reserve "A", and all of Reserve "B" lying North of a line beginning at a point on the East line of said Reserve "B", 109 feet north of the Southeast corner thereof, and running West to the West line thereof, all in Mears Addition to the City of Independence, including the vacated alley along the North and East side of said Block 1;

A strip of land 12 ½ feet in width along the Southwest side of Lot 11 on an arc formed by an abandoned rail spur running from the Northwest to the Southeast. Also a strip of land 12 ½ feet in width along a northerly line of Reserve B of Mears Addition to the City of Independence formed by an arc of an abandoned rail spur running from the Northwest to the Southeast, all in the W/2 of Section 25, Township 32 South, Range 15 East, Montgomery County, Kansas, excluding any area currently in the City of Independence.

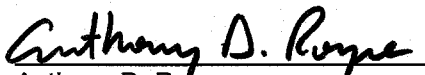
Section 2. This ordinance shall be effective after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Independence, Kansas this 29th day of July 2004.



Mayor

ATTEST:



Anthony D. Royse
Director of Finance / City Clerk



PETITION AND CONSENT TO ANNEXATION

The undersigned are record owners (hereafter Owners) of the following described property located in Montgomery County, Kansas:

Legal Description on attached Exhibit "A"

To the extent that the above described property has not been previously annexed by the City of Independence, Kansas, Owners hereby petition and give irrevocable consent to the annexation of the above property by the City of Independence, Kansas, without necessity of formal hearing requirements otherwise required by law and waive their right to maintain an action in District Court for the purpose of challenging the authority to the City of Independence, Kansas, to annex said property and the regularity of the proceedings.

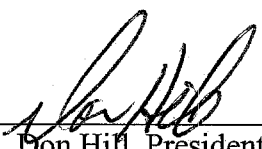
In the event the City of Independence, Kansas does not annex the property, or if the annexation is subsequently set aside for any reason, any rights extended to Owners because of annexation shall be subject to immediate withdrawal by the City of Independence, Kansas.

This agreement shall constitute a covenant running with the land and shall be binding upon owners' heirs, successors and assigns.

OWNERS

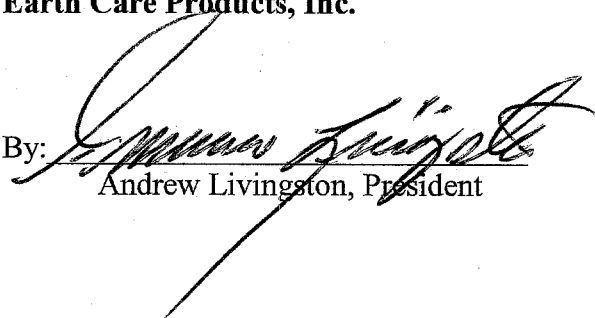
Independence Action Partnership, Inc.

By: _____


Don Hill, President

Earth Care Products, Inc.

By: _____


Andrew Livingston, President

ACKNOWLEDGMENTS

STATE OF KANSAS)
) ss:
MONTGOMERY COUNTY)

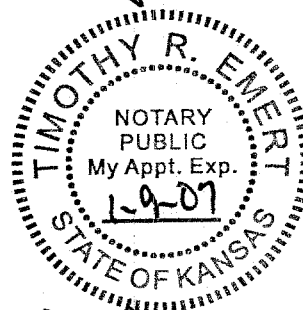
BE IT REMEMBERED that on the 22nd day of July, 2004, before me a Notary Public in and for the County and State aforesaid, came Don Hill, President of Independence Action Partnership, Inc., a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be the same person who executed the above and foregoing instrument of writing on behalf of said corporation, and said person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.



Notary Public

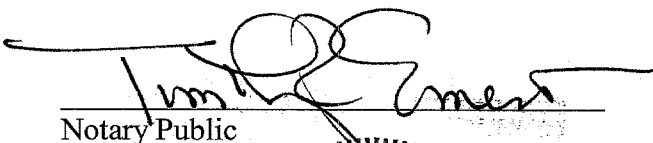
My commission expires: 1-9-07



STATE OF KANSAS)
) ss:
MONTGOMERY COUNTY)

BE IT REMEMBERED that on the 22nd day of July, 2004, before me a Notary Public in and for the County and State aforesaid, came Andrew Livingston, President of Earth Care Products, Inc., a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be the same person who executed the above and foregoing instrument of writing on behalf of said corporation, and said person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.



Notary Public

My commission expires: 1-9-07

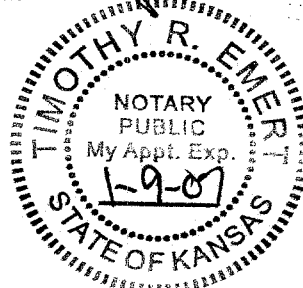


EXHIBIT A

Legal Description

Lot 11, Block 3, Mears Addition to the City of Independence, Montgomery County, Kansas.

All of blocks 1 and 2, Reserve "A", and all of Reserve "B" lying North of a line beginning at a point on the East line of said Reserve "B", 109 feet north of the Southeast corner thereof, and running West to the West line thereof, all in Mears Addition to the City of Independence, including the vacated alley along the North and East side of said Block 1;

A strip of land 12 ½ feet in width along the Southwest side of Lot 11 on an arc formed by an abandoned rail spur running from the Northwest to the Southeast. Also a strip of land 12 ½ feet in width along the northerly line of Reserve B of Mears Addition to the City of Independence formed by an arc of an abandoned rail spur running from the Northwest to the Southeast. All in the W/2 of Section 25, Township 32 South, Range 15 East, Montgomery County, Kansas.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023
Meeting**

I. Call to Order

Present: Lisa Richard, Brent Littleton, Rachel Lyon, Mary Jo Meier, Kendall Neill, Andy McLenon, Tim Haynes, Michelle Anderson

Absent: Anthony (Tony) Royse

a. Reorganization

1. Election of Chair
2. Election of Vice Chair
3. Election of Secretary

Election of Chair

Motion:

On the motion of Lisa Richard, seconded by Andy McLenon the Commission elected Tim Haynes Chair.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier

Nay: None

Election of Vice Chair

Motion:

On the motion of Andy McLenon, seconded by Lisa Richard the Commission elected Rachel Lyon as Vice Chair.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier

Nay: None

Election of Secretary

Motion:

On the motion of Andy McLenon, seconded by Tim Haynes the Commission elected Tony Royse as Secretary.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier

Nay: None

b. Orientation by the City Attorney.

Jeff Chubb, City attorney, presented the orientation to the board.

c. Consider setting future meeting dates for 2023.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023 Meeting

Motion:

On the motion of Mary Jo Meier, seconded by Andy McLenon the Commission approved to continue meeting the first Tuesday of each month at 5:30 pm with the exception of rescheduling the July 4, 2023 meeting to July 11, 2023 due to the holiday; the August 1, 2023 meeting to August 8, 2023 due to the primary election; and the November 7, 2023 meeting to November 14, 2023 due to the general election.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None

II. Minutes

- a. Consider approving minutes of the December 6, 2022 Planning and Zoning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved the minutes of the December 6, 2022 meeting.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None

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

- a. Public hearing to receive comments on a variance request to reduce the setback(s) in an R-3, low density multifamily dwelling district at 301 S. 6th St.

Tim Haynes opened the public hearing.

Robert Miller stated that the existing garage was built for a Model T and he wants to make it into a two-car garage that fits modern vehicles and be six feet from the rear property line and six feet from the front yard.

Motion:

On the motion of Brent Littleton, seconded by Kendall Neill the Commission approved a variance to reduce the rear yard setback by 4 feet (from 10 feet to 6 feet) and the front yard setback (because it is a corner lot) by 19 feet (from 25 feet to 6 feet) in an R-3 low density multifamily dwelling district for 301 South 6th Street.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023 Meeting

- b. Public hearing to receive comments on a variance request to reduce the setback(s) in an R-2, single-family dwelling district at 517 N. 10th St.

Tim Haynes opened the public hearing.

Andy McLenon asked if traffic would enter the complex off of 10th Street or 11th Street.

David Cowan said that it will be on the corner of 11th & Locust where they can access the circle drive with no direct access to 11th Street.

Tim Haynes asked if this will be located in the field across from the middle school.

David Cowan said yes, it will be in that field in the southwest corner where the entrance is at.

Motion:

On the motion of Kendall Neill, seconded by Lisa Richard the Commission accepted a variance to reduce the front yard setback 19 feet (from 25 feet to 6 feet) in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 N. 11th Street, for the USD 446 Board of Education.

**Aye: Rachel Lyon, Andy McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None**

IV. Planning Commission

- a. Public hearing to receive comments on a request for a conditional use permit for "Schools - preprimary" in an R-2, single-family dwelling district at 517 North 10th Street.

Tim Haynes opened the public hearing.

Motion:

On the motion of Rachel Lyon, seconded by Lisa Richard the Commission approved the request for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 N. 11th Street, with the conditions as recommended by City Staff.

- 1. The conditional use permit is not transferable to another location.**
- 2. The applicant must follow all City codes.**
- 3. If any of the above conditions are not met the conditional use permit will**

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023
Meeting**

no longer be valid.

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None**

- b. Public hearing to receive comments on a request to rezone a tract of land located at 800 N. 21st Street to M-1, light industrial district.

Tim Haynes opened the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Rachel Lyon the Commission approved rezoning a tract of land located at 800 North 21st Street to M-1, light industrial district..

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None**

V. Discussion

Kelly Passauer asked the Commission if they would consider setting a date for a public hearing for a text amendment to modify off-street parking regulations for parking in the rear of a business in industrial zones. The subject of allowing gravel surfacing for employee parking has come up again.

There was discussion as to whether the City Commission would even consider this matter as they have turned it down in the past.

Motion:

On the motion of Tim Haynes, seconded by Lisa Richard the Commission initiated a public hearing for a text amendment to modify off-street parking regulations on February 7, 2023.

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard
Nay: None**

VI. Adjournment

Motion:

On the motion of Lisa Richard, seconded by Brent Littleton the Commission adjourned the meeting..

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Kendall Neill, Lisa Richard**

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's January 3, 2023
Meeting**

Nay: None

Tim Haynes, Chairperson

Anthony (Tony) Royse, Secretary



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider setting a Public Hearing to consider the condemnation of 1000 W. Chestnut as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends setting the date of March 23, 2023 at 5:30 p.m.

BACKGROUND On January 20, 2023 the residence at 1000 W. Chestnut was involved in a structure fire that did significant damage to the structure. City Staff are recommending setting the date of March 23, 2023 at 5:30 p.m. to conduct a public hearing to consider condemnation as dangerous and unsafe.

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

SUGGESTED MOTION I move to adopt a resolution setting a Public Hearing to consider the condemnation of 1000 W. Chestnut for March 23, 2023, at 5:30 p.m.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-003 - CONDEMNATION - PH - 1000 W CHESTNUT
2. 1000 W. Chestnut - Notice of Condemnation Hearing 01202023
3. 20230120_101853
4. 20230120_105651
5. 20230120_105732
6. 1000 W. Chestnut

RESOLUTION NO. 2023-003

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 January 2023, 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: Lot 12, Block 12 of the York and Wilsons Addition to the City of Independence, Montgomery County, Kansas

Common Address: 1000 W Chestnut Street.

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, **March 23, 2023** 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 January 2023.

(SEAL)

Mayor

City Clerk



January 20, 2023

Betty Wright & John Pruitt
6255 SW 234d St.
Topeka, Ks. 66614

Dear Ms. Wright and Mr. Pruitt,

I am writing regarding a structure fire at 1000 W. Chestnut on 1/20/2023. A research of the parcel list you as the owner of the property.

I am writing to inform you that the City of Independence will be asking the Commission on January 26, 2023, at 5:30 p.m. to set a Public Hearing on March 23, 2023, at 5:30 p.m. The Public Hearing will be to consider condemnation of the property as dangerous and unsafe at 1000 W. Chestnut.

Please contact the building inspector at 620.330.0056 or davidc@independenceks.gov with the following information.

1. Timeline of repairs or demolition
2. Insurance information

Thank You,

David Cowan, Building Inspector
City of Independence Kansas







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The Parcel Number for this Property is 063-087-25-0-40-34-011.00-0
Quick Ref ID: 3474

Owner Information

Owner Name	WRIGHT, BETTY EVELYN; PRUITT, JOHN A
Address	6255 SW 23RD ST TOPEKA, KS 66614

Property Situs Address

Address	1000 W CHESTNUT ST, Independence, KS 67301
----------------	--

Land Based Classification System

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

General Property Information

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

Property Factors

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

2022 Appraised Value

Class	Land	Building	Total
Residential - R	4,210	25,120	29,330
Total	4,210	25,120	29,330

Tract Description

YORK & WILSONS ADD, S25, T32, R15, BLOCK 12, Lot 12; Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 1 /9 Lot Width: 050.0 Lot Depth: 140.0 Deed Book/Page 332 /203

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
332	203						

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7000										4,210

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR	Bsmt Type	Crawl - 2
Year Built	1900	Total Rooms	6
Eff Year		Bedrooms	3
MS Style	One Story	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	2
Calculated Area	928	Foundation	Stone - 4
Main Floor Living Area	928		
Upper Floor Living Area Pct.			
CDU	FR		
Phys/Func/Econ	AV-/ /		
Ovr Pct Gd/RCN	/87,570		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components				
Code	Units	Pct	Quality	Year
Wall Furnace		100		
Enclosed Wood Deck (SF), Solid Wall	72			
Wood Deck (SF) with Roof	180			
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		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	%Gd	Value
64	Tool Shed	D	1.00	1	1930			400	80	8	20 X 20	1	3	3					4,080	15	610

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

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TECHNOLOGIES



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 26, 2023**

Department Water Sewer

Director Approval John Garris

AGENDA ITEM Consider requesting an extension of time for the CDBG sewer improvement project.

SUMMARY RECOMMENDATION Approve request for extension of time.

BACKGROUND The initially projected schedule for the final completion and payment of the CDBG sewer improvement project was planned for February 28, 2023. Due to contractor and material availability, this date has slipped, and project completion and final payment would be planned for June 30, 2023. There is a requirement to request for an extension as a part of the grant, but there is no impact to either final project scope or cost.

FINANCIAL INFORMATION There is no cost impact.

SUGGESTED MOTION I move to approve the request for the extension of time for the CDBG project, and authorize execution of any necessary documents.

SUPPORTING DOCUMENTS

1. Extension CDBG
2. Independence 21 PF 023 - Time Extension Request Form 1.26.2023



January 26, 2023

Ginny Eardley
Kansas Department of Commerce
1000 SW Jackson St., Suite 100
Topeka, KS 66612-1354

RE: City of Independence, 21-PF-023, Time Extension Request to Complete Construction

Dear Ms. Eardley:

The City of Independence respectfully requests a four-month time extension in order to complete construction on the City's Sewer System Improvement Project grant.

Unfortunately, the ongoing supply chain issues as a result of the COVID-19 pandemic have negatively impacted this project. It is anticipated that substantial completion will occur before May 30, 2023, with readiness for final payment achieved by June 30, 2023.

It is the City's understanding that in the past under extenuating circumstances, time extensions have been granted to allow grantees to complete construction. We believe that the delay caused by supply chain issues as a result of the COVID-19 pandemic are an extenuating circumstance beyond the contractor's or City's control.

For these reasons, the City of Independence is requesting a contract time extension to complete construction.

As required, two originally signed Contract Amendment Request forms are enclosed for your reference.

Thank you for your consideration in this matter.

Sincerely,

Louis Ysusi
Mayor

Enclosures

CONTRACT AMENDMENT/REQUEST #1

Date of Request: 1/26/2023

Contract Award Date: 3/1/2021

Current Completion Date: 2/28/2023

Check as Applicable:

Time Extension ☒

Budget Amendment ☐

For budget change(s), enter each line item -- **regardless of whether budget item changed or not.**
If approved, this new project budget will supersede any previous budget(s).

No.	Activity Item	Existing Grant Budget	Revised Grant Budget	% Change
TOTALS				

Unfortunately, the ongoing supply chain issues as a result of the COVID-19 pandemic have negatively impacted this project. It is anticipated that substantial completion will occur before May 30, 2023, with readiness for final payment achieved by June 30, 2023.

For these reasons, the City of Independence is requesting a contract time extension to complete construction.

Louis Ysusi, Mayor

Typed Name and Title

CDBG Program

Date

Date



CITY OF INDEPENDENCE
January 26, 2023

Department

Director Approval

AGENDA ITEM City Board Minutes

BACKGROUND

SUPPORTING DOCUMENTS

1. July 19, 2022 EDAB Minutes-Signed
2. August 2, 2022 EDAB Minutes-Signed
3. October 4, 2022 EDAB Minutes-Signed
4. October 3, 2022 Approved Electrical Board Minutes
5. December 6, 2022 Planning and Zoning Minutes-Signed
6. July 11, 2022 Approved Plumbing Board Minutes
7. November 28, 2022 Approved IHPRC Minutes
8. December 09, 2022 Approved IHPRC Minutes

Minutes of the Economic Development Advisory Board's July 19, 2022 Meeting

I. Call to Order

a. Roll Call

Present: Chuck Goad, Paul Yaroslaski, Jason Curtis, Wayne Staphany, Rod Zinn (by phone), Lacey Lies, Lisa Wilson, Tabatha Snodgrass

Absent: Lori Kelley

Excused:

Guests: Mayor Dean A. Hayse, John Garris, Mason Carter

II. Discussion

a. Presentation on value mapping

Mason Carter gave a presentation on Value Mapping.

Chuck Goad asked if more information could be gathered to help find correlations in age of structure and income differences.

Mayor Hayes said mapping of data is very applicable to our investments. As low values progress we can see that there is movement over time. This type of data should be utilized to see how the City could intervene.

b. Update on Commission direction for a Gap Financing Policy

The Commission indicated they were not interested at this time.

c. Update on amendments to the Neighborhood Revitalization Districts allowing the transfer of incentives to the initial purchaser

The Commission approved an amendment at the last meeting to allow incentives to the initial purchaser in residential areas.

d. Request from Independence Main Street

Tabatha Snodgrass is looking for some help with restaurants having seating for people with clients or special events. Since Brother's Railroad Inn closed we no longer have that in Independence.

Chuck Goad suggested recruiting a new restaurant.

Jason Curtis said prices have tripled since January plus it is more difficult to get people willing to work.

e. Update from the BEST Committee

Lisa Wilson said that BEST continues to meet on a monthly basis and it is still very viable and continues to be utilized.

Minutes of the Economic Development Advisory Board's July 19, 2022 Meeting

f. Update from the Broadband Committee

Wayne Stephany said that the committee is still reaching out and gathering information. Right now we are facing the question of is the service poor enough that it is worth getting grants. The State people keep leading us back to the whole county which is very underserved.

Tabatha Snodgrass said all day on Friday no one was able to run credit cards at the downtown businesses.

g. Other items for discussion

Lacey Lies will be going over the policy review at the next meeting.

The next meeting will be August 2nd.

III. Adjournment

Motion:

On the motion of Chuck Goad, seconded by Paul Yaroslaski the Board adjourned the meeting.

Aye: Chuck Goad, Paul Yaroslaski, Jason Curtis, Wayne Staphany, Rod Zinn

Nay: None

Charles W Goad

Charles W Goad (Dec 30, 2022 09:10 CST)

Chuck Goad, Chairperson

Paul Yaroslaski

Paul Yaroslaski, Secretary

Minutes of the Economic Development Advisory Board's August 2, 2022 Meeting

I. Call to Order

Chuck Goad, Chairperson, called the meeting to order.

Present: Jason Curtis, Chuck Goad, Lori Kelley, Jim Kelly, Rod Zinn, Wayne Stephany, Paul Yaroslaski

Absent: None

II. Minutes

- a. Consider approving the minutes from the July 19, 2022 meeting.

Motion:

On the motion of Paul Yaroslaski, seconded by Jason Curtis the Commission approved the Minutes of the July 19, 2022 meeting.

Aye: Jason Curtis, Chuck Goad, Lori Kelley, Jim Kelly, Rod Zinn

Nay: None

III. Action Items

- a. Review and consider recommending changes to the Business Incentive Policy.

The Board discussed developing a process procedure for requests for board members and staff. Some points would be a specific statement and objectives listed, more specific eligibility (i.e. including transportation/freight) to refine the criteria and assist with clarification.

Chuck Goad volunteered to have a committee of him, Jim Kelly, Wayne Stephany and Lacey Lies.

IV. Discussion

Broadband committee update: Lori Kelley said that Blue Peak is committed to participating. The City will ask for a 5% franchise agreement. It will take 4 to 6 million to get internet to every household. If an agreement can be reached with Everygy they will use Everygy's poles and start right away. If not, they will dig beginning with the most densely populated area and build out. QuiKom also has a proposal for Montgomery County.

V. Adjournment

Motion:

On the motion of Paul Yaroslaski, seconded by Jason Curtis, the Commission adjourned the meeting.

Aye: Rod Zinn, Chuck Goad, Lori Kelley, Jason Curtis, Paul Yaroslaski, Wayne Stephany, Jim Kelly

Nay: None

Minutes of the Economic Development Advisory Board's August 2, 2022 Meeting

Charles W Goad

Charles W Goad (Dec 30, 2022 09:11 CST)

Chuck Goad, Chairperson

Paul Yaroslasi

Paul Yaroslaski, Secretary

Minutes of the Economic Development Advisory Board's October 4, 2022 Meeting

I. Call to Order

Present: Jason Curtis, Jim Kelly, Rod Zinn, Wayne Stephany, Paul Yaroslaski

Absent: Chuck Goad, Lori Kelley

Guests: Miranda Bruening

Ex Officio: April Nutt, Tabatha Snodgrass, Riley Lukomski

Paul Yaroslaski, Secretary, called the meeting to order.

II. Minutes

a. August 2, 2022 Minutes - Draft

Motion:

On the motion of Jim Kelly, seconded by Paul Yaroslaski the Commission Approved the August 2, 2022 minutes.

Aye: Jason Curtis, Jim Kelly, Rod Zinn, Wayne Stephany, Paul Yaroslaski

Nay: None

III. Action Items

IV. Discussion

a. Broadband Update

Lori Kelley sent out an email update on the broadband improvements. There are now several entities interested in placing fiber in Independence. Blue Peak, Kwikom and Nextlink are the companies looking at Independence. Blue Peak has the best service reviews and pricing. They are working on a proposal to provide fiber in Independence in early 2023. Kwikom applied for a grant but is looking at 2024 before they can get fiber in. The Commission committed up to \$150,000 towards broadband improvements as a stipulation for the County grant. Right now everything is holding until the State makes their grant determination.

b. Electric Charging Stations

KDOT is set to receive \$39.5 million to build EV charging infrastructure. The question the board is considering is how Independence can get charging stations put in, should they be put in downtown and whether the City should pursue this as infrastructure improvement.

Lacey Lies said that in trying to draw in new residents, charging stations need to be put in because more people are buying electric cars and there are only a

Minutes of the Economic Development Advisory Board's October 4, 2022 Meeting

couple places where they can charge.

Jim Kelly said there is \$2.5 million in discretionary grants for different types of fueling and he will research this with his contacts.

Rod Zinn said his company has laid out several charging stations and public charging stations are great, but places like motels should also have them for overnight guests.

April Nutt said there are also private interests looking to place charging stations.

c. Downtown Development Update

Miranda Bruening said that a developer had contacted her about the downtown buildings and was interested in developing them into 20 residences and 10 commercial areas. They would be using grants, loans and their own money. For the residences they are looking at studio apartments and two bed/one bath apartments. Refurbishing the buildings will bring utility costs down that hinder potential businesses.

d. Other Business

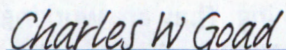
V. Adjournment

Motion:

On the motion of Rod Zinn, seconded by Paul Yaroslaski the Commission Adjourned the meeting.

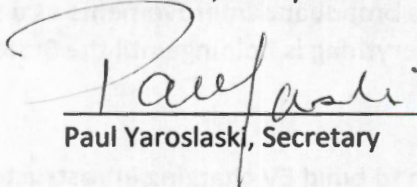
Aye: Jason Curtis, Jim Kelly, Rod Zinn, Wayne Stephany, Paul Yaroslaski

Nay: None



Charles W Goad (Dec 30, 2022 09:12 CST)

Chuck Goad, Chairperson



Paul Yaroslaski, Secretary



"Delivering Excellence"

October 03, 2022

Minutes of the Electrical Board's October 03, 2022 Meeting

I. CALL TO ORDER

- a. Travis called meeting to order

Present: Travis Blankinship, Rick Kiister, Daniel Johnston, Dennis Royer

Absent:

Guest:

II. MINUTES

- a. July 12, 2022, minutes for review and approval

Motion by Danny Johnston and Second by Travis Blankinship to approve.

I's - 4 and No - 0 to approve the motion

III. OLD BUSINESS

- a. No Old Business

IV. NEW BUSINESS

- a. Vacant position update – David reported that Kelly has received two application that the Mayor will consider at the 10/13/22 meeting.
- b. Discussion of contractors advertising they will do electrical work. David did send a copy of the Building Trades Ordinance and attempted to contact the contractor but he would not answer. The information was left on voicemail and he will receive a copy of the ordinances.

V. Other Items – no additional items

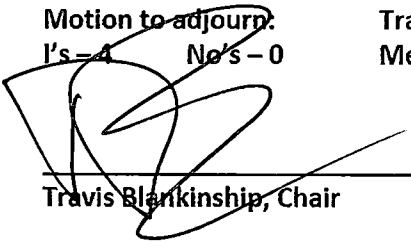
- a. Ordinances 4401, 4406 & 4407 were reviewed and discussed

Motion to adjourn:

I's - 4 No's - 0

Travis Blankinship
Meeting adjourned

Second: Danny Johnston


Travis Blankinship, Chair

1-9-2023

Date

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

I. Call to Order

Present: Tim Haynes, Kendall Neill, Lisa Richard, Anthony (Tony) Royse, Rachel Lyon, Andy McLenon, Michelle Anderson

Absent: Mary Jo Meier, Brent Littleton

Guests: Morris Quigley, Billie Jo Quigley, Chuck Beale, Abby Beale, Judith Umlauf, Kyle Owens, Barbara Phillips

II. Minutes

- a. Consider approving minutes of the November 1, 2022 Planning and Zoning meeting.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved the minutes of the November 1, 2022 Planning and Zoning meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

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

- a. Public Hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 W. Myrtle Street.

Kendall Neill opened the public hearing.

This item was adjourned from the Tuesday, November 1, 2022 meeting. It was explained that the applicant asked for the meeting to be adjourned to the February 7, 2022 Planning Commission and Board of Zoning meeting.

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the public hearing to consider a variance to exceed the size and number of signs in a C-3, central business district at 113 W. Myrtle Street to February 7, 2022 at 5:30 pm.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- b. Public Hearing to receive comments on a variance request for accessory uses as "permanent occupancy as housekeeping units" at 701 Taylor Road and 2423 Linda Jean Drive.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

Kendall Neill opened the public hearing.

Chuck Beale stated that the garage itself is 900 square feet, 25 x 36.

Tony Royse asked if the utilities are separated or shared and does each structure have their own meter.

Chuck Beale stated that the electric and water is separated.

Tim Haynes asked if each structure had its own driveway and whether there were any concerns about emergency services.

Chuck Beale said yes, there are two driveways. There is still one stall for the garage. The remodeled part is a studio apartment. There is a driveway off of Taylor and one off of Linda Jean.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission authorized a variance for "permanent occupancy as housing units" as an accessory use at 701 Taylor Road (also known as 2423 Linda Jean Drive).

**Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard
Nay: Anthony (Tony) Royse**

IV. Planning Commission

- a. **Public Hearing to receive comments to consider rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.**

Kendall Neill opened the public hearing.

Anthony Royse felt that there is a difference with the garage being used as a "mother-in-law" type housing and multi-family housing. The R-1 zoning is large lot with a big yard and this is nothing but a spot zoning which only benefits the property owner and is a disadvantage to the nearby land owners. In looking at a two-family structure that has to be 4,000 square foot, does that mean each structure has to be 4,000 square foot or larger? With the rezoning there are large business that could go in and they do not belong in an R-1 neighborhood. This is not a place for an R-3. There is no benefit.

Kelly Passauer said no, the 4,000 square foot per dwelling unit is the lot area

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

and the lot is 20,000 square feet.

Lisa Richard asked why the rezoning is needed since a variance was just issued.

Kelly Passauer said that the variance was needed to allow the garage to be rented out to another family long-term since that is not allowed by City code. Rezoning to R-3 seemed the best way to allow more than one family to reside on one lot. The most this type of low density zoning would allow would be a duplex or triplex.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multi-family district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

- b. Public hearing to receive comments on a request for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.

Kendall Neill opened the public hearing.

Rachel Lyon told the applicants that they had cleaned up the area very well.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with the following conditions:

1. The conditional use permit is not transferable to another property owner or to another location.
2. 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.
3. The exterior of the property must be cleaned up and kept clean to meet City code.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. Public hearing to receive comments to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

Kendall Neill opened the public hearing.

Discussion was had about how many car washes there are in town and how this has been a topic of debate lately.

Kendall Neill closed the public hearing.

Lisa Richard does not think the intent of the Comprehensive Plan was to make the area between the downtown and the railroad tracks commercial. She stated that one of the goals is to phase out commercial businesses from residential areas and R-3 was to be used as a buffer. She recommended that the Board table the hearing until they could go over the Comprehensive Plan to make sure that it is being followed.

Kendall Neill reminded the Board that there are several C-2 businesses right there in the same area. Going back and using the 1982 Comprehensive Plan as the basis of our decisions is difficult to do because it is so outdated in terms of how the world operates today.

Kelly Passauer said that if the rezoning is approved the side and rear yard setbacks adjoining residential will be 25 feet.

Lisa Richard asked if the company would be doing a variance on that next.

Kelly Passauer said it depends how they develop it.

Rachel Lyon said that things have changed in forty years, it does not have the same residential appeal. She does not know of any problems with the other car washes.

Kelly Passauer said that you could include a privacy fence as a condition of rezoning.

Lisa Richard said housing was eliminated for the other businesses and now another home is being eliminated and we are caving in to every little step because we do not want to be considered anti-business.

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Kendall Neill said that Independence is growing and the value of the downtown housing project is going to go up. Because of this carwash project, many businesses will benefit from building the carwash and the City will receive revenue. The spot we are talking about is a sore spot to people driving through the city. It will end up being a nice looking building that will be kept nice.

Tony Royse stated that this item is not about the car wash but about rezoning. If it is rezoned as a C-2 there are several businesses that could go in there that would not be appropriate to a residential neighborhood. There is no way to buffer noise and trash from a carwash and the residential neighborhood.

Andy McLenon said this board has been talking about the Comprehensive Plan for the last ten years. This location is going to become a C-2 whether we like it or not. No one is going to construct a brand new home right there on a major thoroughfare. If we do not pick up the bill to rezone this area, the City will pick up the bill for demolishing it.

Lisa Richard moved to table the public hearing until the next meeting to discuss when there is more information about what the intent is for that area. If the Comprehensive Plan is not going to be used then it should not be brought up. The motion died due to lack of a second.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Kendall Neill the Commission approved rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multi-family dwelling district to C-2, commercial services district.

Aye: Michelle Anderson, Rachel Lyon, Andy McLenon, Kendall Neill, Anthony (Tony) Royse

Nay: Lisa Richard

Abstain: Tim Haynes because he could not decide

- d. Public hearing to consider a text amendment to the zoning code relating to temporary signs.

Kendall Neill opened the public hearing.

The City Commission initiated a public hearing before the Planning and Zoning Commission to consider a text amendment to the zoning code relating to political signs in order to comply with State statutes. The proposed text amendment to be in compliance with K.S.A. 25-2711. Placement of political signs during election period. No city or county shall regulate or prohibit the

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2022 Meeting**

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.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Anthony (Tony) Royse the Commission approved a text amendment to 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. The nature and effect of this amendment is to be in compliance with State law.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- e. Consider initiating the rezoning of a tract of land at 800 N. 21st Street to M-1, light industrial district.

On July 29, 2004 the City Commission adopted an ordinance annexing the former SMP property at 800 N 21st Street. Earthcare, who currently owns the property, approached City staff wanting to know how the property was zoned. City staff was unable to locate any documentation that initiated the rezoning of this property after it was annexed. In order to correct this issue, the Planning Commission is being asked to consider initiating rezoning of this parcel to M-1, light industrial district at the January 3, 2023 agenda.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission initiated a public hearing on January 3, 2022 to rezone 800 N 21st Street to M-1, light industrial district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

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V. Discussion

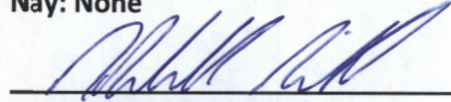
VI. Adjournment

Motion:

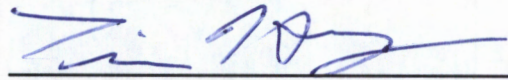
**On the motion of Andy McLenon, seconded by Kendall Neill the Commission
adjourned the meeting..**

**Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall
Neill, Lisa Richard, Anthony (Tony) Royse**

Nay: None



Kendall Neill, Chairperson



Tim Haynes, Secretary



"Delivering Excellence"

July 11, 2022

Plumbing Board Meeting
Veteran's Room – Memorial Hall

Call to Order: David Cowan

Present: Paul Lemon, Doug Rinck, Chris Fry and David Cowan
Absent: Pat Howe and Wayne Sundquist
Guest: Brian Rogers, IAP

Approve Minutes

- Motion by Doug & second by Paul to approve the December 16, 2019 meeting minutes.
Approved: 3 – Yes 0 - No

Old Business:

- Discussion of current plumbers licensed in the City of Independence. Brian Rogers offered Doug assistance with testing for his apprentices.
- Plumbing board terms.
 - Paul and Doug both request to serve additional terms
 - Asked David to visit with Wayne and Pat about additional terms
 - Paul will visit with other plumbers in the area to see if there is any interest.

New Business:

- Adoption of 2018 UPC including Swimming Pool, SPA, Hot Tub and Mechanical Code.

Items requested to be amended.

1. Discussion of what a residential owner is vs. landlord and commercial properties. The Board would like a letter sent to landlord, commercial properties, etc. about the plumbing code and what is allowed.
2. Article V. Gas – adopt Chp. 12 of the 2018 UPC Fuel Gas Piping Code
 - a. Chris – Make sure the copper line restriction is included
3. Add **Sec. 18-247** Any gas piping of appliances or HVAC equipment that requires piping extension or piping replacement requires a licensed City plumber and pressure test by the City of Independence and inspection fee per appendix D. Replacement of equipment that does not require the extension of piping does not require inspection or licensed plumber.
4. Penalties – Amend Section 18-242 Any person violating any of the provisions of this article shall, upon conviction thereof be punished as provided under Sec 1-14. General penalty with the following amendment. Violation of any of the plumbing Code or adopted 2018 UPC's for plumbing shall be punished by a fine not to exceed \$500 for 1st offense, \$1,000 for 2nd offense



"Delivering Excellence"

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

Motion: I move to approve updating the following codes:

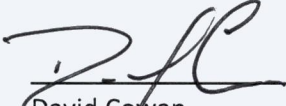
1. 2018 UPC
2. 2018 Uniform Swimming Pool, SPA and Hot Tub code,
3. 2018 Uniform Mechanical Code

Second: Paul

Approved: 3 – Yes 0 – No

Motion Passed.

Adjournment: Doug made motion Paul second Meeting adjourned


David Cowan

1-16-23



1-16-23

Monday, November 28, 2022
Historic Preservation Resource Commission
Meeting Minutes

Members Present: Darin Axthelm, Bill Gour, Brea Sanford, Tim White, Jason Rutledge
City Staff: David Cowan
Ex Officio: Lisa Wilson
Absent: John George, Gary Hogsett
Special Guest: Miranda Bruening, Omar Elsabassy, Jessi and Alia Bannon, April Nutt
(Via Zoom)

Members went over the October 24 minutes. Bill Gour made a motion to approve the minutes as presented. Brea Sanford seconded the motion and all were in favor of accepting the minutes as presented.

Discussion:

The members reviewed a signage request made by Twin Spur Western Outfitters. The proposed sign is to be affixed to the existing awning of the business in the same position as the previous business' sign. The sign meets all city signage regulations. Bill Gour motioned to approve the sign request as presented. Tim White seconded the motion and all approved.

New owner of the previous Cantrell's Fine Jewelry store, located at 208 North Pennsylvania Avenue, Omar Elsabassy, came to speak with the Commission about his new business going in downtown. He proposes to open a mens lounge and barber shop in the space and renovations are underway. Elsabassy shared design plans with the group regarding the exterior design and signage.

Appropriateness Certificate Discussion:

The members present looked over KSA 75-2724, which was discussed during the October meeting. It was determined that the outdoor changes made to the Evidence Building should have come to the IHPRC, even though it was a non-contributing building. City Staff has updated the ordinance to be more aligned with the IHPRC.

VFW Improvements:

Miranda Bruening came to the commission with a proposal from VFW for a series of second-story balconies on their existing building. The City of Independence is on board with this project, as their okay was paramount due to the fact that the balconies will overhang onto City property.

The proposed balconies would stretch along the north and east sides of their building. It is possible to create those spaces for outdoor seating.

Bruening pointed out, when asked, that there would be a historical window for a doorway on either side but those openings alone would not put the building onto the

Contributing list of historical buildings.

The balconies would be made and installed by Ironworks and made to regulations.

As a whole, the group approved of the balconies and liked the idea of their addition.

Downtown Apartments:

Bruening quickly went over the reports from the historical architect that were done on all of the buildings that are going to be remodeled. She explained what each section meant but left it up to the discretion of the group members to look through each one, as the wording is similar throughout all of them.

Bill Gour motioned to end the meeting. Jason Rutledge seconded the meeting and the commission adjourned.

December meeting will be canceled, unless otherwise noted.

A handwritten signature in black ink, appearing to read "Nick De" followed by a stylized flourish.

Friday, December 9, 2022
Historic Preservation Resource Commission
Special Meeting Minutes

Members Present: Darin Axthelm, Bill Gour, Brea Sanford, Tim White, Jason Rutledge,
John George, Gary Hogsett
City Staff: David Cowan
Ex Officio: Tabatha Snodgrass
Absent:
Special Guest:

Darin called the quick meeting to order.

Discussion:

The members reviewed a signage request made by Amy Taylor of Grassroots Design on behalf of the owners of Fleas-An-Tiques, located at 107 West Main Street. The group unanimously decided that the sign was tasteful and appropriate, but stipulated that the instillation of the sign cannot harm the facade of the building.

Gary Hogsett made a motion to approve the signage as presented. The motion was seconded by Tim White and all were in favor.

Tim White made a motion to adjourn the meeting. Bill Gour seconded the motion and the motion passed.

There will be no other meetings in December unless noted.

A large, stylized handwritten signature in black ink, likely belonging to a member of the commission, is written across the right side of the page.



Report
CITY OF INDEPENDENCE
January 26, 2023

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Monthly Capital Project and Public Works Report

BACKGROUND

SUPPORTING DOCUMENTS

1. Project Status 1-2023

	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	KDOT CCLIP	Main Street - 8th to 2nd, two projects	\$1,000	\$800	TranSystems	Pre-design.	KDOT forms sent in.	Prepare contracts with TranSystems, review ADA.	4Q23	3Q24
2	Transp. Alt. Grant	8' sidewalk to Wal-Mart and Labette	\$1,350	\$980	TranSystems	Pre-design.	KDOT forms sent in.	Prepare contracts with TranSystems, review with Evergy.	1Q24	2Q24
3	Zoo and Park Power	Move power feed for Zoo and Park underground	\$300		PEC	Alternative review.	Scope revised with Evergy.	Waiting for final data from Evergy.	1Q22	1Q23
4	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.	On hold pending decision on alternative selection.	2Q23	4Q23
5	Central Park	New soccer fields, revamp existing ball fields.	\$7,500	\$2,055	Indigo	Pre-bid.	RCA for grant acceptance, bid in December.	Preparing for rebid.	1Q23	4Q23
6	CCLIP Grant	Reconstruct Penn from Morningside to City Limits	\$500	\$370	TranSystems	Pre-bid.	Final comments from KDOT received.	Prepare bid documents, RCA for bid. 5/2023 bid.	3Q23	4Q23
7	CCLIP Grant	Mill and overlay Chestnut from 9th to Penn	\$220	\$150	TranSystems	Pre-bid.	Final comments from KDOT received.	Prepare bid documents, RCA for bid. 5/2023 bid.	3Q23	4Q23
8	Waterline/Meter Project	New Water Meters, Replace Some Water Main	\$3,400		PEC	Design complete.	100% plan review, in to KDHE.	KDHE comments received, preparing response.	1Q23	3Q23
9	Water Plant Next Phase	Water Plant Capital Work Per Master Plan	\$6,000		PEC	Design complete.	Reviewing/incorporating scope additions per KDHE.	Preparing to engineer KDHE added scope.	1Q23	4Q26
10	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, six left. Preparing condemnation.	2Q23	4Q23
11	Water Tower Maint.	Maintain and Coat North Water Tower	\$240		N/A	Pre-construction.	Wait for construction.	Wait for construction.	1Q23	2Q23
12	CDBG	Lakeview lift station, I and I abatement.	\$1,700	\$700	TranSystems	In construction.	Continue lift station.	Continue lift station, lining work.	3Q22	3Q23
13	City Hall/Fire/EMS	Refinish City Hall, construct new Fire/EMS personnel spaces.	\$10,000		Treanor	In construction.	Construction in progress.	Construction in progress.	1Q22	2Q23
14	Enterprise Drive	Buildout of street, utilities	\$1,700	\$1,100	TranSystems	In construction.	Survey complete, finalizing last easements.	Start remaining intersection work (late February, earliest).	1Q22	2Q23
15	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	\$3,100	\$1,600	TranSystems	In construction.	Complete paving, open road fully to public.	Review and decide on storm sewer change order.	1Q22	1Q23
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 KAIP	Airport Projects	TBD	TBD	Lochner	Prepare Grant.	RCA to Commission.	Grant applied for. Wait.	TBD	TBD
D	Public Works Building	New building for Water, Street, and Sanitation	\$4,000		Echelon	Hold.	Hold.	Hold.	TBD	TBD
E	Airport	Paving at airport to support business.	\$500	\$420	TranSystems	Developing.	Revised scope, proposal from VSE.	Planning revised scope execution.	2024	2024

Green shade denotes changed/new information from last month.