

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

June 22, 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. Park Board -- 3 expired terms (Inside City Limits) -- 1 eligible for reappointment (Jill Warford)

III. PRESENTATIONS

- A. Presentation of the 2022 Audit
- B. Presentation by Main Street Director regarding establishing a Common Consumption Area downtown.

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 April 4th, 13th, 19th and 27th, 2023.
- B. Consider Change Order for City Hall Phase II project

V. ITEMS FOR COMMISSION ACTION

- A. Consider a recommendation from the Planning Commission to adopt a resolution for a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street.
- B. Consider approving request authorizing FORPAZ to move forward with locomotive restoration.
- C. Consider accepting a USDA Rural Business Development Grant for the Community Development Comprehensive Plan.
- D. Consider authorizing the Mayor to sign a grant agreement with SEKRPC to administer a Community Comprehensive Development Plan project grant from USDA Rural Business Development.
- E. Consider authorizing applying for a Safe Streets for All (SS4A) grant.
- F. Consider authorizing Rural Connections to build a trail on City owned property.
- G. Consider the scope for the renovation of the parking lot north of City Hall, and consider authorizing participating in a grant for two Level 2 electric charging stations within the parking lot.

H. Consider extending the contract with ReeceNichols for listing Building D; and/or consider receiving proposals for marketing Building D.

VI. REPORTS

A. Monthly Public Works and Project Report

B. Update on Woodriver Energy Base Agreement to acquire natural gas.

VII. CITY MANAGER'S COMMENTS

VIII. COMMISSIONERS' COMMENTS

IX. PUBLIC CONCERNS

X. ADJOURNMENT



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Park Board -- 3 expired terms (Inside City Limits) -- 1 eligible for reappointment (Jill Warford)

SUMMARY RECOMMENDATION Reappoint Jill Warford to the Park Board.

BACKGROUND Three terms have expired on the Park Board. One member is currently serving an unexpired term and is eligible for reappointment (Jill Warford). Ms. Warford wishes to be reappointed.

The City is receiving applications for the remaining two positions on the Park Board that will expire on July 1, 2023. Board members continue to serve until replaced. Applicants must reside inside the City limits. Applications are due by noon on July 7, 2023. To learn more about the Park Board, visit this link: [Park Board](#)

[Click here to apply online.](#)

FINANCIAL INFORMATION

SUGGESTED MOTION I move to reappoint Jill Warford to a first term on the Park Board, expiring on July 1, 2026.

SUPPORTING DOCUMENTS



Presentation
CITY OF INDEPENDENCE
June 22, 2023

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Presentation of the 2022 Audit

BACKGROUND Sean Gordon of Gordon C.P.A. will present the 2022 audit report of the City's finances.

SUPPORTING DOCUMENTS

1. 390 Master 2022

CITY OF INDEPENDENCE, KANSAS
FINANCIAL STATEMENTS
For the Year Ended December 31, 2022

This page intentionally left blank

CITY OF INDEPENDENCE, KANSAS
Financial Statements
For the Year Ended December 31, 2022
Table of Contents

	<u>Page Number</u>
INTRODUCTORY SECTION	
Table of Contents	i - ii
FINANCIAL SECTION	
Independent Auditor's Report	1 - 3
Summary Statement of Receipts, Expenditures and Unencumbered Cash	4 - 5
Notes to the Financial Statements	6 - 13
REGULATORY REQUIRED SUPPLEMENTARY INFORMATION	
SCHEDULE 1	
Summary of Expenditures - Actual and Budget	14
SCHEDULE 2	
Schedule of Receipts and Expenditures - Actual and Budget and Actual Only	
General Fund	15 - 18
General Fund Employee Benefits Fund	19
Library Fund	20
Special Alcohol Fund	21
Special Parks and Recreation Fund	22
Industrial Fund	23
Liability Insurance Fund	24
Economic Development and Transportation Fund	25
Tourism Fund	26
Educational Sales Tax Fund	27
Quality of Life Sales Tax Fund	28
Special Use Sales Tax Fund	29
Special Park Fund	30
Crime Prevention Fund	30
Law Enforcement Trust Fund	30
Downtown Tree Replacement Fund	30
Demolition Fund	30
Memorial Hall Fund	31
E-911 (Old) Fund	31
E-911 (New) Fund	31
K9 Fund	31
Incubator Building Fund	31
Logan Foundation Fund	31
City Grants Fund	31
Land Bank Fund	31
Opioid Abatement Fund	31
Employee Wellness Fund	31
Fire/EMS Grant Fund	32
Walmart Grant Fund	32
Federal Grants Fund	32
Bond and Interest Fund	33
General Capital Reserve Fund	34
Streets Capital Reserve Fund	34
Airport Capital Reserve Fund	34
Water/Sewer Capital Reserve Fund	34

CITY OF INDEPENDENCE, KANSAS
Financial Statements
For the Year Ended December 31, 2022
Table of Contents (Continued)

	<u>Page Number</u>
REGULATORY REQUIRED SUPPLEMENTARY INFORMATION (Continued)	
SCHEDULE 2	
Schedule of Receipts and Expenditures - Actual and Budget and Actual Only	
Skate Park Fund	35
Water Treatment Facility Upgrade Fund	35
City Projects Fund	35
Peter Pan Geometric Project Fund	35
Penn/Chestnut - Oak Project Fund	36
2015-2016 KLINK Project Fund	36
Curb Ramps Project Fund	36
WPC Loan C20 2043 Project Fund	36
Airport Fund	37
Water/Sewer Utility Fund	38 - 39
Sanitation Utility Fund	40
Grinder Pump Replacement Fund	41
SCHEDULE 3	
Summary of Receipts and Disbursements - Agency Funds	42
SCHEDULE 4	
Schedule of Receipts and Expenditures - Actual Only	
Related Municipal Entity - Housing Authority of The City of Independence, Kansas	43
GOVERNMENTAL AUDIT SECTION	
Schedule of Expenditures of Federal Awards	44
Notes to the Schedule of Expenditures of Federal Awards	45
Schedule of Findings and Questioned Costs	46 - 47
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With <i>Government Auditing Standards</i>	48 - 49
Independent Auditor's Report on Compliance for Each Major Federal Program; Report on Internal Control over Compliance; And Report on the Schedule of Expenditures of Federal Awards Required by the Uniform Guidance	50 - 51

INDEPENDENT AUDITOR'S REPORT

Mayor and City Commissioners
City of Independence, Kansas

Report on the Audit of the Financial Statements

Adverse and Unmodified Opinions

We have audited the accompanying fund summary statement of regulatory basis receipts, expenditures, and unencumbered cash balances of the City of Independence, Kansas and its related municipal entity, the Housing Authority of The City of Independence, Kansas (collectively, the City), as of and for the year ended December 31, 2022 and the related notes to the financial statement.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the Basis for Adverse and Unmodified Opinions section of our report, the accompanying financial statement referred to above does not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the City as of December 31, 2022, or changes in financial position and cash flows thereof for the year then ended.

Unmodified Opinion on Regulatory Basis of Accounting

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the aggregate cash and unencumbered cash balance of the City as of December 31, 2022, and the aggregate receipts and expenditures for the year then ended in accordance with the financial reporting provisions of the *Kansas Municipal Audit and Accounting Guide* described in Note 1.

Basis for Adverse and Unmodified Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and the *Kansas Municipal Audit and Accounting Guide*. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statement section of our report. We are required to be independent of the City, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our adverse and unmodified audit opinions.

Matter Giving Rise to Adverse Opinion on U.S. Generally Accepted Accounting Principles

As discussed in Note 1 of the financial statement, the financial statement is prepared by the City on the basis of the financial reporting provisions of the *Kansas Municipal Audit and Accounting Guide*, which is a basis of accounting other than accounting principles generally accepted in the United States of America. The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Responsibilities of Management for the Financial Statement

Management is responsible for the preparation and fair presentation of this financial statement in accordance with the *Kansas Municipal Audit and Accounting Guide* as described in Note 1; this includes determining that the regulatory basis of accounting is an acceptable basis for the preparation of the financial statement in the circumstances. Management is also responsible for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

In preparing the financial statement, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statement

Our objectives are to obtain reasonable assurance about whether the financial statement as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statement.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- exercise professional judgment and maintain professional skepticism throughout the audit.
- identify and assess the risks of material misstatement of the financial statement, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statement.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statement.
- conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the fund summary statement of regulatory basis receipts, expenditures, and unencumbered cash balances (basic financial statement) as a whole. The summary of regulatory basis expenditures-actual and budget, individual fund schedules of regulatory basis receipts and expenditures-actual and budget, summary of receipts and disbursements-agency funds and the schedule of regulatory basis receipts and expenditures-related municipal entity (Schedules 1, 2, 3 and 4) as listed in the table of contents) are presented for analysis and are not a required part of the basic financial statement, however, are required to be presented under the provisions of the *Kansas Municipal Audit and Accounting Guide*. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, and is not a required part of the basic financial statement. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statement. The information has been subjected to the auditing procedures applied in the audit of the basic financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statement or to the basic financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the basic financial statement as a whole, on the basis of accounting described in Note 1.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated June 19, 2023, on our consideration of the City's internal controls over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal controls over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Other Matters

The 2021 actual column presented in the individual fund schedules of regulatory basis receipts and expenditures—actual and budget for the year ended December 31, 2021 (Schedule 2 as listed in the table of contents) is presented for purposes of additional analysis and is not a required part of the basic financial statement.

We also previously audited, in accordance with auditing standards generally accepted in the United States of America, the basic financial statement of City of Independence, Kansas, as of and for the year ended December 31, 2021 (not presented herein), and have issued our report thereon dated July 1, 2022, which contained an unmodified opinion on the basic financial statement. The 2021 basic financial statement and our accompanying report are not presented herein but are available in electronic form from the web site of the Kansas Department of Administration at the following link <https://admin.ks.gov/offices/oar/municipalservices>. The 2021 actual column (2021 comparative information) presented in the individual fund schedules of regulatory basis receipts and expenditures—actual and budget for the year ended December 31, 2022 (Schedule 2 as listed in the table of contents) is presented for purposes of additional analysis and is not a required part of the basic financial statement. Such 2021 comparative information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the 2021 basic financial statement. The 2021 comparative information was subjected to the auditing procedures applied in the audit of the 2021 basic financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the 2021 basic financial statement or to the 2021 basic financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the 2021 comparative information is fairly stated in all material respects in relation to the basic financial statement as a whole for the year ended December 31, 2021, on the basis of accounting described in Note 1.

Gordon CPA LLC

Certified Public Accountant
Lawrence, Kansas

June 19, 2023

CITY OF INDEPENDENCE, KANSAS
Summary Statement of Receipts, Expenditures and Unencumbered Cash
Regulatory Basis
For the Year Ended December 31, 2022

	Beginning Unencumbered	Prior Year Cancelled			Ending Unencumbered	Add: Encumbrances and Accounts	Ending Cash
<u>Funds</u>	<u>Cash Balance</u>	<u>Encumbrances</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Cash Balance</u>	<u>Payable</u>	<u>Balance</u>
General Funds:							
General	\$ 1,020,785	\$ 258	\$ 9,752,370	\$ 9,045,546	\$ 1,727,867	\$ 316,332	\$ 2,044,199
Special Purpose Funds:							
General Fund							
Employee Benefits	240,795	-	719,782	891,689	68,888	9,683	78,571
Library	-	-	217,946	217,946	-	-	-
Special Alcohol	55,264	-	40,961	30,000	66,225	-	66,225
Special Parks and Recreation	66,189	-	40,962	22,000	85,151	-	85,151
Industrial	512	-	27,747	27,500	759	-	759
Liability Insurance	120,457	-	136,383	78,985	177,855	-	177,855
Economic Development and Transportation	666,202	-	1,125,388	399,999	1,391,591	-	1,391,591
Tourism	-	-	-	-	-	-	-
Educational Sales Tax	211,556	-	2,507,232	2,718,788	-	-	-
Quality of Life Sales Tax	74,265	-	-	60,144	14,121	-	14,121
Special Use Sales Tax	1,143,325	93,834	2,507,232	3,205,702	538,689	86,226	624,915
Special Park	27,443	-	20,797	17,228	31,012	3,776	34,788
Crime Prevention	1,405	-	200	1,016	589	-	589
Law Enforcement Trust	26,256	-	2,747	17,950	11,053	2,418	13,471
Downtown Tree Replacement	15,349	-	141	-	15,490	-	15,490
Demolition	119,282	-	57,112	166,630	9,764	160	9,924
Memorial Hall	74,357	-	-	55,236	19,121	-	19,121
E-911 (Old)	4,697	-	-	-	4,697	-	4,697
E-911 (New)	214,029	-	140,365	98,692	255,702	1,129	256,831
K9	29,692	-	1,814	2,799	28,707	-	28,707
Incubator Building	66,280	-	46,425	-	112,705	-	112,705
Logan Foundation	394	-	-	270	124	-	124
City Grants	99,294	-	247,974	130,738	216,530	-	216,530
Land Bank	53,302	-	491	-	53,793	-	53,793
Opioid Abatement	-	-	2,070	-	2,070	-	2,070
Employee Wellness	-	-	30,579	3,977	26,602	-	26,602
Fire/EMS Grant	7,958	-	6,000	2,135	11,823	-	11,823
Walmart Grant	3,046	-	-	-	3,046	-	3,046
Federal Grants	643,976	-	658,941	1,302,567	350	-	350
Bond and Interest Funds:							
Bond and Interest	645,317	-	15,824,381	15,825,645	644,053	-	644,053
Capital Project Funds:							
General Capital Reserve	138,821	-	238,311	131,730	245,402	-	245,402
Streets Capital Reserve	282,692	-	6,898,707	4,484,694	2,696,705	735,087	3,431,792
Airport Capital Reserve	[96,204]	-	1,001,380	643,321	261,855	-	261,855
Water/Sewer Capital Reserve	3,458,848	-	1,033,743	774,240	3,718,351	-	3,718,351
Skate Park	1,695	-	-	-	1,695	-	1,695
Water Treatment							
Facility Upgrade	[152,856]	-	-	58,768	[211,624]	-	[211,624]
City Projects	7,254	-	10,668,208	4,436,897	6,238,565	4,589	6,243,154
Penn/Chestnut - Oak Project	34,943	-	-	-	34,943	-	34,943
2015-2016 KLINK Project	318,879	-	-	-	318,879	-	318,879
Curb Ramp Project	174,362	-	585,627	11,107	748,882	-	748,882
WPC Loan C20 2043 Project	[97,942]	-	-	130,219	[228,161]	-	[228,161]

The notes to the financial statements are an integral part of this statement.

CITY OF INDEPENDENCE, KANSAS
Summary Statement of Receipts, Expenditures and Unencumbered Cash - Continued
Regulatory Basis
For the Year Ended December 31, 2022

	Beginning Unencumbered Cash Balance	Prior Year Cancelled Encumbrances	Receipts	Expenditures	Ending Unencumbered Cash Balance	Add: Encumbrances and Accounts Payable	Ending Cash Balance
<u>Funds</u>							
Business Fund:							
Airport	\$ 289,135	\$ -	\$ 887,440	\$ 1,067,163	\$ 109,412	\$ 6,023	\$ 115,435
Water/Sewer Utility	3,617,022	10,000	5,700,383	5,635,425	3,691,980	59,505	3,751,485
Sanitation Utility	683,224	-	1,405,332	1,558,200	530,356	39,022	569,378
Grinder Pump Replacement	<u>265,546</u>	<u>-</u>	<u>10,055</u>	<u>-</u>	<u>275,601</u>	<u>-</u>	<u>275,601</u>
Total Primary Government	14,556,846	104,092	62,545,226	53,254,946	23,951,218	1,263,950	25,215,168
Related Municipal Entity:							
Housing Authority of The City of Independence, Kansas	<u>4,793,362</u>	<u>-</u>	<u>1,273,747</u>	<u>1,168,810</u>	<u>4,898,299</u>	<u>28,629</u>	<u>4,926,928</u>
Total Reporting Entity (excluding Agency Funds)	<u>\$ 19,350,208</u>	<u>\$ 104,092</u>	<u>\$ 63,818,973</u>	<u>\$ 54,423,756</u>	<u>\$ 28,849,517</u>	<u>\$ 1,292,579</u>	<u>\$ 30,142,096</u>

COMPOSITION OF CASH:

Community National Bank	
Checking	\$ 24,308,538
Certificates of Deposit	4,064,138
Equity Bank	
Money Market	1,792,008
Cash on Hand	<u>850</u>
Total Cash	30,165,534
Less: Agency Funds per Schedule 3	<u>[23,438]</u>
Total Reporting Entity (excluding Agency Funds)	<u>\$ 30,142,096</u>

The notes to the financial statements are an integral part of this statement.

CITY OF INDEPENDENCE, KANSAS
Notes to the Financial Statements
For the Year Ended December 31, 2022

NOTE 1 - Summary of Significant Accounting Policies

The City of Independence, Kansas (the City) is incorporated as a city of the second class under the provisions of the Kansas Constitution, Article 12, Section 5 and K.S.A. 14-101 et seq. The City operates under a Commission City Manager form of government and provides the following services as authorized by its charter: public safety (police and fire), highways and streets, water, sewer and trash, health and social services, culture-recreation, education, public improvements, planning and zoning, and general administrative services.

The financial statement and schedules of the City of Independence, Kansas have been prepared in order to show compliance with the cash basis and budget laws of the State of Kansas. The Governmental Accounting Standards Board is the principal standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the City's accounting policies follow below. Note 1 describes how the City's accounting policies differ from accounting principles generally accepted in the United States of America.

Financial Reporting Entity

The City is a municipal corporation governed by an elected three-member commission. This financial statement presents the City (the municipality) and its related municipal entity, The Housing Authority of The City of Independence, Kansas, (collectively, the City). This related municipal entity is included in the City's reporting entity because it was established to benefit the City and/or its constituents. This financial statement does not include the related municipal entity, the Independence Public Library.

Related Municipal Entities: A related municipal entity is determined by the following criteria. Whether the City exercises oversight responsibility on financial interdependency, selection of governing authority, designation of management, ability to significantly influence operations and accountability for fiscal matters, scope of the public service, and significant operational or financial relationships with the City. Related municipal entities are not required to be included in the City's audit by the *Kansas Municipal Audit and Accounting Guide* (KMAAG). Based upon the application of this criterion, the following is a brief review of potential related municipal entities:

Housing Authority - The Housing Authority of the City of Independence, Kansas is a municipal corporation responsible for operating the City's housing projects. The Housing Authority is governed by a City appointed five-member board. The Housing Authority can sue and be sued. Bond ordinances and the purchase of real property must be approved by the City. All Housing Authority funds are held by the City of Independence and all financial transactions are processed through the City's administrative offices. The Housing Authority's 2022 financial statements have been included as Schedule 4 of the City's financial statements. Complete audited financial statements are prepared and are available at the Housing Authority's administrative office.

Independence Public Library - The City of Independence Library Board operates the City's public library. Acquisition or disposition of real property or bond issuances must be approved by the City. Separate audited financial statements are prepared and are available at the Independence Public Library.

Basis of Accounting

Regulatory Basis of Accounting and Departure from Accounting Principles Generally Accepted in the United States of America. The *Kansas Municipal Audit and Accounting Guide* (KMAAG) regulatory basis of accounting involves the recognition of cash, cash equivalents, marketable investments, and certain accounts payable and encumbrance obligations to arrive at a net unencumbered cash and investments balance on a regulatory basis for each fund, and the reporting of changes in unencumbered cash and investments of a fund resulting from the difference in regulatory basis receipts and regulatory basis expenditures for the fiscal year. All recognized assets and liabilities are measured and reported at cost, unless they have been permanently impaired and have no future cash value or represent no future obligation against cash. The KMAAG regulatory basis does not recognize capital assets, long-term debt, accrued receivables and payables, or any other assets, liabilities or deferred inflows or outflows, other than those mentioned above.

The City has approved a resolution that is in compliance with K.S.A. 75-1120a(c), waiving the requirement for application of generally accepted accounting principles and allowing the City to use the regulatory basis of accounting.

CITY OF INDEPENDENCE, KANSAS
Notes to the Financial Statements
For the Year Ended December 31, 2022

NOTE 1 - Summary of Significant Accounting Policies (Continued)

Regulatory Basis Fund Types

The following types of funds comprise the financial activities of the City for the year ended December 31, 2022:

General Fund - the chief operating fund. Used to account for all resources except those required to be accounted for in another fund.

Special Purpose Fund - used to account for the proceeds of specific tax levies and other specific regulatory basis receipt sources (other than Capital Project and tax levies for long-term debt) that are intended for specified purposes.

Bond and Interest Fund - used to account for the accumulation of resources, including tax levies, transfers from other funds and payment of general long-term debt.

Capital Projects Fund - used to account for the debt proceeds and other financial resources to be used for acquisition or construction of major capital facilities or equipment.

Business Fund - funds financed in whole or in part by fees charged to users of the goods or services (i.e. enterprise and internal service fund, etc.).

Agency Funds - to account for assets held by the City in a purely custodial capacity (payroll clearing fund, county treasurer tax collection accounts, etc.).

Budgetary Information

Kansas statutes require that an annual operating budget be legally adopted for the general fund, special purpose funds (unless specifically exempted by statute), bond and interest funds, and business funds. Although directory rather than mandatory, the statutes provide for the following sequence and timetable in the adoption of the legal annual operating budget:

1. Preparation of the budget for the succeeding calendar year on or before August 1st.
2. Publication in local newspaper of the proposed budget and notice of public hearing on the budget on or before August 5th.
3. Public hearing on or before August 15th, but at least ten days after publication of notice of hearing.
4. Adoption of the final budget on or before August 25th.

If the City is holding a revenue neutral rate hearing, the budget timeline for adoption of the final budget has been adjusted to on or before September 20th. The City did hold a revenue neutral rate hearing for this year.

The statutes allow for the governing body to increase the originally adopted budget for previously unbudgeted increases in regulatory receipts other than ad valorem property taxes. To do this, a notice of public hearing to amend the budget must be published in the local newspaper. At least ten days after publication, the hearing may be held and the governing body may amend the budget at that time. The original budget was amended for the General Fund, Educational Sales Tax Fund, Special Use Sales Tax Fund, Airport Fund, and Bond and Interest Fund during the year ended December 31, 2022.

The statutes permit transferring budgeted amounts between line items within an individual fund. However, such statutes prohibit expenditures in excess of the total amount of the adopted budget of expenditures of individual funds. Budget comparison schedules are presented for each fund showing actual receipts and expenditures compared to legally budgeted receipts and expenditures.

All legal annual operating budgets are prepared using the regulatory basis of accounting, in which regulatory receipts are recognized when cash is received and expenditures include disbursements, accounts payable, and encumbrances, with disbursements being adjusted for the prior year's accounts payable and encumbrances. Encumbrances are commitments by the City for future payments and are supported by a document evidencing the commitment, such as a purchase order or contract. Any unused budgeted expenditure authority lapses at year end.

CITY OF INDEPENDENCE, KANSAS
Notes to the Financial Statements
For the Year Ended December 31, 2022

NOTE 1 - Summary of Significant Accounting Policies (Continued)

Budgetary Information (Continued)

A legal operating budget is not required for capital project funds and the following special purpose and business funds:

- | | |
|----------------------------------|---------------------------|
| • Special Park Fund | • Incubator Building Fund |
| • Crime Prevention Fund | • Logan Foundation Fund |
| • Law Enforcement Trust Fund | • City Grants Fund |
| • Downtown Tree Replacement Fund | • Opioid Abatement Fund |
| • Demolition Fund | • Employee Wellness Fund |
| • Memorial Hall Fund | • Land Bank Fund |
| • E-911 (Old) Fund | • Fire/EMS Grant Fund |
| • E-911 (New) Fund | • Walmart Grant Fund |
| • K9 Fund | • Federal Grants Fund |

Spending in funds which are not subject to the legal annual operating budget requirement is controlled by federal regulations, other statutes, or by the use of internal spending limits established by the city commission.

NOTE 2 - Deposits and Investments

Deposits. K.S.A. 9-1401 establishes the depositories which may be used by the City. The statute requires banks eligible to hold the City's funds have a main or branch bank in the county in which the City is located, or in an adjoining county if such institution has been designated as an official depository, and the banks provide an acceptable rate of return on funds. In addition, K.S.A. 9-1402 requires the banks to pledge securities for deposits in excess of FDIC coverage. The City has no other policies that would further limit interest rate risk.

Investments. K.S.A. 12-1675 limits the City's investment of idle funds to time deposits, open accounts, and certificates of deposit with allowable financial institutions; U.S. government securities; temporary notes; no-fund warrants; repurchase agreements; and the Kansas Municipal Investment Pool. The City has no investment policy that would further limit its investment choices. As of December 31, 2022, the City held no such investments.

Concentration of credit risk. State statutes place no limit on the amount the City may invest in any one issuer as long as the investments are adequately secured under K.S.A. 9-1402 and 9-1405.

Custodial credit risk - deposits. Custodial credit risk is the risk that in the event of a bank failure, the City's deposits may not be returned to it. State statutes require the City's deposits in financial institutions to be entirely covered by federal depository insurance or by collateral held under a joint custody receipt issued by a bank within the State of Kansas, the Federal Reserve Bank of Kansas City, or the Federal Home Loan Bank of Topeka, except during designated "peak periods" when required coverage is 50%. The City has no designated "peak periods." The City's deposits were fully secured as of December 31, 2022.

As of December 31, 2022, the City's carrying amount of deposits was \$30,165,534 and the bank balance was \$30,981,641. The bank balance was held by two banks resulting in a concentration of credit risk. Of the bank balance, \$3,777,531 was covered by federal depository insurance and \$27,204,110 was collateralized with securities held by the pledging financial institutions' agents in the City's name.

Custodial credit risk - investments. For an investment, this is the risk that, in the event of the failure of the issuer or counterparty, the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. State statutes require investments to be adequately secured.

CITY OF INDEPENDENCE, KANSAS
Notes to the Financial Statements
For the Year Ended December 31, 2022

NOTE 3 - Compensated Absences

All regular full-time and regular part-time employees of the City shall earn vacation leave. Vacation leave shall be earned beginning with the date of employment. Vacation may not be used during the first twelve month of employment. Vacation is earned at varying rates based on years of service and may be accumulated up to 160 hours for fulltime employees and 10 shifts for full-time Fire and EMS. In the event of termination, unused accrued vacation time is paid. Employees terminated prior to completing one full year of employment shall not be paid for accrued vacation leave.

Sick leave accrues to all full-time employees at the rate of eight hours per month and is limited to 1,440 hours. Sick leave may be accumulated and carried over to the next year, but is lost if employment is terminated.

The City has not estimated a liability for compensated absences which has been earned, but not taken by City employees, as the amount cannot be reasonably estimated.

NOTE 4 - Defined Benefit Pension Plan

Plan Description. The City participates in the Kansas Public Employees Retirement System (KPERS), a cost-sharing, multiple-employer defined benefit pension plan as provided by K.S.A. 74-4901, et. seq. Kansas law establishes and amends benefit provisions. KPERS issues a publicly available financial report that includes financial statements and required supplementary information. KPERS' financial statements are included in its Comprehensive Annual Financial Report which can be found on the KPERS website at www.kpers.org by writing to KPERS (611 South Kansas, Suite 100, Topeka, KS 66603) or by calling 1-888-275-5737.

Contributions. K.S.A. 74-4919 and K.S.A. 74-49,210 establish the KPERS member-employee contribution rates. KPERS has multiple benefit structures and contribution rates depending on whether the employee is a KPERS 1, KPERS 2 or KPERS 3 member. KPERS 1 members are active and contributing members hired before July 1, 2009. KPERS 2 members were first employed in a covered position on or after July 1, 2009, and KPERS 3 members were first employed in a covered position on or after January 1, 2015. Effective January 1, 2015, Kansas law established the KPERS member-employee contribution rate at 6% of covered salary for KPERS 1, KPERS 2 and KPERS 3 members. Member contributions are withheld by their employer and paid to KPERS according to the provisions of Section 414(h) of the Internal Revenue Code.

State law provides that the employer contribution rates for KPERS 1, KPERS 2 and KPERS 3 be determined based on the results of each annual actuarial valuation. Kansas law sets a limitation on annual increases in the employer contribution rates. The actuarially determined employer contribution rate (not including the 1% contribution rate for the Death and Disability Program) and the statutory contribution rate was 8.90% for the fiscal year ended December 31, 2022. Contributions to the pension plan from the City were \$479,268 for the year ended December 31, 2022.

Net Pension Liability. As of December 31, 2022, the City's proportionate share of the collective net pension liability reported by KPERS was \$5,362,829. The net pension liability was measured as of June 30, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of December 31, 2021, which was rolled forward to June 30, 2022. The City's proportion of the net pension liability was based on the ratio of the City's contributions to KPERS, relative to the total employer and non-employer contributions of the Local subgroup of KPERS. Since the KMAAG regulatory basis of accounting does not recognize long-term debt, this liability is not reported in these financial statements.

The complete actuarial valuation report, including all actuarial assumptions and methods, and the report on the allocation of the KPERS collective net pension liability to all participating employers are publicly available on the KPERS website at www.kpers.org or can be obtained as described above.

CITY OF INDEPENDENCE, KANSAS
Notes to the Financial Statements
For the Year Ended December 31, 2022

NOTE 5 - Other Long-Term Obligations from Operations

Other Post-Employment Benefits. As provided by K.S.A. 12-5040, the City allows retirees to participate in the group health insurance plan. While each retiree pays the full amount of the applicable premium, conceptually, the City is subsidizing the retirees because each participant is charged a level of premium regardless of age. However, the cost of this subsidy has not been quantified in this financial statement.

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), the City makes health care benefits available to eligible former employees and eligible dependents. Certain requirements are outlined by the federal government for this coverage. The premium is paid in full by the insured. There is no cost to the City under this program.

Death and Disability Other Post-Employment Benefits. As provided by K.S.A. 74-4927, disabled members in the Kansas Public Employees Retirement System (KPERS) receive long-term disability benefits and life insurance benefits. The plan is administered through a trust held by KPERS that is funded to pay annual benefit payments. The employer contribution rate is set at 1% for the year ended December 31, 2022.

NOTE 6 - Interfund Transfers

Operating transfers were as follows during the year ended December 31, 2022:

From	To	Amount	Statutory Authority
General	Demolition	\$ 50,000	K.S.A. 12-1,118
General	General Capital Reserve	238,311	K.S.A. 12-1,118
General	Economic Dev. and Transportation	797,941	K.S.A. 12-1,118
Economic Dev. and Transportation	City Grants	147,974	K.S.A. 79-2934
Economic Dev. and Transportation	Streets Capital Reserve	200,000	K.S.A. 12-1,118
Federal Grants	General	1,297,941	Grant agreement
Educational Sales Tax	Bond and Interest	245,000	K.S.A. 12,197
Special Use Sales Tax	General	626,808	K.S.A. 12,197
Special Use Sales Tax	Bond and Interest	1,125,728	K.S.A. 12,197
Special Use Sales Tax	Airport Capital Reserve	50,000	K.S.A. 12-1,118
Special Use Sales Tax	Curb Ramp Project	585,627	K.S.A. 12-1,118
Special Use Sales Tax	City Grants	50,000	K.S.A. 12-1,118
Special Use Sales Tax	Streets Capital Reserve	217,631	K.S.A. 12-1,118
Bond and Interest	City Projects	10,500,000	Bond agreement
Bond and Interest	Streets Capital Reserve	3,500,000	Bond agreement
Water/Sewer Capital Reserve	Streets Capital Reserve	755,119	K.S.A. 12-1,118
Water and Sewer Utility	General	928,789	K.S.A. 12-1,825d
Water and Sewer Utility	City Grants	50,000	K.S.A. 12-1,825d
Water and Sewer Utility	Bond and Interest	77,213	K.S.A. 12-1,825d
Water and Sewer Utility	Water/Sewer Capital Reserve	1,000,000	K.S.A. 12-1,825d
Sanitation Utility	General	154,440	K.S.A. 12-1,825d
		<u>\$ 22,598,522</u>	

NOTE 7 - Long-Term Debt

The following table summarizes changes in the City's long-term debt for the year ended December 31, 2022:

CITY OF INDEPENDENCE, KANSAS
Notes to the Financial Statements
For the Year Ended December 31, 2022

NOTE 7 - Long-Term Debt (Continued)

<u>Type of Issue</u>	<u>Beginning Principal Outstanding</u>	<u>Additions to Principal</u>	<u>Reductions of Principal</u>	<u>Ending Principal Outstanding</u>	<u>Interest Paid</u>
General Obligation Bonds	\$ 4,400,000	\$ 13,925,000	\$ 1,210,000	\$ 17,115,000	\$ 258,102
State Revolving Loans	3,467,889	-	144,523	3,323,366	83,461
Finance Leases	589,573	199,838	120,623	668,788	18,179
Total	<u>\$ 8,457,462</u>	<u>\$ 14,124,838</u>	<u>\$ 1,475,146</u>	<u>\$ 21,107,154</u>	<u>\$ 359,742</u>

General Obligation Bonds. The following table details the City's outstanding general obligation debt as of December 31, 2022:

<u>General Obligation Bonds</u>	<u>Interest Rate</u>	<u>Amount Outstanding</u>	<u>Original Amount</u>	<u>Date of Issue</u>	<u>Final Maturity</u>
Series 2013-A	2.60 - 2.70%	\$ 325,000	\$ 2,940,000	9/19/2013	10/1/2023
Series 2015-A	2.00 - 3.00%	1,110,000	1,960,000	7/22/2015	10/1/2030
Series 2016-A	2.00 - 3.00%	930,000	1,875,000	7/12/2016	10/1/2026
Series 2019-A	3.00%	1,110,000	1,430,000	10/2/2019	10/1/2026
Series 2022-A	3.00 - 5.00%	13,640,000	13,925,000	6/30/2022	10/1/2042
Total		<u>\$ 17,115,000</u>			

Annual debt service requirements to maturity for the general obligation bonds are as follows:

<u>Year Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$ 1,290,000	\$ 620,256	\$ 1,910,256
2024	1,105,000	578,256	1,683,256
2025	1,140,000	536,356	1,676,356
2026	1,200,000	492,256	1,692,256
2027	690,000	445,756	1,135,756
2028 - 2032	3,590,000	1,754,181	5,344,181
2033 - 2037	3,720,000	1,161,806	4,881,806
2038 - 2042	<u>4,380,000</u>	<u>494,463</u>	<u>4,874,463</u>
Total	<u>\$ 17,115,000</u>	<u>\$ 6,083,330</u>	<u>\$ 23,198,330</u>

On June 30, 2022, the City issued General Obligation Bonds, Series 2022-A, in the amount of \$13,925,000. Proceeds of the bonds will be used to provide permanent financing for the construction of certain street, building and security infrastructure projects throughout the City. The bonds carry an interest rate ranging from 3.00% - 5.00% and are scheduled to mature on October 1, 2042.

Revolving Loans. The following table details the City's outstanding revolving loan debt as of December 31, 2022:

<u>Purpose</u>	<u>Interest Rate</u>	<u>Amount Outstanding</u>	<u>Original Amount</u>	<u>Date of Issue</u>	<u>Final Maturity</u>
Kansas Water Pollution Control Revolving Fund No. 1915-01	2.50%	\$ 1,947,773	\$ 3,764,485	10/24/2011	3/1/2034
Kansas Public Water Supply Loan Fund No. 2933	2.33%	<u>1,375,593</u>	1,375,593	8/15/2018	8/1/2041
		<u>\$ 3,323,366</u>			

CITY OF INDEPENDENCE, KANSAS
Notes to the Financial Statements
For the Year Ended December 31, 2022

NOTE 7 - Long-Term Debt (Continued)

Annual debt service requirements to maturity for Kansas Water Pollution Control Revolving Fund No. 1915-01 are as follows:

Year Ending December 31,	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$ 148,159	\$ 47,774	\$ 195,933
2024	151,886	44,047	195,933
2025	155,707	40,226	195,933
2026	159,624	36,309	195,933
2027	163,639	32,294	195,933
2028 - 2032	882,056	97,609	979,665
2033 - 2034	286,702	7,197	293,899
Total	<u>\$ 1,947,773</u>	<u>\$ 305,456</u>	<u>\$ 2,253,229</u>

Annual debt service requirements to maturity were not available for Kansas Public Water Supply Loan Fund No. 2933 as the loan was not finalized as of December 31, 2022.

Finance Leases. The following table details the City's outstanding finance lease obligations as of December 31, 2022:

<u>Finance Leases</u>	<u>Interest Rate</u>	<u>Amount Outstanding</u>	<u>Original Amount</u>	<u>Date of Issue</u>	<u>Final Maturity</u>
Aerial Fire Truck	3.44%	\$ 358,889	\$ 597,896	4/1/2019	4/1/2026
John Deere Tractor and Bushhog	2.45%	46,518	90,288	4/1/2020	4/1/2025
Streetsweeper	1.78%	63,543	149,994	2/11/2021	3/1/2025
Sanitation Truck	1.96%	199,838	199,838	10/19/2022	10/19/2027
Total		<u>\$ 668,788</u>			

Annual debt service requirements to maturity for the finance lease obligations are as follows:

Year Ending December 31,	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$ 162,699	\$ 18,451	\$ 181,150
2024	167,208	13,942	181,150
2025	162,283	9,291	171,574
2026	135,065	4,861	139,926
2027	41,533	814	42,347
Total	<u>\$ 668,788</u>	<u>\$ 47,359</u>	<u>\$ 716,147</u>

On October 19, 2022, the City entered into a finance lease purchase agreement with a local financial institution in the amount of \$199,838. Proceeds from the agreement were used to acquire a sanitation truck. The agreement carries an interest rate of 1.96%, requires annual payments of \$42,348, and is scheduled for final maturity on October 17, 2027.

Legal Debt Margin. The City is subject to the municipal finance law of the State of Kansas which limits the net bonded debt the City may have outstanding up to 30 percent of the assessed value of all tangible personal property within the City, as certified to the County Clerk on the proceeding August 25. As of December 31, 2022, the statutory limit for the City was \$14,298,640, providing a debt margin of \$12,566,530.

CITY OF INDEPENDENCE, KANSAS
Notes to the Financial Statements
For the Year Ended December 31, 2022

NOTE 8 - Contingencies

The City receives significant financial assistance from numerous federal and state governmental agencies in the form of grants and state pass-through aid. The disbursement of funds received under these programs generally requires compliance with the terms and conditions specified in the grant agreements and is subject to audit. Any disallowed claims resulting from such audits could become a liability of the General Fund or other applicable funds. However, in the opinion of management, any such disallowed claims would not have a material effect on any of the financial statements of the City as of December 31, 2022.

The City is a party to various claims, none of which is expected to have material financial impact on the City.

NOTE 9 - Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, or destruction of assets; errors and omissions; injuries to employees; employees health and life; and natural disasters. The City manages these risks of loss through the purchase of various insurance policies.

The City has been unable to obtain workers' compensation insurance at a cost it considers to be economically justifiable. For this reason, the City has joined together with other cities in the State to participate in Kansas Municipal Insurance Trust (KMIT), a public entity risk pool currently operating as a common risk management and insurance program for participating members. The City pays annual premium to KMIT for its workers' compensation insurance coverage. The agreement to participate provides that KMIT will be self-sustaining through member premiums and will reinsure through commercial companies for claims in excess of a stated dollar amount for each insurance event. Additional premiums may be due if total claims for the pool are different than what has been anticipated by KMIT management.

NOTE 10 - Incentive Grant Agreement

During the year ended December 31, 2021, the City entered into an incentive grant agreement with Labette County Medical Center. This agreement calls for the City to pay Labette County Medical Center \$1,000,000 payable in ten equal annual payments of \$100,000 beginning March 1, 2023. The incentive grant agreement calls for Labette County Medical Center to hire and maintain an increasing number of full-time employees and physicians who live in the City and serve its residents. The City intends to pay the grant from the Economic Development and Transportation Fund.

This page intentionally left blank

CITY OF INDEPENDENCE, KANSAS
Summary of Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022

<u>Funds</u>	<u>Certified Budget</u>	<u>Adjustment for Qualifying Budget Credits</u>	<u>Total Budget for Comparison</u>	<u>Expenditures Chargeable to Current Year</u>	<u>Variance Over [Under]</u>
General Funds:					
General	\$ 9,306,894	\$ -	\$ 9,306,894	\$ 9,045,546	\$ [261,348]
Special Purpose Funds:					
General Fund Employee Benefits	891,992	-	891,992	891,689	[303]
Library	227,149	-	227,149	217,946	[9,203]
Special Alcohol	30,000	-	30,000	30,000	-
Special Parks and Recreation	39,000	-	39,000	22,000	[17,000]
Industrial	27,500	-	27,500	27,500	-
Liability Insurance	88,500	-	88,500	78,985	[9,515]
Economic Development and Transportation	425,000	-	425,000	399,999	[25,001]
Tourism	150,000	-	150,000	-	[150,000]
Educational Sales Tax	2,763,188	-	2,763,188	2,718,788	[44,400]
Quality of Life Sales Tax	60,144	-	60,144	60,144	-
Special Use Sales Tax	3,694,958	-	3,694,958	3,205,702	[489,256]
Bond and Interest Funds:					
Bond and Interest	15,560,902	367,325	15,928,227	15,825,645	[102,582]
Business Fund:					
Airport	1,106,251	-	1,106,251	1,067,163	[39,088]
Water/Sewer Utility	5,714,570	-	5,714,570	5,635,425	[79,145]
Sanitation Utility	1,471,957	199,838	1,671,795	1,558,200	[113,595]

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
General Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over <u>Under</u>
	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>	<u>Under</u>
Receipts				
Taxes and Shared Receipts				
Ad Valorem Property Tax	\$ 1,510,926	\$ 1,551,374	\$ 1,664,845	\$ [113,471]
Delinquent Tax	124,113	69,646	90,000	[20,354]
Motor Vehicle Tax	213,319	206,112	256,278	[50,166]
Recreational Vehicle Tax	1,910	877	-	877
16/20 M Vehicle Tax	1,068	1,934	-	1,934
Vehicle Rental Excise Tax	2,602	6,741	-	6,741
Commercial Vehicle Tax	5,866	6,756	-	6,756
Watercraft Tax	1,224	1,297	-	1,297
Neighborhood Revitalization	[48,290]	[16,902]	-	[16,902]
Mineral Tax	55	39	-	39
In Lieu of Tax	1,359	1,380	-	1,380
Nuisance Tax	4,150	3,250	5,000	[1,750]
Special Assessments	3,247	16,500	20,000	[3,500]
Franchise Tax	440,040	489,131	443,000	46,131
Sales Tax	2,243,303	2,507,233	2,050,000	457,233
Intergovernmental				
Local Alcohol Liquor Tax	38,126	40,961	35,000	5,961
Special Highway Tax	245,702	228,372	280,000	[51,628]
Highway Connecting Links	93,236	93,300	60,000	33,300
County Highway Aid	34,313	40,536	-	40,536
Grants	256,775	137,892	182,000	[44,108]
Licenses and Permits	113,651	62,732	66,500	[3,768]
Fines, Forfeitures and Penalties	93,424	99,153	98,500	653
Charges for Services				
Ambulance Fees	919,624	794,197	762,000	32,197
Fire Fees	35	10,744	6,000	4,744
Cemetery Fees	74,060	66,880	55,500	11,380
Park Fees	55,822	48,088	45,250	2,838
Charge Offs and Recoveries	53,421	[40,159]	50,000	[90,159]
Use of Money and Property				
Interest Income	23,356	130,711	20,000	110,711
Rents	49,106	49,212	43,338	5,874
Sale of Assets	8,300	-	-	-
Memorial Hall Fees	28,208	31,599	25,000	6,599
Other Receipts				
Reimbursed Expense	32,966	15,500	1,297,941	[1,282,441]
Insurance Proceeds	-	-	30,000	[30,000]
Miscellaneous	11,130	89,306	1,094,729	[1,005,423]
Operating Transfers In	1,460,826	3,007,978	512,500	2,495,478
Total Receipts	<u>8,096,973</u>	<u>9,752,370</u>	<u>\$ 9,193,381</u>	<u>\$ 558,989</u>

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
General Fund - Continued
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance- Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Expenditures				
Administration				
Personal Services	\$ 302,515	\$ 351,507	\$ 354,845	\$ [3,338]
Contractual Services	115,463	119,026	83,270	35,756
Commodities	3,345	6,815	9,000	[2,185]
Capital Outlay	-	1,713	-	1,713
	<u>421,323</u>	<u>479,061</u>	<u>447,115</u>	<u>31,946</u>
Municipal Court Department				
Personal Services	46,972	52,473	42,645	9,828
Contractual Services	67,413	81,821	71,250	10,571
Commodities	404	122	1,500	[1,378]
	<u>114,789</u>	<u>134,416</u>	<u>115,395</u>	<u>19,021</u>
City Hall Department				
Contractual Services	1,606	4,546	4,000	546
Commodities	-	32	-	32
	<u>1,606</u>	<u>4,578</u>	<u>4,000</u>	<u>578</u>
General Government				
Personal Services	37,726	14,596	5,000	9,596
Contractual Services	656,059	625,613	693,450	[67,837]
Commodities	10,357	9,822	-	9,822
Capital Outlay	15,242	19,616	-	19,616
	<u>719,384</u>	<u>669,647</u>	<u>698,450</u>	<u>[28,803]</u>
Finance and Records Department				
Personal Services	291,444	297,598	310,047	[12,449]
Contractual Services	37,764	36,836	58,500	[21,664]
Commodities	6,584	5,689	12,000	[6,311]
	<u>335,792</u>	<u>340,123</u>	<u>380,547</u>	<u>[40,424]</u>
Fire Department				
Personal Services	1,336,794	1,304,802	1,396,732	[91,930]
Contractual Services	135,127	154,077	156,000	[1,923]
Commodities	164,972	169,511	176,000	[6,489]
Capital Outlay	245	-	-	-
	<u>1,637,138</u>	<u>1,628,390</u>	<u>1,728,732</u>	<u>[100,342]</u>
EMS Department				
Contractual Services	1,170	1,158	1,250	[92]

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
General Fund - Continued
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance- Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Expenditures - Continued				
Police Department				
Personal Services	\$ 1,396,551	\$ 1,481,983	\$ 1,541,182	\$ [59,199]
Contractual Services	96,164	115,474	95,000	20,474
Commodities	58,070	70,247	61,000	9,247
Capital Outlay	43,849	12,100	-	12,100
	<u>1,594,634</u>	<u>1,679,804</u>	<u>1,697,182</u>	<u>[17,378]</u>
Animal Control Department				
Personal Services	53,217	56,611	55,985	626
Contractual Services	9,613	13,480	5,250	8,230
Commodities	1,327	6,559	1,500	5,059
	<u>64,157</u>	<u>76,650</u>	<u>62,735</u>	<u>13,915</u>
Emergency Preparedness				
Contractual Services	8,780	5,274	16,000	[10,726]
Commodities	6,910	6,946	-	6,946
	<u>15,690</u>	<u>12,220</u>	<u>16,000</u>	<u>[3,780]</u>
Building Inspection Department				
Personal Services	71,489	47,239	80,027	[32,788]
Contractual Services	24,373	28,053	16,000	12,053
	<u>95,862</u>	<u>75,292</u>	<u>96,027</u>	<u>[20,735]</u>
Street Department				
Personal Services	280,182	304,336	324,739	[20,403]
Contractual Services	74,776	226,290	106,500	119,790
Commodities	213,308	269,593	183,000	86,593
Capital Outlay	46,000	-	16,200	[16,200]
	<u>614,266</u>	<u>800,219</u>	<u>630,439</u>	<u>169,780</u>
Street Lighting Department				
Contractual Services	145,024	177,430	165,000	12,430
Park Department				
Personal Services	233,959	276,597	258,274	18,323
Contractual Services	83,270	119,758	98,500	21,258
Commodities	24,516	26,279	27,750	[1,471]
Capital Outlay	225	1,288	-	1,288
	<u>341,970</u>	<u>423,922</u>	<u>384,524</u>	<u>39,398</u>
Zoo Department				
Personal Services	201,217	246,956	250,112	[3,156]
Contractual Services	44,077	46,222	34,750	11,472
Commodities	79,299	84,508	78,500	6,008
	<u>324,593</u>	<u>377,686</u>	<u>363,362</u>	<u>14,324</u>

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
General Fund - Continued
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance- Over [Under]
		<u>Actual</u>	<u>Budget</u>	<u>[Under]</u>
Expenditures - Continued				
Cemetery Department				
Personal Services	\$ 154,744	\$ 166,330	\$ 200,334	\$ [34,004]
Contractual Services	15,956	10,163	8,750	1,413
Commodities	15,795	14,702	12,000	2,702
Capital Outlay	9,319	7,000	8,000	[1,000]
Finance Lease Payment	5,056	-	-	-
	<u>200,870</u>	<u>198,195</u>	<u>229,084</u>	<u>[30,889]</u>
Memorial Hall Department				
Personal Services	109,596	109,702	110,392	[690]
Contractual Services	129,978	205,497	154,700	50,797
Commodities	8,652	14,800	11,000	3,800
Capital Outlay	21,137	5,498	-	5,498
	<u>269,363</u>	<u>335,497</u>	<u>276,092</u>	<u>59,405</u>
Building D Department				
Personal Services	48,278	49,435	54,208	[4,773]
Contractual Services	353,696	454,093	346,500	107,593
Commodities	17,152	8,273	8,000	273
Capital Outlay	-	10,406	-	10,406
	<u>419,126</u>	<u>522,207</u>	<u>408,708</u>	<u>113,499</u>
Special Improvements				
Capital Outlay	3,891	22,799	16,000	6,799
	<u>3,891</u>	<u>22,799</u>	<u>16,000</u>	<u>6,799</u>
Operating Transfers Out	<u>329,252</u>	<u>1,086,252</u>	<u>1,586,252</u>	<u>[500,000]</u>
Total Expenditures	<u>7,649,900</u>	<u>9,045,546</u>	<u>\$ 9,306,894</u>	<u>\$ [261,348]</u>
Receipts Over [Under] Expenditures	447,073	706,824		
Unencumbered Cash, Beginning	573,712	1,020,785		
Prior Year Cancelled Encumbrance	<u>-</u>	<u>258</u>		
Unencumbered Cash, Ending	<u>\$ 1,020,785</u>	<u>\$ 1,727,867</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
General Fund Employee Benefits Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Receipts				
Taxes and Shared Receipts				
Ad Valorem Property Tax	\$ 603,016	\$ 600,453	\$ 644,409	\$ [43,956]
Delinquent Tax	56,049	29,668	30,000	[332]
Motor Vehicle Tax	96,222	85,666	99,542	[13,876]
Recreational Vehicle Tax	879	420	-	420
16/20 M Vehicle Tax	371	795	-	795
Vehicle Rental Excise Tax	1,234	2,916	-	2,916
Commercial Vehicle Tax	2,798	2,704	-	2,704
Watercraft Tax	578	519	-	519
Neighborhood Revitalization	-	[6,542]	-	[6,542]
Mineral Tax	22	15	-	15
In Lieu of Tax	543	534	-	534
Use of Money and Property				
Interest Income	1,342	2,185	1,000	1,185
Other Receipts				
Reimbursed Expense	13,687	449	-	449
Miscellaneous	642	-	-	-
Total Receipts	<u>777,383</u>	<u>719,782</u>	<u>\$ 774,951</u>	<u>\$ [55,169]</u>
Expenditures				
General Government				
Personal Services	654,247	749,738	\$ 725,080	\$ 24,658
Contractual Services	158,964	141,951	166,912	[24,961]
Total Expenditures	<u>813,211</u>	<u>891,689</u>	<u>\$ 891,992</u>	<u>\$ [303]</u>
Receipts Over [Under] Expenditures	<u>[35,828]</u>	<u>[171,907]</u>		
Unencumbered Cash, Beginning	307,622	240,795		
Prior Period Adjustment	<u>[30,999]</u>	<u>-</u>		
Unencumbered Cash, Beginning, Restated	<u>276,623</u>	<u>240,795</u>		
Unencumbered Cash, Ending	<u>\$ 240,795</u>	<u>\$ 68,888</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Library Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Receipts				
Taxes and Shared Receipts				
Ad Valorem Property Tax	\$ 213,416	\$ 177,629	\$ 190,649	\$ [13,020]
Delinquent Tax	18,659	10,101	8,000	2,101
Motor Vehicle Tax	31,284	29,462	35,210	[5,748]
Recreational Vehicle Tax	282	137	-	137
16/20 M Vehicle Tax	147	276	-	276
Vehicle Rental Excise Tax	387	975	-	975
Commercial Vehicle Tax	874	956	-	956
Watercraft Tax	182	184	-	184
Neighborhood Revitalization	-	[1,936]	-	[1,936]
Mineral Tax	8	4	-	4
In Lieu of Tax	192	158	-	158
Total Receipts	<u>265,431</u>	<u>217,946</u>	<u>\$ 233,859</u>	<u>\$ [15,913]</u>
Expenditures				
Culture and Recreation				
Appropriation to Library Board	<u>265,431</u>	<u>217,946</u>	<u>\$ 227,149</u>	<u>\$ [9,203]</u>
Total Expenditures	<u>265,431</u>	<u>217,946</u>	<u>\$ 227,149</u>	<u>\$ [9,203]</u>
Receipts Over [Under] Expenditures	-	-		
Unencumbered Cash, Beginning	<u>-</u>	<u>-</u>		
Unencumbered Cash, Ending	<u>\$ -</u>	<u>\$ -</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Special Alcohol Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Receipts				
Intergovernmental				
Local Alcohol Liquor Tax	\$ 38,126	\$ 40,961	\$ 35,000	\$ 5,961
Total Receipts	<u>38,126</u>	<u>40,961</u>	<u>\$ 35,000</u>	<u>\$ 5,961</u>
Expenditures				
Culture and Recreation				
Contractual Services	<u>30,000</u>	<u>30,000</u>	\$ 30,000	\$ -
Total Expenditures	<u>30,000</u>	<u>30,000</u>	<u>\$ 30,000</u>	<u>\$ -</u>
Receipts Over [Under] Expenditures	8,126	10,961		
Unencumbered Cash, Beginning	<u>47,138</u>	<u>55,264</u>		
Unencumbered Cash, Ending	<u>\$ 55,264</u>	<u>\$ 66,225</u>		

CITY OF INDEPENDENCE, KANSAS
Special Parks and Recreation Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	<u>[Under]</u>
Receipts				
Intergovernmental				
Local Alcohol Liquor Tax	\$ 38,126	\$ 40,962	\$ 35,000	\$ 5,962
Other Receipts				
Miscellaneous	10,302	-	4,000	[4,000]
Total Receipts	<u>48,428</u>	<u>40,962</u>	<u>\$ 39,000</u>	<u>\$ 1,962</u>
Expenditures				
Culture and Recreation				
Contractual Services	26,000	22,000	\$ 39,000	\$ [17,000]
Total Expenditures	<u>26,000</u>	<u>22,000</u>	<u>\$ 39,000</u>	<u>\$ [17,000]</u>
Receipts Over [Under] Expenditures	22,428	18,962		
Unencumbered Cash, Beginning	<u>43,761</u>	<u>66,189</u>		
Unencumbered Cash, Ending	<u>\$ 66,189</u>	<u>\$ 85,151</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Industrial Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Receipts				
Taxes and Shared Receipts				
Ad Valorem Property Tax	\$ 21,313	\$ 24,444	\$ 26,223	\$ [1,779]
Delinquent Tax	830	708	500	208
Motor Vehicle Tax	1,381	2,588	3,497	[909]
Recreational Vehicle Tax	13	6	-	6
16/20 M Vehicle Tax	6	25	-	25
Vehicle Rental Excise Tax	17	74	-	74
Commercial Vehicle Tax	39	95	-	95
Watercraft Tax	8	18	-	18
Neighborhood Revitalization	-	[266]	-	[266]
Mineral Tax	1	1	-	1
In Lieu of Tax	19	22	-	22
Use of Money and Property				
Interest Income	9	32	-	32
Total Receipts	<u>23,636</u>	<u>27,747</u>	<u>\$ 30,220</u>	<u>\$ [2,473]</u>
Expenditures				
General Government				
Capital Outlay	<u>27,500</u>	<u>27,500</u>	<u>\$ 27,500</u>	<u>\$ -</u>
Total Expenditures	<u>27,500</u>	<u>27,500</u>	<u>\$ 27,500</u>	<u>\$ -</u>
Receipts Over [Under] Expenditures	[3,864]	247		
Unencumbered Cash, Beginning	<u>4,376</u>	<u>512</u>		
Unencumbered Cash, Ending	<u>\$ 512</u>	<u>\$ 759</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
 Liability Insurance Fund
 Schedule of Receipts and Expenditures - Actual and Budget
 Regulatory Basis
 For the Year Ended December 31, 2022
 (With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Receipts				
Taxes and Shared Receipts				
Ad Valorem Property Tax	\$ 72,910	\$ 68,822	\$ 73,856	\$ [5,034]
Delinquent Tax	6,904	3,667	3,700	[33]
Motor Vehicle Tax	11,179	10,074	12,043	[1,969]
Recreational Vehicle Tax	99	45	-	45
16/20 M Vehicle Tax	62	94	-	94
Vehicle Rental Excise Tax	133	333	-	333
Commercial Vehicle Tax	300	327	-	327
Watercraft Tax	63	63	-	63
Neighborhood Revitalization	-	[750]	-	[750]
Mineral Tax	3	2	-	2
In Lieu of Tax	66	61	-	61
Use of Money and Property				
Interest Income	281	1,575	-	1,575
Other Receipts				
Reimbursed Expense	<u>52,753</u>	<u>52,070</u>	<u>-</u>	<u>52,070</u>
Total Receipts	<u>144,753</u>	<u>136,383</u>	<u>\$ 89,599</u>	<u>\$ 46,784</u>
Expenditures				
General Government				
Contractual Services	<u>67,432</u>	<u>78,985</u>	<u>\$ 88,500</u>	<u>\$ [9,515]</u>
Total Expenditures	<u>67,432</u>	<u>78,985</u>	<u>\$ 88,500</u>	<u>\$ [9,515]</u>
Receipts Over [Under] Expenditures	77,321	57,398		
Unencumbered Cash, Beginning	<u>43,136</u>	<u>120,457</u>		
Unencumbered Cash, Ending	<u>\$ 120,457</u>	<u>\$ 177,855</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Economic Development and Transportation Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Receipts				
Taxes and Shared Receipts				
Franchise Tax	\$ 286,755	\$ 322,127	\$ 288,000	\$ 34,127
Use of Money and Property				
Interest Income	2,142	5,320	2,000	3,320
Other Receipts				
Reimbursed Expense	193,307	-	-	-
Operating Transfers In	-	797,941	-	797,941
Total Receipts	<u>482,204</u>	<u>1,125,388</u>	<u>\$ 290,000</u>	<u>\$ 835,388</u>
Expenditures				
General Government				
Capital Outlay	101,266	52,025	\$ 425,000	\$ [372,975]
Finance Lease Payments	100,001	-	-	-
Operating Transfers Out	231,768	347,974	-	347,974
Total Expenditures	<u>433,035</u>	<u>399,999</u>	<u>\$ 425,000</u>	<u>\$ [25,001]</u>
Receipts Over [Under] Expenditures	49,169	725,389		
Unencumbered Cash, Beginning	<u>617,033</u>	<u>666,202</u>		
Unencumbered Cash, Ending	<u>\$ 666,202</u>	<u>\$ 1,391,591</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Tourism Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	<u>[Under]</u>
Receipts				
Taxes and Shared Revenue				
Transient Guest Tax	\$ 99,855	\$ -	\$ -	\$ -
Total Receipts	<u>99,855</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures				
General Government				
Capital Outlay	<u>99,855</u>	<u>-</u>	<u>\$ 150,000</u>	<u>\$ [150,000]</u>
Total Expenditures	<u>99,855</u>	<u>-</u>	<u>\$ 150,000</u>	<u>\$ [150,000]</u>
Receipts Over [Under] Expenditures	-	-		
Unencumbered Cash, Beginning	<u>-</u>	<u>-</u>		
Unencumbered Cash, Ending	<u>\$ -</u>	<u>\$ -</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Educational Sales Tax Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	<u>[Under]</u>
Receipts				
Taxes and Shared Revenue				
Sales Tax	\$ 2,243,303	\$ 2,507,232	\$ 2,551,632	\$ [44,400]
Total Receipts	<u>2,243,303</u>	<u>2,507,232</u>	<u>\$ 2,551,632</u>	<u>\$ [44,400]</u>
Expenditures				
Culture and Recreation				
Contractual Services	2,145,521	2,473,788	\$ 2,518,188	\$ [44,400]
Operating Transfers Out	<u>239,100</u>	<u>245,000</u>	<u>245,000</u>	<u>-</u>
Total Expenditures	<u>2,384,621</u>	<u>2,718,788</u>	<u>\$ 2,763,188</u>	<u>\$ [44,400]</u>
Receipts Over [Under] Expenditures	<u>[141,318]</u>	<u>[211,556]</u>		
Unencumbered Cash, Beginning	169,275	211,556		
Prior Period Adjustment	<u>183,599</u>	<u>-</u>		
Unencumbered Cash, Beginning, Restated	<u>352,874</u>	<u>211,556</u>		
Unencumbered Cash, Ending	<u>\$ 211,556</u>	<u>\$ -</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Quality of Life Sales Tax Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Receipts				
Use of Money and Property				
Interest Income	\$ -	\$ -	\$ -	\$ -
Total Receipts	-	-	-	-
Expenditures				
Culture and Recreation				
Capital Outlay	34,879	60,144	\$ 60,144	\$ -
Total Expenditures	34,879	60,144	\$ 60,144	\$ -
Receipts Over [Under] Expenditures	[34,879]	[60,144]		
Unencumbered Cash, Beginning	109,144	74,265		
Unencumbered Cash, Ending	\$ 74,265	\$ 14,121		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Special Use Sales Tax Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	<u>[Under]</u>
Receipts				
Taxes and Shared Revenue				
Sales Tax	\$ 2,243,303	\$ 2,507,232	\$ 2,551,632	\$ [44,400]
Total Receipts	<u>2,243,303</u>	<u>2,507,232</u>	<u>\$ 2,551,632</u>	<u>\$ [44,400]</u>
Expenditures				
General Government				
Capital Outlay	258,791	549,909	\$ 2,331,322	\$ [1,781,413]
Operating Transfers Out	<u>2,152,901</u>	<u>2,655,793</u>	<u>1,363,636</u>	<u>1,292,157</u>
Total Expenditures	<u>2,411,692</u>	<u>3,205,702</u>	<u>\$ 3,694,958</u>	<u>\$ [489,256]</u>
Receipts Over [Under] Expenditures	[168,389]	[698,470]		
Unencumbered Cash, Beginning	1,311,714	1,143,325		
Prior Year Cancelled Encumbrance	<u>-</u>	<u>93,834</u>		
Unencumbered Cash, Ending	<u>\$ 1,143,325</u>	<u>\$ 538,689</u>		

See independent auditor's report on the financial statements.

This page intentionally left blank

CITY OF INDEPENDENCE, KANSAS
Non-Budgeted Special Purpose Funds
Schedule of Receipts and Expenditures - Actual*
Regulatory Basis
For the Year Ended December 31, 2022

	Special Park Fund	Crime Prevention Fund	Law Enforcement Trust Fund	Downtown Tree Replacement Fund	Demolition Fund
Receipts					
Use of Money and Property					
Interest Income	\$ 319	\$ -	\$ 227	\$ 141	\$ -
Rents	-	-	-	-	-
Other Receipts					
Charge Offs and Recoveries	-	-	-	-	[5,000]
Reimbursed Expense	5,977	-	-	-	-
Donations	14,202	-	2,500	-	-
Miscellaneous	299	200	20	-	12,112
Received from Housing Authority	-	-	-	-	-
Operating Transfers In	-	-	-	-	50,000
Total Receipts	<u>20,797</u>	<u>200</u>	<u>2,747</u>	<u>141</u>	<u>57,112</u>
Expenditures					
General Government					
Contractual Services	-	-	-	-	-
Commodities	-	1,016	-	-	-
Capital Outlay	17,228	-	17,950	-	166,630
Total Expenditures	<u>17,228</u>	<u>1,016</u>	<u>17,950</u>	<u>-</u>	<u>166,630</u>
Receipts Over [Under] Expenditures	3,569	[816]	[15,203]	141	[109,518]
Unencumbered Cash, Beginning	<u>27,443</u>	<u>1,405</u>	<u>26,256</u>	<u>15,349</u>	<u>119,282</u>
Unencumbered Cash, Ending	<u>\$ 31,012</u>	<u>\$ 589</u>	<u>\$ 11,053</u>	<u>\$ 15,490</u>	<u>\$ 9,764</u>

* - These funds are not required to be budgeted.

CITY OF INDEPENDENCE, KANSAS
Non-Budgeted Special Purpose Funds-Continued
Schedule of Receipts and Expenditures - Actual*
Regulatory Basis
For the Year Ended December 31, 2022

Memorial Hall Fund	E-911 (Old) Fund	E-911 (New) Fund	K9 Fund	Incubator Building Fund	Logan Fountain Fund	City Grants Fund	Land Bank Fund	Opioid Abatement Fund	Employee Wellness Fund
\$ -	\$ -	\$ 2,175	\$ 264	\$ -	\$ -	\$ -	\$ 491	\$ -	\$ 156
-	-	-	-	46,425	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	1,550	-	-	-	-	-	-
-	-	138,190	-	-	-	-	-	2,070	30,423
-	-	-	-	-	-	247,974	-	-	-
-	-	-	-	-	-	-	-	-	-
<u>-</u>	<u>-</u>	<u>140,365</u>	<u>1,814</u>	<u>46,425</u>	<u>-</u>	<u>247,974</u>	<u>491</u>	<u>2,070</u>	<u>30,579</u>
-	-	-	-	-	-	-	-	-	-
-	-	-	1,291	-	-	-	-	-	-
-	-	-	1,508	-	-	-	-	-	-
<u>55,236</u>	<u>-</u>	<u>98,692</u>	<u>-</u>	<u>-</u>	<u>270</u>	<u>130,738</u>	<u>-</u>	<u>-</u>	<u>3,977</u>
<u>55,236</u>	<u>-</u>	<u>98,692</u>	<u>2,799</u>	<u>-</u>	<u>270</u>	<u>130,738</u>	<u>-</u>	<u>-</u>	<u>3,977</u>
[55,236]	-	41,673	[985]	46,425	[270]	117,236	491	2,070	26,602
<u>74,357</u>	<u>4,697</u>	<u>214,029</u>	<u>29,692</u>	<u>66,280</u>	<u>394</u>	<u>99,294</u>	<u>53,302</u>	<u>-</u>	<u>-</u>
<u>\$ 19,121</u>	<u>\$ 4,697</u>	<u>\$ 255,702</u>	<u>\$ 28,707</u>	<u>\$ 112,705</u>	<u>\$ 124</u>	<u>\$ 216,530</u>	<u>\$ 53,793</u>	<u>\$ 2,070</u>	<u>\$ 26,602</u>

* - These funds are not required to be budgeted.

CITY OF INDEPENDENCE, KANSAS
Grant Funds
Schedule of Receipts and Expenditures - Actual*
Regulatory Basis
For the Year Ended December 31, 2022

	Fire/EMS Grant <u>Fund</u>	Walmart Grant <u>Fund</u>	Federal Grants <u>Fund</u>
Receipts			
Intergovernmental			
Grants	\$ 2,000	\$ -	\$ 658,941
Other Receipts			
Donations	<u>4,000</u>	<u>-</u>	<u>-</u>
Total Receipts	<u>6,000</u>	<u>-</u>	<u>658,941</u>
Expenditures			
General Government			
Capital outlay	2,135	-	4,626
Operating Transfers Out	<u>-</u>	<u>-</u>	<u>1,297,941</u>
Total Expenditures	<u>2,135</u>	<u>-</u>	<u>1,302,567</u>
Receipts Over [Under] Expenditures	3,865	-	[643,626]
Unencumbered Cash, Beginning	<u>7,958</u>	<u>3,046</u>	<u>643,976</u>
Unencumbered Cash, Ending	<u>\$ 11,823</u>	<u>\$ 3,046</u>	<u>\$ 350</u>

* - These funds are not required to be budgeted.

CITY OF INDEPENDENCE, KANSAS
Bond and Interest Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	<u>[Under]</u>
Receipts				
Taxes and Shared Receipts				
Ad Valorem Property Tax	\$ [461]	\$ [20]	\$ 19	\$ [39]
Delinquent Tax	2,416	725	725	-
Special Assessments	8,412	8,411	8,411	-
Bond Proceeds	-	14,367,325	14,102,582	264,743
Operating Transfers In	792,326	1,447,940	1,047,940	400,000
Total Receipts	<u>802,693</u>	<u>15,824,381</u>	<u>\$ 15,159,677</u>	<u>\$ 664,704</u>
Expenditures				
Debt Service				
Principal	910,000	1,210,000	\$ 1,210,000	\$ -
Interest	142,425	258,102	258,102	-
Cost of Issuance	-	357,543	92,800	264,743
Operating Transfers Out	-	14,000,000	14,000,000	-
Adjustment for Qualifying Budget Credits	-	-	367,325	[367,325]
Total Expenditures	<u>1,052,425</u>	<u>15,825,645</u>	<u>\$ 15,928,227</u>	<u>\$ [102,582]</u>
Receipts Over [Under] Expenditures	[249,732]	[1,264]		
Unencumbered Cash, Beginning	<u>895,049</u>	<u>645,317</u>		
Unencumbered Cash, Ending	<u>\$ 645,317</u>	<u>\$ 644,053</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
 Capital Reserve Funds
 Schedule of Receipts and Expenditures - Actual*
 Regulatory Basis
 For the Year Ended December 31, 2022

	General Capital Reserve <u>Fund</u>	Streets Capital Reserve <u>Fund</u>	Airport Capital Reserve <u>Fund</u>	Water/Sewer Capital Reserve <u>Fund</u>
Receipts				
Intergovernmental				
Special Highway Tax	\$ -	\$ 108,613	\$ -	\$ -
Grants	-	-	-	-
Use of Money and Property				
Interest Income	-	-	-	33,743
Other Receipts				
Reimbursed Expense	-	-	335,885	-
Miscellaneous	-	2,117,345	615,495	-
Operating Transfers In	<u>238,311</u>	<u>4,672,749</u>	<u>50,000</u>	<u>1,000,000</u>
Total Receipts	<u>238,311</u>	<u>6,898,707</u>	<u>1,001,380</u>	<u>1,033,743</u>
Expenditures				
General Government				
Capital Outlay	12,225	4,484,694	643,321	19,121
Operating Transfers Out	-	-	-	755,119
Finance Lease Payment	<u>119,505</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Expenditures	<u>131,730</u>	<u>4,484,694</u>	<u>643,321</u>	<u>774,240</u>
Receipts Over [Under] Expenditures	106,581	2,414,013	358,059	259,503
Unencumbered Cash, Beginning	<u>138,821</u>	<u>282,692</u>	<u>[96,204]</u>	<u>3,458,848</u>
Unencumbered Cash, Ending	<u>\$ 245,402</u>	<u>\$ 2,696,705</u>	<u>\$ 261,855</u>	<u>\$ 3,718,351</u>

* - These funds are not required to be budgeted.

This page intentionally left blank

CITY OF INDEPENDENCE, KANSAS
 Capital Project Funds
 Schedule of Receipts and Expenditures - Actual*
 Regulatory Basis
 For the Year Ended December 31, 2022

	Skate Park Fund	Water Treatment Facility Upgrade Fund
Receipts		
Other Receipts		
Donations	\$ -	\$ -
Miscellaneous	-	-
Operating Transfers In	-	-
Total Receipts	<u>-</u>	<u>-</u>
Expenditures		
General Government		
Capital Outlay	-	58,768
Total Expenditures	<u>-</u>	<u>58,768</u>
Receipts Over [Under] Expenditures	-	[58,768]
Unencumbered Cash, Beginning	<u>1,695</u>	<u>[152,856]</u>
Unencumbered Cash, Ending	<u>\$ 1,695</u>	<u>\$ [211,624]</u>

* - These funds are not required to be budgeted.

CITY OF INDEPENDENCE, KANSAS
 Capital Project Funds - Continued
 Schedule of Receipts and Expenditures - Actual*
 Regulatory Basis
 For the Year Ended December 31, 2022

City Projects Fund	Penn/Chestnut - Oak Project Fund	2015-2016 KLINK Project Fund	Curb Ramps Project Fund	WPC Loan C20 2043 Project Fund
\$ 143,458	\$ -	\$ -	\$ -	\$ -
24,750	-	-	-	-
10,500,000	-	-	585,627	-
<u>10,668,208</u>	<u>-</u>	<u>-</u>	<u>585,627</u>	<u>-</u>
4,436,897	-	-	11,107	130,219
<u>4,436,897</u>	<u>-</u>	<u>-</u>	<u>11,107</u>	<u>130,219</u>
6,231,311	-	-	574,520	[130,219]
<u>7,254</u>	<u>34,943</u>	<u>318,879</u>	<u>174,362</u>	<u>[97,942]</u>
<u>\$ 6,238,565</u>	<u>\$ 34,943</u>	<u>\$ 318,879</u>	<u>\$ 748,882</u>	<u>\$ [228,161]</u>

* - These funds are not required to be budgeted.

CITY OF INDEPENDENCE, KANSAS
 Airport Fund
 Schedule of Receipts and Expenditures - Actual and Budget
 Regulatory Basis
 For the Year Ended December 31, 2022
 (With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year	Current Year		Variance Over
	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>	<u>[Under]</u>
Receipts				
Charges for Service				
Fuel Sales	\$ 574,182	\$ 790,998	\$ 700,000	\$ 90,998
Rents	153,352	58,904	121,000	[62,096]
Use of Money and Property				
Interest Income	1,282	1,773	1,200	573
Other Receipts				
Reimbursed Expense	11,495	728	-	728
Miscellaneous	11,970	35,037	4,035	31,002
Total Receipts	<u>752,281</u>	<u>887,440</u>	<u>\$ 826,235</u>	<u>\$ 61,205</u>
Expenditures				
Finance and Records Department				
Personal Services	105,224	103,106	\$ 110,637	\$ [7,531]
Contractual Services	121,666	200,370	168,841	31,529
Commodities	498,524	735,725	657,473	78,252
Capital Outlay	[1,166]	8,665	119,300	[110,635]
Finance Lease Payments	19,297	19,297	-	19,297
Operating Transfers Out	-	-	50,000	[50,000]
Total Expenditures	<u>743,545</u>	<u>1,067,163</u>	<u>\$ 1,106,251</u>	<u>\$ [39,088]</u>
Receipts Over [Under] Expenditures	<u>8,736</u>	<u>[179,723]</u>		
Unencumbered Cash, Beginning	280,932	289,135		
Prior Period Adjustment	<u>[533]</u>	<u>-</u>		
Unencumbered Cash, Beginning, Restated	<u>280,399</u>	<u>289,135</u>		
Unencumbered Cash, Ending	<u>\$ 289,135</u>	<u>\$ 109,412</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Water and Sewer Utility Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	<u>Current Year</u>		Variance Over Under
		<u>Actual</u>	<u>Budget</u>	
Receipts				
Charges for Service				
Water Sales	\$ 2,945,079	\$ 3,071,223	\$ 2,975,493	\$ 95,730
Sewer Charges	2,410,289	2,490,016	2,524,870	[34,854]
Late Fees	129,000	121,856	100,000	21,856
Turn on & Turn off	46,429	40,693	35,000	5,693
Charge Offs and Recoveries	[164,494]	[67,446]	20,000	[87,446]
Other Charges	2,250	-	1,000	[1,000]
Use of Money and Property				
Interest Income	12,875	26,395	10,000	16,395
Other Receipts				
Reimbursed Expense	724	-	-	-
Miscellaneous	13,542	17,646	19,000	[1,354]
Total Receipts	<u>5,395,694</u>	<u>5,700,383</u>	<u>\$ 5,685,363</u>	<u>\$ 15,020</u>
Expenditures				
Water Production				
Personal Services	490,433	513,053	\$ 515,039	\$ [1,986]
Contractual Services	163,397	305,743	288,500	17,243
Commodities	313,164	459,731	395,000	64,731
Capital Outlay	85,915	-	-	-
	<u>1,052,909</u>	<u>1,278,527</u>	<u>1,198,539</u>	<u>79,988</u>
Water Distribution				
Personal Services	434,960	462,929	516,916	[53,987]
Contractual Services	36,827	106,406	30,500	75,906
Commodities	238,800	238,104	157,000	81,104
Capital Outlay	34,000	-	655,000	[655,000]
	<u>744,587</u>	<u>807,439</u>	<u>1,359,416</u>	<u>[551,977]</u>
Sewer Treatment				
Personal Services	220,602	229,675	235,504	[5,829]
Contractual Services	160,695	193,506	209,000	[15,494]
Commodities	44,319	72,104	61,500	10,604
	<u>425,616</u>	<u>495,285</u>	<u>506,004</u>	<u>[10,719]</u>

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Water and Sewer Utility Fund - Continued
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year <u>Actual</u>	Current Year		Variance Over [Under]
		<u>Actual</u>	<u>Budget</u>	
Expenditures (Continued)				
Sewer Collections				
Personal Services	\$ 64,110	\$ 70,112	\$ 59,439	\$ 10,673
Contractual Services	62,229	15,775	23,000	[7,225]
Commodities	59,454	147,378	105,000	42,378
Capital Outlay	36,091	-	50,000	[50,000]
	<u>221,884</u>	<u>233,265</u>	<u>237,439</u>	<u>[4,174]</u>
Water/Sewer Administration				
Personal Services	151,742	133,141	199,798	[66,657]
Contractual Services	308,834	390,942	305,127	85,815
Commodities	3,960	4,812	3,000	1,812
Capital Outlay	32,051	83,461	195,284	[111,823]
	<u>496,587</u>	<u>612,356</u>	<u>703,209</u>	<u>[90,853]</u>
Debt Service				
Principal	140,977	144,523	195,933	[51,410]
Interest	54,956	-	-	-
	<u>195,933</u>	<u>144,523</u>	<u>195,933</u>	<u>[51,410]</u>
Mg Co Sewer District KDHE	8,028	8,028	8,028	-
Operating Transfers Out	<u>2,028,413</u>	<u>2,056,002</u>	<u>1,506,002</u>	<u>550,000</u>
Total Expenditures	<u>5,173,957</u>	<u>5,635,425</u>	<u>\$ 5,714,570</u>	<u>\$ [79,145]</u>
Receipts Over [Under] Expenditures	<u>221,737</u>	<u>64,958</u>		
Unencumbered Cash, Beginning	3,155,691	3,617,022		
Prior Period Adjustment	<u>[6,631]</u>	<u>-</u>		
Unencumbered Cash, Beginning, Restated	3,149,060	3,617,022		
Prior Year Cancelled Encumbrance	<u>246,225</u>	<u>10,000</u>		
Unencumbered Cash, Ending	<u>\$ 3,617,022</u>	<u>\$ 3,691,980</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
Sanitation Utility Fund
Schedule of Receipts and Expenditures - Actual and Budget
Regulatory Basis
For the Year Ended December 31, 2022
(With Comparative Actual Amounts For the Year Ended December 31, 2021)

	Prior Year	Current Year		Variance Over Under
	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>	<u>[Under]</u>
Receipts				
Charges for Service				
Trash Collections	\$ 1,177,258	\$ 1,188,482	\$ 1,165,000	\$ 23,482
Charge Offs and Recoveries	[10,638]	[9,517]	6,000	[15,517]
Other Charges	10,203	8,478	5,000	3,478
Use of Money and Property				
Interest Income	2,978	6,324	2,500	3,824
Other Receipts				
Reimbursed Expense	123,521	-	175,000	[175,000]
Miscellaneous	7,651	11,727	5,000	6,727
Finance Lease Proceeds	-	199,838	-	199,838
Total Receipts	<u>1,310,973</u>	<u>1,405,332</u>	<u>\$ 1,358,500</u>	<u>\$ 46,832</u>
Expenditures				
Collections				
Personal Services	462,168	520,275	\$ 520,722	\$ [447]
Contractual Services	452,666	583,432	506,545	76,887
Commodities	100,934	100,215	77,500	22,715
Capital Outlay	193,807	199,838	175,000	24,838
Finance Lease Payment	12,786	-	37,750	[37,750]
Operating Transfers In	100,000	154,440	154,440	-
Adjustment for Qualifying Budget Credits	-	-	199,838	[199,838]
Total Expenditures	<u>1,322,361</u>	<u>1,558,200</u>	<u>\$ 1,671,795</u>	<u>\$ [113,595]</u>
Receipts Over [Under] Expenditures	<u>[11,388]</u>	<u>[152,868]</u>		
Unencumbered Cash, Beginning	695,841	683,224		
Prior Period Adjustment	<u>[1,229]</u>	<u>-</u>		
Unencumbered Cash, Beginning, Restated	<u>694,612</u>	<u>683,224</u>		
Unencumbered Cash, Ending	<u>\$ 683,224</u>	<u>\$ 530,356</u>		

See independent auditor's report on the financial statements.

CITY OF INDEPENDENCE, KANSAS
 Grinder Pump Replacement Fund
 Schedule of Receipts and Expenditures - Actual*
 Regulatory Basis
 For the Year Ended December 31, 2022

	<u>Actual</u>
Receipts	
Charges for Service	
Sewer Charges	\$ 8,374
Use of Money and Property	
Interest Income	<u>1,681</u>
Total Receipts	<u>10,055</u>
Expenditures	
Public Works	
Contractual Services	<u>-</u>
Total Expenditures	<u>-</u>
Receipts Over [Under] Expenditures	10,055
Unencumbered Cash, Beginning	<u>265,546</u>
Unencumbered Cash, Ending	<u>\$ 275,601</u>

* - This fund is not required to be budgeted.

CITY OF INDEPENDENCE, KANSAS
 Agency Funds
 Summary of Receipts and Disbursements
 Regulatory Basis
 For the Year Ended December 31, 2022

<u>FUNDS</u>	<u>Beginning Cash Balance</u>	<u>Receipts</u>	<u>Disbursements</u>	<u>Ending Cash Balance</u>
Fire Insurance Proceeds	\$ 20,235	\$ 16,880	\$ 20,750	\$ 16,365
Alcohol Assessment	3,820	-	-	3,820
First Aid Training	<u>2,469</u>	<u>784</u>	<u>-</u>	<u>3,253</u>
 Total Agency Funds	 <u>\$ 26,524</u>	 <u>\$ 17,664</u>	 <u>\$ 20,750</u>	 <u>\$ 23,438</u>

See independent auditor's report on the financial statements.

Schedule 4

CITY OF INDEPENDENCE, KANSAS
 Related Municipal Entity - Housing Authority of The City of Independence, Kansas
 Schedule of Receipts and Expenditures - Actual*
 Regulatory Basis
 For the Year Ended December 31, 2022

	<u>Actual</u>
Receipts	
Charges for Services	
Rents	\$ 572,627
Cable	14,006
Use of Money and Property	
Interest Income	43,563
Intergovernmental	
HAP Payments	437,586
Federal Grants	82,607
Operations	
Security Deposits	18,205
Other Receipts	
Miscellaneous	78,446
Management Fees	26,332
Rental Fee	375
Total Receipts	<u>1,273,747</u>
Expenditures	
Personal Services	445,497
Contractual Services	605,516
Commodities	81,038
Capital Outlay	36,759
Total Expenditures	<u>1,168,810</u>
Receipts Over [Under] Expenditures	104,937
Unencumbered Cash, Beginning	<u>4,793,362</u>
Unencumbered Cash, Ending	<u>\$ 4,898,299</u>

* - This fund is not required to be budgeted.

CITY OF INDEPENDENCE, KANSAS
Schedule of Expenditures of Federal Awards
For the Year Ended December 31, 2022

Federal Grantor/Pass-Through Grantor/Program Title	Federal CFDA Number	<u>Expenditures</u>
<u>U.S. Department of the Treasury</u>		
Passed Through Kansas Governor's Office:		
Coronavirus State and Local Fiscal Recovery Funds	21.027	1,297,941
 Passed Through Montgomery County, Kansas:		
Coronavirus State and Local Fiscal Recovery Funds	21.027	<u>225,000</u>
 Total U.S. Department of the Treasury		<u>1,522,941</u>
 <u>U.S. Department of Transportation</u>		
Airport Improvement Program	20.106	<u>673,508</u>
 Total U.S. Department of Transportation		<u>673,508</u>
 Total Expenditures of Federal Awards		<u>\$ 2,196,449</u>

The accompanying notes are an integral part of this schedule.

CITY OF INDEPENDENCE, KANSAS
Notes to the Schedule of Expenditures of Federal Awards
For the Year Ended December 31, 2022

1. Organization

The City of Independence, Kansas, (the City), is the recipient of several federal awards. All federal awards received directly from federal agencies as well as those awards that are passed through other government agencies, are included on the Schedule of Expenditures of Federal Awards.

2. Basis of Presentation

The accompanying Schedule of Expenditures of Federal Awards includes the federal grant activity of the City and is presented on the Kansas regulatory basis of accounting which includes cash disbursements, accounts payable and encumbrances. The information presented in this schedule is in accordance with the requirements of *Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. Therefore, some amounts presented in this schedule may differ from amounts presented in or used in the preparation of the basic financial statements. The City elected not to use the 10% de minimis indirect cost rate.

3. Local Government Contributions

Local cost sharing is required by certain federal grants. The amount of cost sharing varies with each program. Only the federal share of expenditures is presented in the Schedule of Expenditures of Federal Awards.

4. Additional Audits

Grantor agencies reserve the right to conduct additional audits of the City's grant programs for economy and efficiency and program results that may result in disallowed costs to the City. However, management does not believe such audits would result in any disallowed costs that would be material to the City's financial position as of December 31, 2022.

5. Outstanding Loans

The City did not have any outstanding loans under any federal grants as of December 31, 2022.

6. Pass Through Numbers

Pass through numbers have not been assigned to pass through grants on the Schedule of Expenditures of Federal Awards.

CITY OF INDEPENDENCE, KANSAS
Schedule of Findings and Questioned Costs
For the Year Ended December 31, 2022

Section I - Summary of Auditor's Results

Financial Statements

Type of auditor's report issued: Internal control over financial reporting: Material weakness(es) identified? Significant deficiency(ies) identified that are not considered to be material weaknesses? Noncompliance material to financial statements noted?	<table border="0"> <tr> <td colspan="3"><u>Unmodified (Regulatory Basis)</u></td> </tr> <tr> <td colspan="3"><u>Adverse (GAAP)</u></td> </tr> <tr><td colspan="3"> </td></tr> <tr> <td>_____ Yes</td> <td>_____ <u>X</u> _____</td> <td>No</td> </tr> <tr><td colspan="3"> </td></tr> <tr> <td>_____ Yes</td> <td>_____ <u>X</u> _____</td> <td>None reported</td> </tr> <tr><td colspan="3"> </td></tr> <tr> <td>_____ Yes</td> <td>_____ <u>X</u> _____</td> <td>No</td> </tr> </table>	<u>Unmodified (Regulatory Basis)</u>			<u>Adverse (GAAP)</u>						_____ Yes	_____ <u>X</u> _____	No				_____ Yes	_____ <u>X</u> _____	None reported				_____ Yes	_____ <u>X</u> _____	No
<u>Unmodified (Regulatory Basis)</u>																									
<u>Adverse (GAAP)</u>																									
_____ Yes	_____ <u>X</u> _____	No																							
_____ Yes	_____ <u>X</u> _____	None reported																							
_____ Yes	_____ <u>X</u> _____	No																							

Federal Awards

Internal control over major programs: Material weakness(es) identified? Significant deficiency(ies) identified that are not considered to be material weaknesses? Type of auditor's report issued on compliance for major programs: Any audit findings disclosed that are required to be reported in accordance with section 510(a) of Uniform Guidance?	<table border="0"> <tr> <td>_____ Yes</td> <td>_____ <u>X</u> _____</td> <td>No</td> </tr> <tr><td colspan="3"> </td></tr> <tr> <td>_____ Yes</td> <td>_____ <u>X</u> _____</td> <td>None reported</td> </tr> <tr><td colspan="3"> </td></tr> <tr> <td colspan="3"><u>Unmodified</u></td> </tr> <tr><td colspan="3"> </td></tr> <tr> <td>_____ Yes</td> <td>_____ <u>X</u> _____</td> <td>No</td> </tr> </table>	_____ Yes	_____ <u>X</u> _____	No				_____ Yes	_____ <u>X</u> _____	None reported				<u>Unmodified</u>						_____ Yes	_____ <u>X</u> _____	No
_____ Yes	_____ <u>X</u> _____	No																				
_____ Yes	_____ <u>X</u> _____	None reported																				
<u>Unmodified</u>																						
_____ Yes	_____ <u>X</u> _____	No																				

Identification of major programs:

<u>CFDA Number(s)</u>	<u>Name of Federal Program or Cluster</u>	
21.027	Coronavirus State and Local Fiscal Recovery Funds	
Dollar threshold used to distinguish between type A and type B programs:	<table border="0"> <tr> <td>_____ <u>\$750,000</u> _____</td> </tr> </table>	_____ <u>\$750,000</u> _____
_____ <u>\$750,000</u> _____		
Auditee qualified as low-risk auditee?	<table border="0"> <tr> <td>_____ Yes _____ <u>X</u> _____ No</td> </tr> </table>	_____ Yes _____ <u>X</u> _____ No
_____ Yes _____ <u>X</u> _____ No		

CITY OF INDEPENDENCE, KANSAS
Schedule of Findings and Questioned Costs (Continued)
For the Year Ended December 31, 2022

Section II - Financial Statement Findings

Current Year Findings

None Noted.

Prior Year Findings

None Noted.

Section III - Federal Award Findings and Questioned Costs

Current Year Findings

None Noted.

Prior Year Findings

None Noted.

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH "GOVERNMENT AUDITING STANDARDS"

Mayor and City Commission
City of Independence, Kansas

We have audited, in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the *Kansas Municipal Audit and Accounting Guide*, the financial statements of the City of Independence, Kansas (the City), as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated June 19, 2023.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal controls exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charge with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Gordon CPA LLC

Certified Public Accountant
Lawrence, Kansas

June 19, 2023

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM;
REPORT ON INTERNAL CONTROL OVER COMPLIANCE; AND REPORT ON THE SCHEDULE
OF EXPENDITURES OF FEDERAL AWARDS REQUIRED BY THE UNIFORM GUIDANCE

Mayor and City Commission
City of Independence, Kansas

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited the compliance of the City of Independence, Kansas (the City), with the types of compliance requirements identified as subject to audit in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended December 31, 2022. The City's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, the City complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended December 31, 2022.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirement referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grants agreements applicable to the City's federal programs.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion of the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgement made by a reasonable user of the report on compliance about the City's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we

- exercise professional judgement and maintain professional skepticism throughout the audit.

- identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Example Entity's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies, and material weaknesses in internal control over compliance that we identified during the audit.

Other Matters

The results of our auditing procedures disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Report on Internal Control Over Compliance

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in the internal control over compliance that might be material weaknesses or significant deficiencies. Given these limitations, we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the City as of and for the year ended December 31, 2022, and have issued our report thereon dated June 19, 2023, which contained an unmodified opinion on those financial statements. Our audit was performed for the purpose of forming an opinion on the financial statements as a whole. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statements as a whole.

Gordon CPA LLC

Certified Public Accountant
Lawrence, Kansas

June 19, 2023



Presentation
CITY OF INDEPENDENCE
June 22, 2023

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Presentation by Main Street Director regarding establishing a Common Consumption Area downtown.

BACKGROUND Main Street Director Tabatha Snodgrass presented to the Economic Development Advisory Board (EDAB) earlier this month regarding establishing a Common Consumption Area downtown. Attached is the information presented to EDAB. If the Commission wishes to proceed, we will ask the City Attorney to prepare an ordinance for consideration at your next meeting.

SUPPORTING DOCUMENTS

1. Common Consumption Area Information Presented to EDAB



**REQUEST FOR ECONOMIC DEVELOPMENT
ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Finance

Prepared By Lacey Lies

AGENDA ITEM Common Consumption Area

SUMMARY RECOMMENDATION

BACKGROUND Main Street Director Tabatha Snodgrass has provided the attached presentation regarding Common Consumption Areas around the nation. She is also polling downtown businesses regarding their support of a Common Consumption Area.

Recently, the Governor has signed new legislation that amends the Club and Drinking Establishment Act (CDEA) provisions related to common consumption areas that will be effective on July 1, 2023. [House Bill 2059](#) amends K.S.A. 41-2659 by removing the requirement that a city or county require the portions of common consumption areas on public streets or roadways to be blocked from motorized traffic during events. The bill also requires each common consumption area to be marked by signs that are conspicuously posted, identifying the boundaries of such area and in a size and manner that provides notice to persons entering or leaving the area. A summary of this bill, the full text of the bill, and K.S.A. 41-2659 (prior to being amended) are attached.

Also attached is Parsons' Common Consumption Ordinance, which was adopted in 2019. Please note it does not reflect the latest legislation. Also, City staff requested a copy of Lenexa's ordinance which was adopted in 2021 that amended their 2017 ordinance that established a common consumption area for both indoor and outdoor spaces on the Lenexa civic campus (see attached article). Both the 2017 and 2021 ordinances are attached. Main Street Director Tabatha Snodgrass has provided a copy of Great Bend's ordinance that was adopted in 2022 which is also attached.

SUGGESTED MOTION

SUPPORTING DOCUMENTS

1. Open Containers Presentation_2023 National Main Street Convention
2. Summary_HB2059_2023 - See highlighted text on page 2
3. HB2059_enrolled - See highlighted text on page 7
4. 2022 K.S.A. 41-2659 (Does not include modifications by HB 2059 effective July 1, 2023)
5. Parsons Common Consumption Ordinance from 2019
6. Rules for alcohol on civic campus - City of Lenexa
7. Lenexa - Ordinance 5608 08-15-17_Redacted
8. Lenexa - Ordinance 5845 09-07-21_Redacted
9. Great Bend Common Consumption Area



B O S

T O N

MAIN
STREET
2023
Now

A City of Main Streets



Open Containers

BIG IMPACT ON A SMALL TOWN



Downtown Rome, Georgia

- **Great American Main Street**
- **GEMS**
- **229 Residential Units**
- **City population: 38,000+**
- **300+ Businesses**

2017

MAIN
STREET
2023
Now



2020

MAIN
STREET
2023
Now







“Can’t they take no for an answer?”

During our open
container events, businesses saw
an increase in foot traffic &
revenue - some as much as 50%



2
0
2
1

IT'S OUR JOB TO ADVOCATE FOR OUR STAKEHOLDERS



RESEARCH



FEEDBACK



EDUCATION





STAKEHOLDER INPUT

YES	226
NO	9
NEUTRAL	5



IN PERSON FEEDBACK

(BUSINESS & PROPERTY OWNERS)

OVERWHELMINGLY POSITIVE!

- Likes trial but thinks 11am is too early
- Concerned about fights
- Regular increase in business could allow hiring another employee
- Concerns with litter
- Feels it would encourage BYOB and take away from sales
- Concerned with accusations of over-serving
- Concerned about ability to enforce and understaffed PD



OTHER COMMUNITIES IN GA



ACWORTH
ALBANY
BAINBRIDGE
BRASELTON
BRUNSWICK
CAIRO
CANTON
CARROLLTON
CARTERSVILLE
CONYERS
CORNELIA

COVINGTON
DALTON
DECATUR
DORAVILLE
DUNWOODY
DOUGLASVILLE
FAYETTEVILLE
FLOWERY BRANCH
FORSYTH
GAINESVILLE



JEKYLL ISLAND
KENNESAW
LAWRENCEVILLE
LOGANVILLE
MARIETTA
MACON
MCDONOUGH
MONROE
NEWNAN
POWDER SPRINGS
ROSWELL

SMYRNA
STATESBORO
STOCKBRIDGE
SUGAR HILL
SUWANEE
THOMASTON
TYBEE ISLAND
VALDOSTA
VILLA RICA
WASHINGTON
WOODSTOCK



HONORABLE MENTIONS



ATLANTA BRAVES
AVALON (ALPHARETTA)
THE BATTERY
BEACHES



DISNEY WORLD
ROME BRAVES
ROCK CITY
SIX FLAGS
UNIVERSAL
ZOO ATLANTA





FEEDBACK FROM OTHER
COMMUNITIES ACROSS THE STATE



James Riker, City Manager, Duluth, GA



- Entertainment district
- Former “Open Zone” with BYOB
- Recruited:
- 13 Restaurants
- 2 Breweries
- 1 Bar



Jim Watters, City Councilmember Carrollton, GA



“Let’s give the people the opportunity to show that they can behave,
and they have.”



Joel Richards, Police Chief Carrollton, GA

- Had open container 24/7
- Reduced hours to 2AM
- Warnings for a few weeks, no issues





Brian Stockton, Director of Economic Development, Woodstock, GA

- Slightly more litter
- Added part time weekend grounds crews
- Been in place since 2016
- No records of increased tickets or police interactions



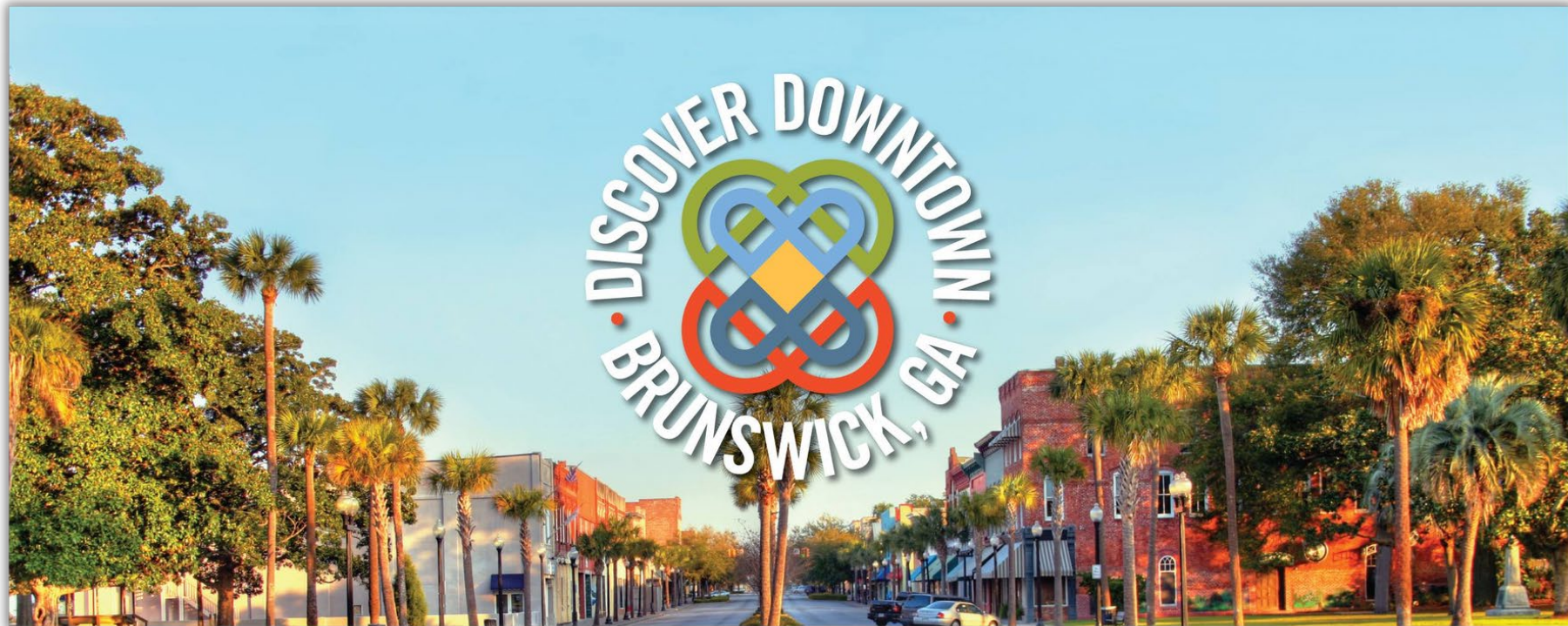


Downtown Dalton, GA

- “Game Changer”
- Walkability
- Outside exploration
- Marketing opportunity



Mathew Hill, DDA Executive Director Brunswick, GA



“...open container has helped further revitalization of downtown Brunswick more than most other incentives.”

Mayor John Howard, Monroe, GA



“Our downtown sales during the first quarter of the year beat our local Walmart.”

Mayor Rey Martinez, Loganville, GA



- Passed overlay district allowing open containers
- Passed 25/75 food/alcohol ratio
- “Pro-business approach”

Mayor Bill Grant, Canton, GA



- Measured violations, patrol hours, routine maintenance and trash collection
- ALL metrics came back positive
- Alcohol violations cut in half



Addressing Concerns



90 Day Trial
Thu - Sat
11A - 11P



Addressing Concerns



- "Dining District"
- Restaurant trainings
- Informational cards
- Social media campaigns
- Downtown ambassadors

FAQ's



Q: What areas are open containers allowed?

A: Sidewalks, green spaces, crosswalks, bridges. **NOT ALLOWED** are parking lots and decks.

FAQ's

Q: Can people bring their own beverages from home or keep a stash in their trunk?

A: No

Q: Can minors partake in open container?

A: No



Big Picture

Comprehensive Plan
Young Professionals
Workforce
Growth



2017
Vote 8:1 NO

2020
Vote 6:3 NO

Trial Period
Final Vote 5:4



Trial Results



Retailer A –
28% increase over LY

Retailer B –
95% increase over LY

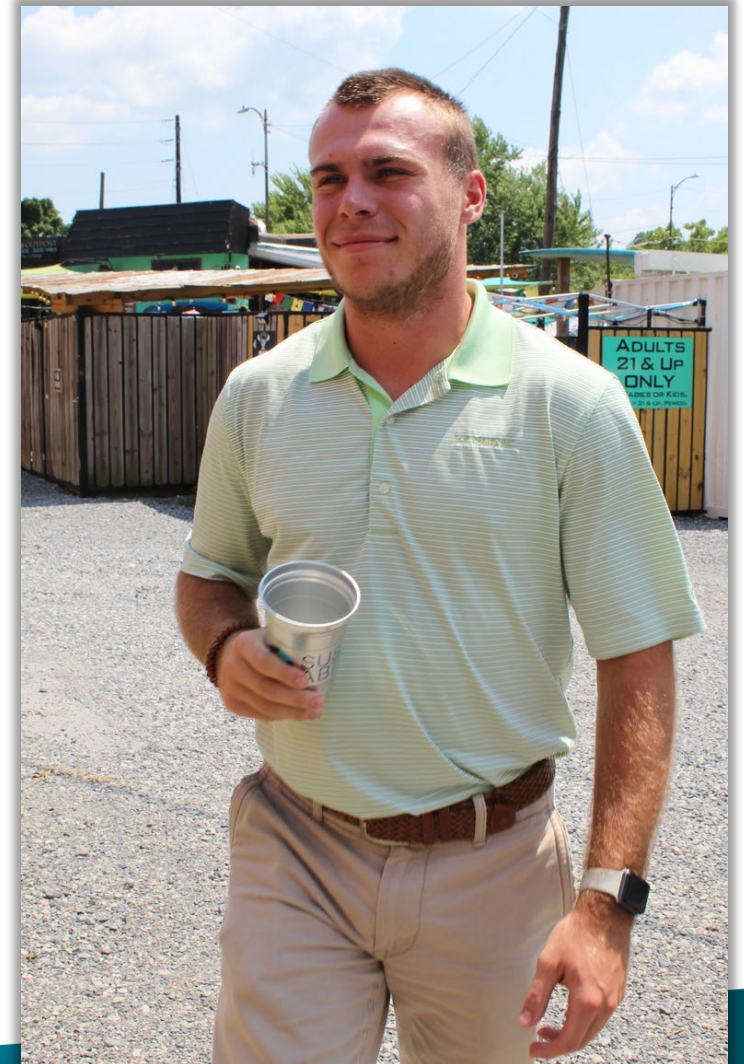


Trial Results

Restaurant A - 23% increase over 2019

Restaurant B - 7% increase (food sales)
and 26% increase (alcohol sales) over 2019

Restaurant C - 10% increase to previous
months





Public Safety

BUSTING THE MYTH

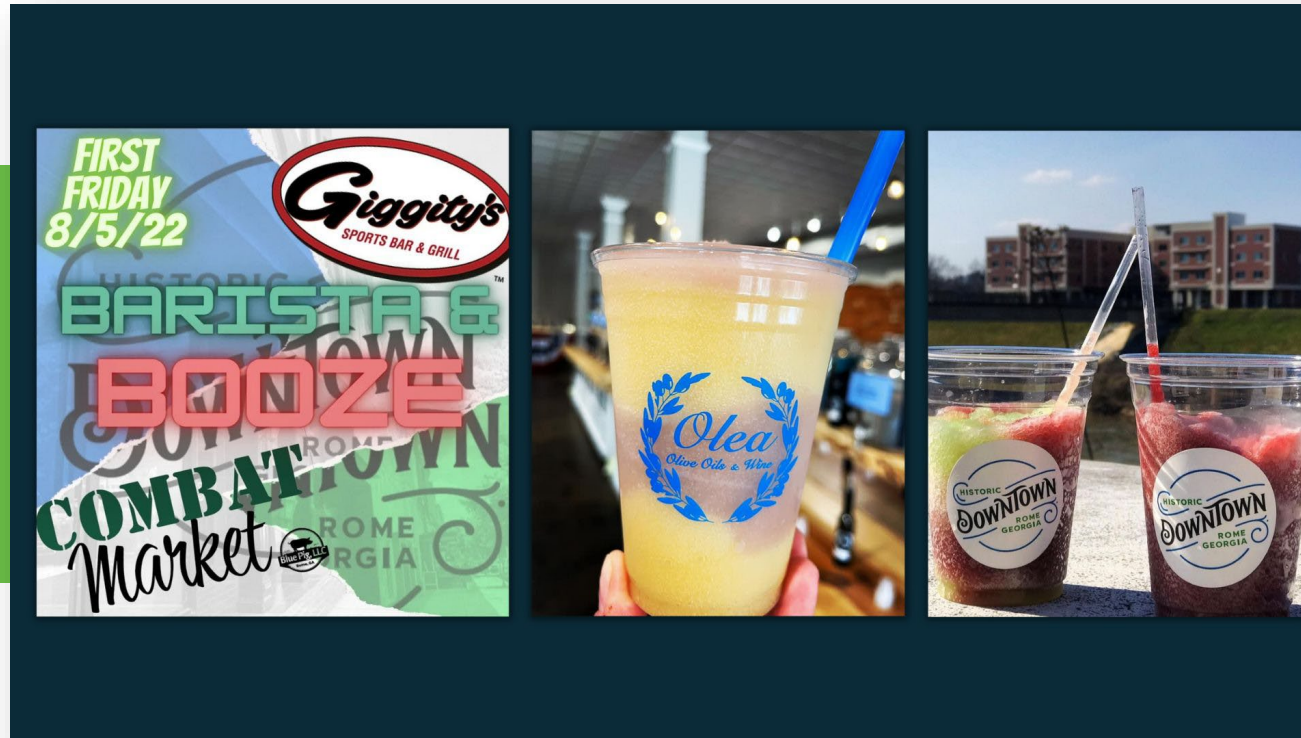
Since we relaxed our alcohol ordinance, alcohol-related arrests have gone down from 2.25/month to 1.25/month

2022-2023

- Restaurant A: 30% increase
- Restaurant B: 51% increase (food sales) and 29% increase (alcohol sales) over LY
- Retail A: 400% increase over LY
- Retail B: 33% increase over LY



Open Containers = Positive Economic Impact





We value your feedback!

Please review this session on the Mobile Event Guide:

1. Download the “Main Street Now 2023” app OR access online at: eventmobi.com/msn2023
2. Locate this session and scroll to “Session Feedback”
3. Complete your review

Need help? See your conference program or a volunteer for assistance. **Thank you!**



Thank You!



QUESTIONS?

DOWNTOWN DEVELOPMENT
DIRECTOR

ROME, GA

ALESLEY@ROMEGA.US

B O S
T O N

Gallonage Taxes; Samples; Sunday Sales; Common Consumption Areas; Raffles; Dogs at Licensed Premises; HB 2059

HB 2059 amends various provisions of the Kansas Liquor Control Act (KLCA), Kansas Cereal Malt Beverage (CMB) Act, and Club and Drinking Establishment Act (CDEA) concerning remittance of gallonage taxes, samples, Sunday sales, the food sales requirement, and common consumption areas. The bill also permits food establishments to allow dogs in outside areas on the premises and provide an exception to the Kansas Food Code for microbreweries to allow dogs in inside areas, if certain conditions are met.

Remittance of Gallonage Taxes

The bill amends provisions of the KLCA to require a holder of a special order shipping license to submit gallonage taxes to the Secretary of Revenue monthly rather than quarterly.

Product Samples

The bill amends the KLCA provisions on the licensing of spirits, wine, and CMB distributors to increase the sizes of samples of products provided to retailers and to club and drinking establishment licensees.

Spirits

The bill allows a sample of up to three liters of distilled spirits to be provided to club and drinking establishment licensees and employees of the establishment. Continuing law allows samples to be provided to distributors, retailers, and their employees.

Wine

The bill allows a sample of up to three liters of any brand of wine to be provided to a club and drinking establishment licensee, distributor, retailer, and their employees.

Beer

The bill allows a sample of up to three gallons of any brand of beer or CMB to be provided to a club and drinking establishment licensee, distributor, retailer, and their employees.

Sample Products

The bill requires a sample to be of a product the licensee has not purchased from the distributor within the previous 12 months.

Sunday Sales—Food Sales Requirement

The bill amends the CMB Act's provisions regarding on-premises sales of CMB on Sunday to remove the 30 percent food sales requirement for Sunday sales. In continuing law, Sunday sales must have been authorized by the county or city where the licensee is located. [Note: There is no food sales requirement for other days of the week.]

Common Consumption Areas

The bill amends the CDEA provisions related to common consumption areas to remove the requirement that a city or county require the portions of common consumption areas on public streets or roadways to be blocked from motorized traffic during events.

The bill also requires each common consumption area to be marked by signs that are conspicuously posted, identifying the boundaries of such area and in a size and manner that provides notice to persons entering or leaving the area.

Charitable Raffles

The bill amends KLCA provisions regarding prohibited acts to allow liquor or CMB to be a prize of a charitable raffle conducted in accordance with the Kansas Charitable Gaming Act, provided such prize shall not be awarded to a person under 21 years of age.

Dogs at Food Establishments and Microbreweries

The bill permits food establishments to allow dogs in outside areas on the premises if certain conditions are met and provides a specific exception from the Kansas Food Code for microbreweries to allow dogs in inside areas upon meeting an additional condition.

[Note: Under current law, a food establishment may apply for a variance to be allowed to permit dogs in outside areas.]

Dogs at Food Establishments

The bill allows a food establishment to permit dogs in outside areas on its premises if the following conditions are met:

- The establishment has prepared a written plan detailing the processes and procedures to prevent food contamination from dogs on the premises and posted the plan next to the food establishment license inside the premises of the establishment;
- Employees of the establishment are trained on the plan, and the plan is made available to the Kansas Department of Agriculture upon request;

- Dogs are under handler control, well behaved, and respond to their handler's command;
- Dogs belonging to guests of the microbrewery are leashed at all times;
- Dogs are not permitted on dining surfaces, including tables, bars, or counter tops;
- Dogs are not fed or watered from any food establishment equipment, including, but not limited to, plates, bowls, and utensils, except for single-service items that are disposed of immediately following use;
- An area outside the food establishment is designated for dog urination and defecation;
- Employees are required to wash their hands after contact of any kind with a dog prior to handling any food, drink, or utensil; food or drink production, preparation or serving equipment; or the preparation or use of surfaces that may come into contact with food or drink;
- Guests are advised to wash their hands after any contact with a dog; and
- The establishment has developed and follows a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving, or consumption of food or drink if a dog has contact with the equipment or surfaces, including instructions for disposing of contaminated food or drink.

Dogs at Microbreweries

In addition to the provisions that permit dogs in outside areas of all food establishments, the bill permits food establishments that are microbreweries to allow dogs in inside areas, but dogs will not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars.

Effective Date

The provisions of the bill relating to charitable raffles and common consumption areas take effect on July 1, 2023. The provisions of the bill relating to gallonage taxes, product samples, Sunday sales, and dogs in food establishments and microbreweries take effect upon publication in the *Kansas Register*.

HOUSE BILL No. 2059

AN ACT concerning alcoholic beverages and food establishments; exempting charitable raffle prizes of alcoholic liquor and cereal malt beverages from the Kansas liquor control act, the club and drinking establishment act and the Kansas cereal malt beverage act; relating to spirits, wine and beer distributors; regulating samples; relating to the special order shipping of wine; requiring monthly remittance of gallonage taxes; allowing businesses to sell cereal malt beverage by the drink on Sundays without requiring that 30% of the gross receipts of such businesses be derived from the sale of food; permitting food establishments to allow dogs in outside areas on the premises and food establishments that are microbreweries to allow dogs in outside and inside areas on the premises notwithstanding certain provisions of the Kansas food code; amending the common consumption area law to permit rather than require roads be blocked and allowing designation of such areas by signage; amending K.S.A. 41-104, 41-306, 41-306a, 41-307, 41-350 and 41-2659 and K.S.A. 2022 Supp. 41-2704 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is a microbrewery as defined in K.S.A. 41-102, and amendments thereto, and is licensed as provided in K.S.A. 41-308b, and amendments thereto, may allow live dogs in outside and inside areas on the premises if the conditions specified in subsection (c) are met.

(b) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is not a microbrewery as defined in K.S.A. 41-102, and amendments thereto, may allow live dogs in outside areas on the premises, if the conditions as specified in subsection (c) are met.

(c) The following conditions shall be met by a food establishment for dogs to be permitted on such food establishment's premises as permitted by subsections (a) and (b):

(1) The food establishment shall prepare a written plan describing the processes and procedures in place to prevent food contamination from dogs on the premises. The plan shall be posted next to the food establishment license inside the premises of the food establishment. The employees of the food establishment shall be trained on the plan, and the plan shall be made available to the Kansas department of agriculture upon request;

(2) dogs shall be under handler control. Dogs shall be well behaved and respond to their handler's command. Dogs belonging to food establishment owners, management or employees shall not be required to be leashed. Dogs belonging to guests of the food establishment shall be leashed at all times;

(3) with respect to a food establishment that is a microbrewery, as provided by subsection (a), dogs in indoor areas shall not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars;

(4) dogs shall not be permitted on dining surfaces, including tables, bars or counter tops;

(5) dogs shall not be fed or watered from any food establishment equipment, including, but not limited to, plates, bowls and utensils, except for single-service items that are disposed of immediately following such use;

(6) an area outside the food establishment shall be designated for dog urination and defecation;

(7) employees shall be required to wash their hands after contact of any kind with a dog prior to handling any food, drink, utensil or food or drink production, preparation or serving equipment or the preparation or use of surfaces that may come into contact with food or drink;

(8) guests shall be advised to wash their hands after any contact with a dog; and

(9) a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving or consumption of food or drink if a dog has contact with such equipment or surfaces shall be developed and followed by the food establishment. This process shall include instructions for disposing of contaminated food or drink.

Sec. 2. On and after July 1, 2023, K.S.A. 41-104 is hereby amended to read as follows: 41-104. (a) No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in ~~this act~~ *such acts* shall prevent:

~~(a)~~(1) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

~~(b)~~(2) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, the maker's family, guests and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof;

~~(c)~~(3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

~~(d)~~(4) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

~~(e)~~(5) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

~~(f)~~(6) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

~~(g)~~(7) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following:

~~(1)~~(A) The consumer must be at least 21 years of age;

~~(2)~~(B) the consumer must purchase the wine while physically present on the premises of the wine manufacturer;

~~(3)~~(C) the wine must be for the consumer's personal consumption and not for resale; and

~~(4)~~(D) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

~~(h)~~(8) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to ~~26-U.S.C.A.~~ *U.S.C. § 501(c)* and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; ~~or~~

~~(i)~~(9) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance; *or*

(10) *the provision of alcoholic liquor or cereal malt beverage as a*

prize for a charitable raffle conducted in accordance with K.S.A. 75-5171 et seq., and amendments thereto, except that no such prize shall be provided to any person under 21 years of age.

~~(j)~~(b) For purposes of subsection—~~(b)~~ (a)(2), the term "guest" means a natural person who is known to the host and receives a personal invitation to an event conducted by the host. The term "guest" ~~shall~~ *does* not mean a natural person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public.

Sec. 3. K.S.A. 41-306 is hereby amended to read as follows: 41-306. A spirits distributor's license, shall allow:

(a) The wholesale purchase, importation and storage of spirits, but all such spirits so purchased or imported which are manufactured in the United States shall be purchased from the primary American source of supply or from another licensed spirits distributor, except that a licensed spirits distributor may purchase confiscated spirits at a sheriff's sale.

(b) The sale of spirits to:

(1) Spirits distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of spirits only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The purchase of spirits in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such spirits shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of spirits by manufacturers and with all federal rules, regulations and laws.

(d) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(e) The storage and delivery to a public venue licensed under the club and drinking establishment act of alcoholic liquor purchased by the public venue licensee from a retailer authorized by law to sell such alcoholic liquor to such public venue licensee.

(f) The withdrawal of spirits from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees *or to persons licensed under the club and drinking establishment act and such persons' employees*. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, ~~provided except that~~ *no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of spirits shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's~~

~~employees, the term "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto this subsection, "sample" means not more than three liters of distilled spirits.~~

Sec. 4. K.S.A. 41-306a is hereby amended to read as follows: 41-306a. A wine distributor's license shall allow:

(a) The wholesale purchase, importation and storage of wine, but all wine so purchased or imported which is manufactured in the United States shall be purchased from the primary American source of supply or from another licensed wine distributor, except that a licensed wine distributor may purchase confiscated wine at a sheriff's sale.

(b) The sale of wine to:

(1) Wine distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of wine only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of wine, but only in barrels, casks and other bulk containers, to:

(1) Licensed caterers; and

(2) public venues, clubs and drinking establishments licensed in this state, except that such distributor shall sell a brand of wine only to such public venues, clubs and drinking establishments the licensed premises of which are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto.

(d) The purchase of wine in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such wine shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of wine by manufacturers and with all federal rules, regulations and laws.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) The withdrawal of wine from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of wine shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the

applicable current posted bottle or case price. For purposes of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term of this subsection, "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto means not more than three liters of any brand of wine.

(g) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 41-307 is hereby amended to read as follows: 41-307. A beer distributor's license shall allow:

- (a) The wholesale purchase, importation and storage of beer.
- (b) The sale of beer to:
 - (1) Licensed caterers;
 - (2) beer distributors licensed in this state;
 - (3) retailers, public venues, clubs and drinking establishments, licensed in this state, except that such distributor shall sell a brand of beer only to those retailers, public venues, clubs and drinking establishments of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and
 - (4) such persons located outside such territory or outside this state as permitted by law.
- (c) The sale of cereal malt beverage to:
 - (1) Beer distributors licensed in this state;
 - (2) clubs and drinking establishments, licensed in this state, and retailers licensed under K.S.A. 41-2702, and amendments thereto, except that such distributor shall sell a brand of cereal malt beverage only to those such clubs, drinking establishments and retailers of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto;
 - (3) retailers; and
 - (4) such persons located outside such territory or outside this state as permitted by law.
- (d) The sale of beer containing not more than 6% alcohol by volume to cereal malt beverage retailers licensed pursuant to K.S.A. 41-2702, and amendments thereto.
- (e) The purchase of cereal malt beverage in kegs or other bulk containers and the bottling or canning thereof in accordance with law.
- (f) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.
- (g) The storage and delivery, with proper invoicing in accordance with rules and regulations adopted by the secretary, on the premises of a public venue licensee, of beer sold to or available for purchase by the public venue during an event.
- (h) The withdrawal of beer or cereal malt beverage from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall

be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of beer or cereal malt beverage shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term this subsection, "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto means not more than three gallons of any brand of beer or cereal malt beverage.~~

Sec. 6. On and after July 1, 2023, K.S.A. 41-350 is hereby amended to read as follows: 41-350. (a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" ~~have the meaning ascribed to these terms~~ *mean the same as defined in K.S.A. 41-102, and amendments thereto.*

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date specified on the license and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that ~~he or she~~ *such person* is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control; or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to

comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall on a ~~quarterly~~ *monthly* basis electronically remit such taxes in a manner prescribed by the secretary and shall accompany such remittance with any reports, documentation or other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

(i) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 7. On and after July 1, 2023, K.S.A. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution ~~shall~~ *may* require that any public street or roadway that lies within a common consumption area ~~shall~~ be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor or cereal malt beverage in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of \$100. All permit fees collected by the director pursuant to

this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a common consumption area may request that the licensee's licensed premises participate in the common consumption area for the duration of the common consumption area permit. Such a request shall be made upon forms prescribed by the director.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal patrons to remove alcoholic liquor or cereal malt beverage purchased from the licensee into the premises described by the common consumption area permit. All alcoholic liquor and cereal malt beverage removed from a licensed premises in such fashion shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a common consumption area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.

(f) (1) Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises.

(2) Each common consumption area permit holder shall be liable for violations that occur off the licensee's premises, but within the common consumption area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor or cereal malt beverage from the boundaries of the common consumption area.

(g) (1) For the purposes of this section, "common consumption area" means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit.

(2) The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation. *Every common consumption area shall have signs conspicuously posted identifying the boundaries of such area in a size and manner that provides notice to persons entering or leaving the area.*

(h) The secretary shall adopt rules and regulations to implement this section.

(i) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 8. K.S.A. 2022 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt

beverage in the original package have not been expanded as provided by K.S.A. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 41-2911, and amendments thereto, no cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business ~~which that~~ is licensed to sell cereal malt beverage for consumption on the premises, ~~which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises~~ and ~~which that~~ is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(c) Within any city where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 41-2911, and amendments thereto, no person shall sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume:

(1) Between the hours of 12 midnight and 6 a.m.;

(2) in the original package not earlier than 9 a.m. and not later than 8 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business ~~which that~~ is licensed to sell cereal malt beverage for consumption on the premises, ~~which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises~~ and ~~which that~~ is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage or beer containing not more than 6% alcohol by volume to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage or beer containing not more than 6% alcohol by volume, if:

(1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume in the original package and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(g) No person shall have any alcoholic liquor, except beer containing not more than 6% alcohol by volume, in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act or the business is a farm winery licensed pursuant to K.S.A. 41-316, and amendments thereto, or a producer licensed pursuant to K.S.A. 41-355, and amendments thereto.

(h) Cereal malt beverages may be sold on premises that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 9. K.S.A. 41-306, 41-306a and 41-307 and K.S.A. 2022 Supp. 41-2704 are hereby repealed.

Sec. 10. On and after July 1, 2023, K.S.A. 41-104, 41-350 and 41-2659 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report_____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report_____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

2022 Kansas Statutes

41-2659. Common consumption areas; cities and counties; permits; duties and liabilities. (a)

(1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution shall require that any public street or roadway that lies within a common consumption area shall be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor or cereal malt beverage in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of \$100. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a common consumption area may request that the licensee's licensed premises participate in the common consumption area for the duration of the common consumption area permit. Such a request shall be made upon forms prescribed by the director.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal patrons to remove alcoholic liquor or cereal malt beverage purchased from the licensee into the premises described by the common consumption area permit. All alcoholic liquor and cereal malt beverage removed from a licensed premises in such fashion shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a common consumption area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.

(f) (1) Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises.

(2) Each common consumption area permit holder shall be liable for violations that occur off the licensee's premises, but within the common consumption area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor or cereal malt beverage from the boundaries of the common consumption area.

(g) For the purposes of this section, "common consumption area" means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation.

(h) The secretary shall adopt rules and regulations to implement this section.

(i) This section shall be a part of and supplemental to the club and drinking establishment act.

History: L. 2017, ch. 85, § 1; L. 2019, ch. 57, § 29; L. 2021, ch. 107, § 35; May 27.

ORDINANCE NO. 6453

AN ORDINANCE OF THE CITY OF PARSONS CREATING A COMMON CONSUMPTION AREA IN THE DOWNTOWN BUSINESS DISTRICT AND SETTING ALL OF THE RULES IN PLACE FOR THE USE OF THE COMMON CONSUMPTION AREA.

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

Section 1. Establishment of Common Consumption Area; Downtown Overlay District. The Governing Body hereby establishes a Common Consumption Area (hereinafter referred to as CCA) during special events and civic events, excluding any and all areas which are currently or otherwise become subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act. The Common Consumption Area is defined as 17th Street on the east, Broadway Avenue on the south, Central Avenue on the west and Washington Avenue on the north. Properties which are located on each side of the street of the above boundary streets are included in the Downtown Overlay District for purposes of this Ordinance.

Section 2. Special Event Permit Required; Streets; Hours. During a special event or civic event which requires a special permit from the City, the boundaries of the event shall be clearly marked using a physical barrier or other apparent line of demarcation. Any public street or roadway that lies within the CCA designated for the special event or civic event shall be blocked from motorized traffic during the hours in which alcoholic liquor is consumed. The possession and consumption of alcoholic liquor within the CCA during a special event or civic event will only be allowed between the hours of 12:00 pm and 12:00 am. Sunday through Saturday.

Section 3. Permit; Directors of the Division of Alcoholic Beverage Control. The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the CCA during a special event or civic event with clearly demarcated boundaries provided that a common consumption area permit ("Permit") has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director") in accordance with KSA 41-2659 and amendments thereto.

Section 4. Authorized Alcoholic Liquor Containers. All alcoholic liquor removed from a licensed premise, with a valid CCA permit and authorized to participate in the special event, shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee. No alcoholic beverage removed from a licensed premise shall be in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials.

Section 5. Purchases Outside CCA. The possession or consumption of alcoholic liquor purchased outside the boundaries of the CCA shall not be permitted inside the boundaries of the special event or civic event and CCA.

Section 6. Purchases Within CCA. No open container of alcoholic liquor, purchased within the CCA shall be removed from the boundaries of the CCA and special event or civic event.

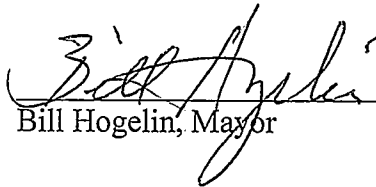
Section 7. Inappropriate Conduct; Prohibited. Inappropriate conduct shall not be permitted within the boundaries of the CCA and special event or civic event in the Downtown Overlay District, and any person engaging in inappropriate conduct shall be subject to removal from the event. Inappropriate conduct may include, but is not limited to, fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of state or federal law or City ordinance.

Section 8. Licenses. All licensees approved by the Director to participate in the CCA shall at all times comply with any and all federal and state law and City ordinances regulating the purchase, sale and consumption of alcoholic liquor.

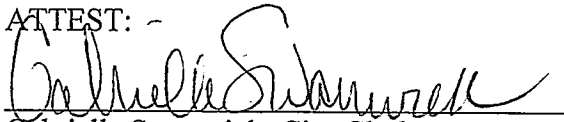
Section 9. The Governing Body hereby authorizes the City Manager or his or her designee, to take all necessary actions, including but not limited to the execution of all the documents or instruments required to obtain a CCA Permit for the CCA on behalf of the City.

Section 10. The Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper.

Passed by the city commission on this 2nd day of December, 2019, and signed by the mayor on the ____ day of _____, 2019.



Bill Hogelin, Mayor

ATTEST: -


Gabrielle Swanwick, City Clerk

♦ Affidavit of Publication ♦

STATE OF KANSAS, LABETTE COUNTY, ss:

Tiffany Brown, being first duly sworn, deposes and says:
That she is *Classified Manager* of the *PARSONS SUN*, a
daily newspaper printed in the State of Kansas, and
published in and of general circulation in Labette County,
Kansas, with a general paid circulation on a daily basis in
Labette 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 unin-
terruptedly 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 Parsons, 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 WEEK, the first publication there-
of being made as aforesaid on the 5 day of DECEMBER
2019, with subsequent publications being made on the
following dates:

_____, 2019 _____, 2019

_____, 2019 _____, 2019

Tiffany Brown

Subscribed and sworn to and before me this

11 day of DECEMBER, 2019.

[Signature]
Notary Public

My commission expires: January 9, 2023

Printer's Fee \$ 22.70

Affidavit, Notary's Fee \$ 10.00

Additional Copies \$ _____

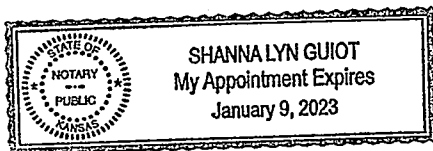
Total Publication Fees \$ 32.70

(Summary published in the
Parsons Sun, Dec. 5, 2019)
ORDINANCE NO. 6453

On December 2, 2019, the City of
Parsons passed an Ordinance creat-
ing a Common Consumption Area
in the Downtown Business District
and setting all of the rules in place
for the use of the Common Con-
sumption Area.

A complete copy of the Ordinance is available at www.parsonssks.com or at the City Clerk's Office, 112 South 17th Street or by calling (620) 421-7000. This summary certified by Ross Albertini, City Attorney.

Dec. 5



RULES FOR ALCOHOL ON CIVIC CAMPUS

City of Lenexa » News » Archived News » Rules for alcohol on civic campus



Q: Can you BYOB to the Lenexa Public Market? A: No.

The City Council amended Ordinance 5608 during their Sept. 7, 2021, meeting. Originally passed in 2017, the ordinance established a common consumption area for both indoor and outdoor spaces on the Lenexa civic campus.

Common consumption areas are permitted under K.S.A. 41-2659, et. seq. which allows a city or county to establish an area where the possession and consumption of alcoholic liquor is allowed pursuant to a common consumption area permit, which the Public Market has held since 2017.

The ordinance amendment extended the hours and slightly modified the boundary of the common consumption area to align with state law and allow for better event flow and daily operations. Additionally, the amendment allows only those who have booked rentable space within the civic campus to bring in their own alcohol specifically for private functions. This is only allowed with prior written approval of the City Manager or designee and those renting private space within the campus are highly encouraged to use the on-site licensed merchants to meet the needs of their private event when booking space. The amendment is aimed at addressing specific circumstances where a Market merchant is unable to accommodate a private function.

This part of the amendment was misinterpreted by several media outlets who indicated that the general public could now bring alcohol purchased elsewhere to the Lenexa Public Market and the common consumption area. **This is not the case and alcohol purchased outside the Public Market and common consumption area is still generally prohibited.**

Licensed Public Market merchants will continue to sell alcohol as part of their normal operations.

If you have questions about this ordinance, please contact [Mike Nolan](#).

Published Sept. 9, 2021

ORDINANCE NO. 5608

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

WHEREAS, in 2017, the Kansas Legislature passed K.S.A 41-2659, allowing cities to establish a common consumption area and to authorize the possession and consumption of alcoholic liquor within such common consumption area; and

WHEREAS, the City of Lenexa ("City") is the owner of land located on the southwest corner of 87th Street Parkway and Penrose Lane, which is home to a variety of uses including Lenexa City Hall, Lenexa Rec Center, Lenexa Public Market and the Lenexa Commons (the "Lenexa Civic Campus"); and

WHEREAS, the Lenexa Public Market is a year-round marketplace consisting of various owner-operated businesses featuring fresh foods and drinks including alcoholic liquor;

WHEREAS, the Lenexa Civic Campus is intended to be a public gathering place for special events, civic events and Lenexa Public Market patrons and the City desires to establish a common consumption area, as further defined herein, to allow the possession and consumption of alcoholic beverages within the Lenexa Civic Campus subject to certain rules and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes the Lenexa Public Market common consumption area (the "Public Market CCA") consisting of certain indoor and outdoor areas located within the Lenexa Civic Campus as designated on the map, attached hereto as Exhibit A and incorporated herein by reference, excluding any and all areas which are currently or otherwise become subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act. The boundaries of the Public Market CCA shall be clearly marked using a physical barrier or any apparent line of demarcation. There are no public streets or roadways lying within the Public Market CCA.

SECTION TWO: The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the Public Market CCA; provided, however, that a common consumption area permit ("Permit") for the Public Market CCA has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director") in accordance with K.S.A. 41-2659, and amendments thereto. The possession and consumption of alcoholic liquor within the Public Market CCA is only permitted between the hours of 9:00 a.m. and 12:00 a.m. Sunday through Saturday.

SECTION THREE: All alcoholic liquor removed from a licensed premise authorized to participate in the Public Market CCA shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

SECTION FOUR: The possession or consumption of alcoholic liquor purchased outside of the Public Market CCA shall not be permitted inside the boundaries of the Public Market CCA.

SECTION FIVE: No open container of alcoholic liquor, purchased within the Public Market CCA, shall be removed from the boundaries of the Public Market CCA.

SECTION SIX: Inappropriate conduct shall not be permitted within the boundaries of the Public Market CCA and any person engaging in such inappropriate conduct shall be subject to removal from the Public Market CCA. Inappropriate conduct may include but is not limited to fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of law or City Code.

SECTION SEVEN: All licensees approved by the ABC to participate in the Public Market CCA shall at all times comply with any and all federal, state and City laws or regulations pertaining to the purchase and sale of alcoholic liquor.

SECTION EIGHT: The Governing Body hereby authorizes the City Administrator or his designee to take all reasonably necessary actions, including but not limited to the execution of all documents and instruments, to obtain a Permit for the Public Market CCA on behalf of the City.

SECTION NINE: Subject to receipt of the Permit as described in Section Two, the Governing Body hereby authorizes the City Administrator or his designee to establish rules and regulations pertaining to the use of the Public Market CCA and activities therein. A copy of the rules and regulations shall be available at the office of the City Clerk during regular business hours and on the website maintained by the City. Any violation of such rules and regulations, any official City signage, state law or regulations, or the oral direction of any City employee or authorized volunteer shall be grounds for expulsion from the Public Market CCA and criminal sanctions or any other remedy available under local, state or federal laws.

SECTION TEN: Effective Date: This Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED by the Governing Body this 15 day of August, 2017.

SIGNED by the Mayor this 15 day of August, 2017.



CITY OF LENEXA, KANSAS



Michael A. Boehm, Mayor



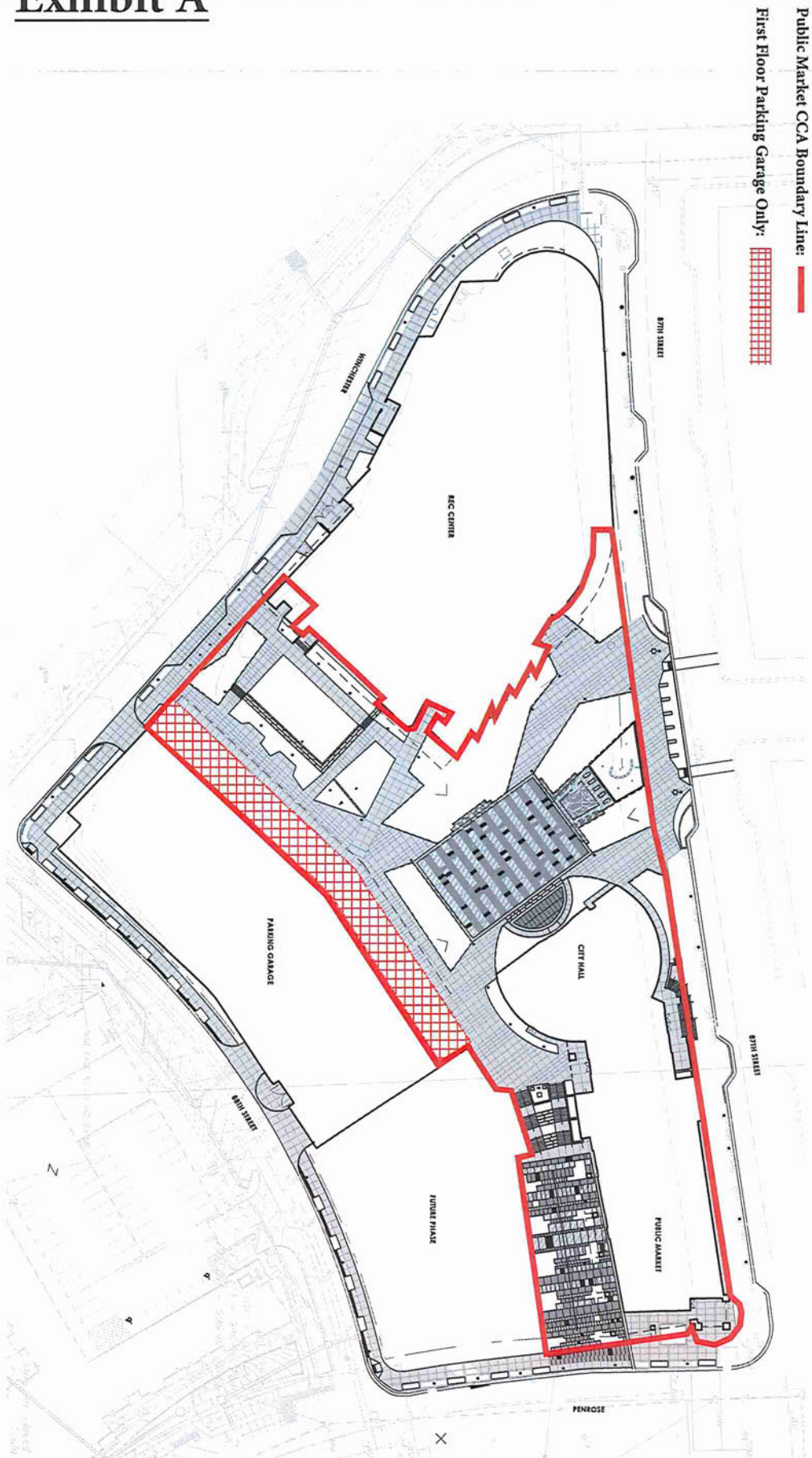
Katy Crow, City Clerk

APPROVED AS TO FORM:



Sean McLaughlin, Assistant City Attorney

Exhibit A



ORDINANCE NO. 5845

AN ORDINANCE AMENDING ORDINANCE NO. 5608 TO MODIFY THE BOUNDARY OF THE PUBLIC MARKET COMMON CONSUMPTION AREA AND AMEND CERTAIN RULES AND REGULATIONS PERTAINING TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE PUBLIC MARKET COMMON CONSUMPTION AREA.

WHEREAS, on August 15, 2017, the City passed Ordinance 5608 establishing a common consumption area called the Lenexa Public Market Common Consumption Area ("Public Market CCA") consisting of certain indoor and outdoor areas located within the Lenexa civic campus; and

WHEREAS, Ordinance 5608 established certain rules and regulations pertaining to the possession and consumption of alcoholic liquor within the Public Market CCA; and

WHEREAS, City staff has identified several revisions to the rules and regulations of the Public Market CCA in order to better accommodate City events and activities within the Public Market CCA; and

WHEREAS, the City passed Ordinance No. 5702 amending the Lenexa City Code by changing the title of City Administrator to City Manager; and

WHEREAS, the City desires to amend Ordinance No. 5608 to expanding the boundary of the Public Market CCA to facilitate better pedestrian traffic flow during events, expanding the permitted hours of sale and possession to align with state law, and permit the possession and consumption of alcoholic liquor that was purchased outside of the Public Market CCA with the prior written approval of the City Manager or Designee.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA:

Section One: Section Two of Ordinance 5608 is hereby amended to read as follows:

SECTION TWO: The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the Public Market CCA; provided, however, that a common consumption area permit ("Permit") for the Public Market CCA has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director") in accordance with K.S.A. 41-2659, and amendments thereto. The possession and consumption of alcoholic liquor within the Public Market CCA is only permitted between the hours of 6:00 a.m. and 12:00 a.m. Sunday through Saturday.

Section Two: Section Four of Ordinance 5608 is hereby amended to read as follows:

SECTION FOUR: The possession or consumption of alcoholic liquor purchased outside of the Public Market CCA shall not be permitted inside the boundaries of the Public Market CCA without prior written approval of the City Manager or designee.

Section Three: Exhibit A attached to Ordinance 5608 is hereby deleted in its entirety and replaced with Exhibit A attached hereto.

Section Four: All references to the City Administrator in Ordinance 5608 shall mean and refer to the City Manager.

Section Five: Effective Date: This Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the City Council this 7 day of September, 2021.

SIGNED BY the Mayor this 7 day of September, 2021.

CITY OF LENEXA, KANSAS



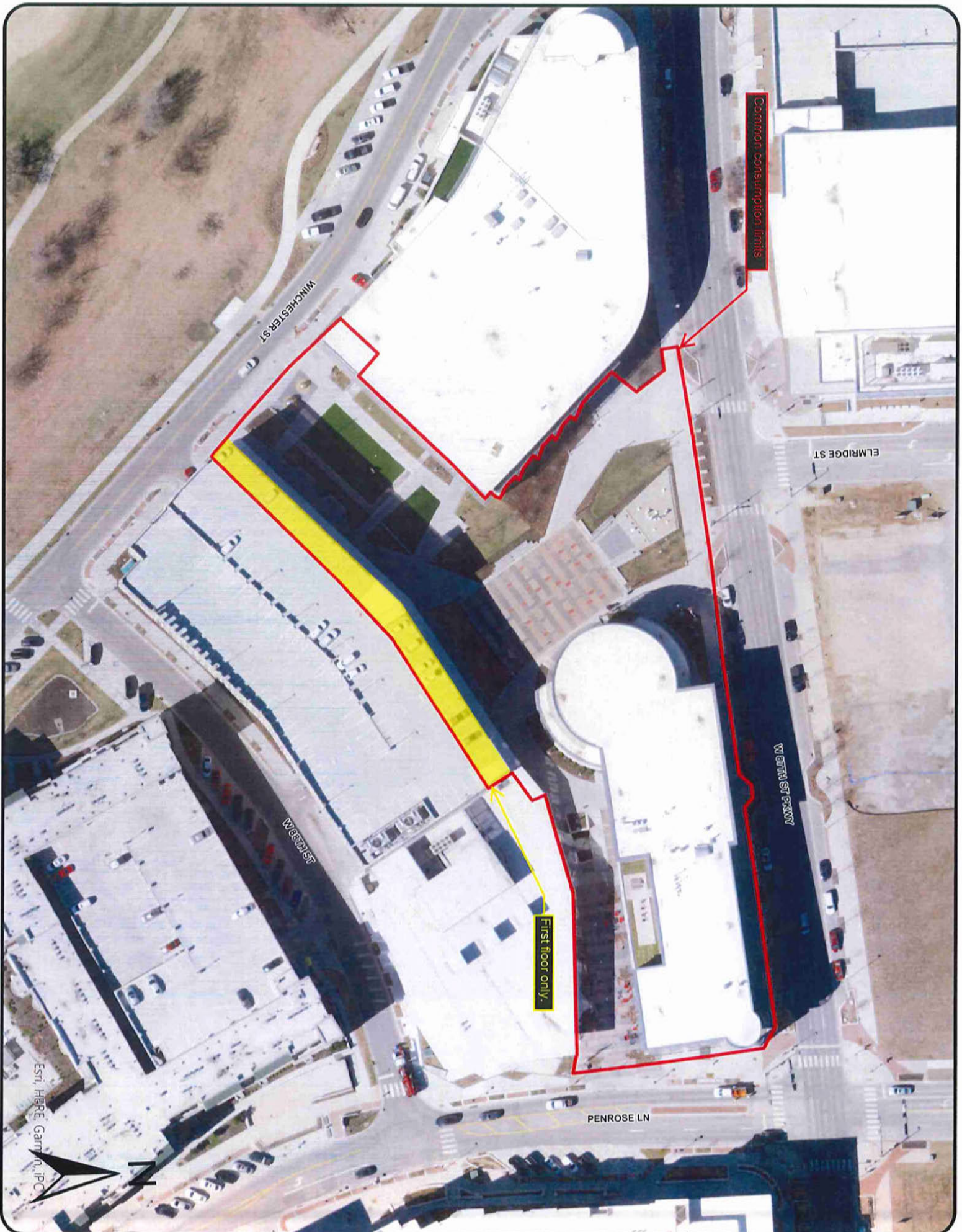
ATTEST:

[Redacted Signature] _____
Michael A. Boehm, Mayor

[Redacted Signature] _____
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

[Redacted Signature] _____
Steven D. Shrout, Assistant City Attorney



The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

CITY OF LENEXA
17101 W 87TH ST
LENEXA KS 66219-9720

First published in The Legal Record, Tuesday, September 14, 2021.

ORDINANCE NO. 5845 SUMMARY

On September 7, 2021 the City of Lenexa, Kansas passed Ordinance No. 5845, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 5608 TO MODIFY THE BOUNDARY OF THE PUBLIC MARKET COMMON CONSUMPTION AREA AND AMEND CERTAIN RULES AND REGULATIONS PERTAINING TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE PUBLIC MARKET COMMON CONSUMPTION AREA.

This Ordinance amended Ordinance No. 5608 which established a common consumption area on the southwest corner of 87th Street Parkway and Penrose Lane. The Ordinance modified the boundary of the Public Market Common Consumption Area ("Public Market CCA") to include a portion of sidewalk along 87th Street to improve pedestrian traffic flow during events. In addition, the Ordinance amended the hours of sale and possession of alcoholic liquor within the Public Market CCA to start at 6:00am to more align with State Law. Finally, the Ordinance authorized the City Manager to approve the possession or consumption of alcoholic liquor purchased outside of the Public Market CCA.

The complete text of this ordinance may be obtained or viewed free of charge at the Lenexa City Hall, City Clerk's Office, 17101 W. 87th Street Parkway, Lenexa, KS 66219. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.lenexa.com. This summary is certified as legally accurate and sufficient by Steven Shrout, Assistant City Attorney.

September 8, 2021
9/14

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

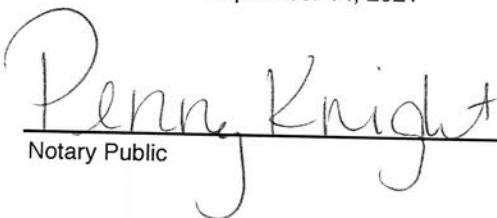
ORDINANCE NO. 5845 SUMMARY
9/14/21



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

September 14, 2021



Notary Public

PENNY KNIGHT
Notary Public-State of Kansas
My Appt. Expires Dec. 31, 2021

L92869
Publication Fees: \$23.28

RESOLUTION NO. 041822-H

**AN RESOLUTION ESTABLISHING A COMMON CONSUMPTION DISTRICT
WITHIN THE CITY OF GREAT BEND, KANSAS, AND DESIGNATION GREAT BEND
ALIVE, INC. AS THE DESIGNATED PERMITTEE FOR THE DISTRICT.**

WHEREAS, Great Bend Alive, Inc, a not-for-profit Kansas corporation with its principal of business in Kansas, has requested the City designate an area located within the city limits of Great Bend, Kansas for the establishment of a Common Consumption Area pursuant to K.S.A. 41-2659;

WHEREAS, a Common Consumption Area is an indoor and outdoor area not otherwise authorized for the possession and consumption of alcoholic liquor pursuant to a common consumption area permit;

WHEREAS, Great Bend Alive, Inc. has requested the Common Consumption Area be located on Forest Avenue from the intersection at Williams Street and Forest Avenue proceeding east along Forest Avenue to the intersection of Forest Avenue and Main Street and all area from the building frontages to the building frontages on both sides of Forest Avenue; and the alley way in Block 103 to the City of Great Bend running from Forest Avenue to Lakin Street up to and along the rear of the buildings on the east side of the alley and then along a line running north and south parallel to the west edge of the diagonal parking and up to and along the side of the building on the north end of said alley way (the "Alley Area"), all as shown on the map attached hereto;

WHEREAS, the Common Consumption Area will require the closing of Forest Avenue and Alley Area within the designated area from time to time for the possession and consumption of alcoholic liquor in the area permitted; and

WHEREAS, Great Bend Alive has requested the City to approve Great Bend Alive, Inc. as the permittee subject to the approval of the Kansas Director of the Division of Alcohol Beverage Control.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GREAT BEND, KANSAS, the request for the approval of the Common Consumption Area from the intersection at Williams Street and Forest Avenue proceeding east along Forest Avenue to the intersection of Forest Avenue and Main Street and all area from the building frontages to the building frontages on both sides of Forest Avenue and the Alley Area, all as shown on the map attached hereto, is approved.

RESOLVED FURTHER, the City of Great Bend, Kansas hereby approves Great Bend Alive, Inc. as the permittee subject to the issuance of common consumption area permit to Great Bend Alive, Inc. by the Kansas Director of the Division of Alcohol Beverage Control and subject to the rules and regulations adopted by the Secretary of Revenue.

RESOLVED FURTHER, the hours and days the consumption and possession of alcoholic liquor is authorized in the Common Consumption Area is from 9:00 a.m. and 12:00 midnight of each day but only during times when the City Administrator, or designee, has approved the closing of the designated arear of Forest Avenue and Alley Area to motorized traffic during the hours alcohol is authorized to be consumed and possessed within the Common Consumption Area.

RESOLVED FURTHER, during hours alcohol is authorized to be consumed and possessed within the Common Consumption Area, the Common Consumption Area of Forest Avenue and Alley Area shall be closed to all motorized traffic. The request for closure of the Common Consumption Area located on Forest Avenue and Alley Area shall be made by the permittee to the City Administrator, or designee, at least 48 hours prior to the requested times of operation. The request for closure of the Common Consumption Area on Forest Avenue and Alley Area shall be made upon a form provided.

RESOLVED FURTHER, inappropriate conduct shall not be permitted within the boundaries of the Common Consumption area, and any person engaging in inappropriate conduct shall be subject to removal from the area. Inappropriate conduct may include, but is not limited to, fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of state or federal law or City ordinance.

RESOLVED FURTHER, Resolution No. 062121-1 is hereby cancelled and of no further force or affect.

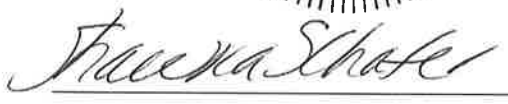
RESOLVED FURTHER, the approval of the Common Consumption District and Great Bend Alive, Inc as the licensee shall be from April 1, 2022 until December 31, 2026, unless renewed as required at law.

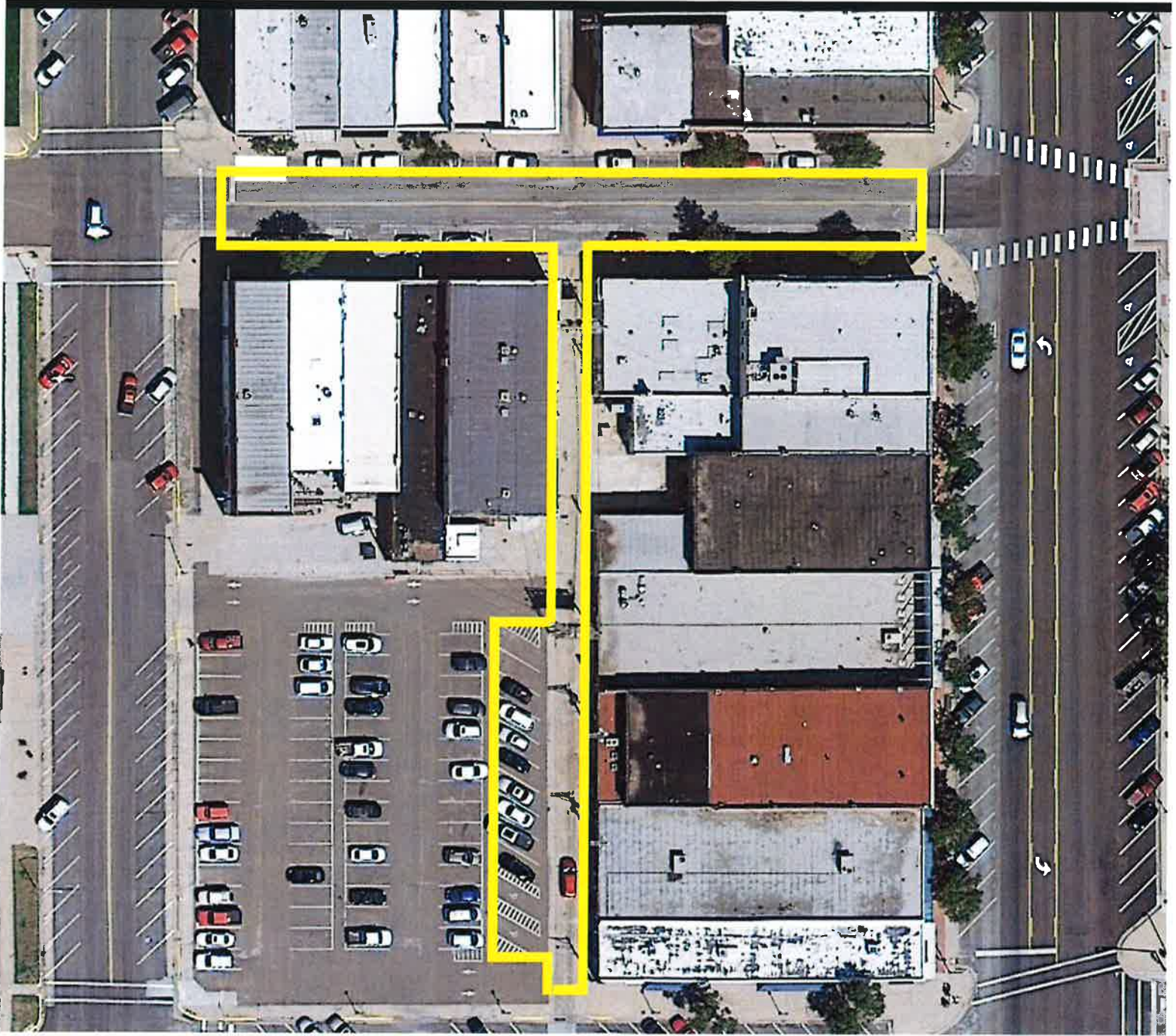
ADOPTED AND PASSED this 18th day of April 2022.

(SEAL)
ATTEST:




Cody Schmidt, Mayor


Shawna Schafer, City Clerk





REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023

Department City Clerk

Director Approval

AGENDA ITEM Consider approving City Commission minutes from April 4th, 13th, 19th and 27th, 2023.

SUMMARY RECOMMENDATION Approve the Minutes

BACKGROUND

FINANCIAL INFORMATION

SUGGESTED MOTION I move to approve the minutes from April 4th, 13th, 19th and 27th, 2023

SUPPORTING DOCUMENTS

1. April 4 2023 Special Meeting Minutes
2. April 13 2023 Minutes
3. April 19 2023 Special Meeting Minutes
4. April 27 2023 Minutes

Minutes of the City Commission's April 4, 2023 Meeting

I. SPECIAL SESSION

Commissioners Present: Vice-Mayor Dean Hayse and Commissioner Tim Emert

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Brian McHugh, Memorial Hall Supervisor; John Garris, City Engineer/Director of Public Works and Utilities and Lacey Lies, Finance Director

Visitors Present: None

A. Call to Order

Vice-Mayor Hayes called the meeting to order.

II. ITEMS FOR COMMISSION ACTION

A. Consider authorizing road and box culvert repairs to Wells Drive.

The roadway at Wells Drive has failed. The culvert, a large iron or steel structure, appears to be in adequate shape for extended use. The roadway has also failed because upstream waters have eroded the fill material above the culvert and below the roadway, leaving a void under the road surface. The road has been closed since this was discovered on March 7, 2023.

Due to the relatively high volumes of work and relatively low volume of contractor interest, working with TranSystems a price was requested from J. Graham Construction, Inc. to repair the existing road surface, install a concrete structure upstream to prevent recurrence of the undermining, and downstream placement of rip rap to protect against erosion. The total cost of this work is estimated at \$70,450 exclusive of inspection.

Doing the work in this fashion also saves the cost required for engineering drawings for bidding, which also increases the speed of the solution.

If awarded to J. Graham, the project will likely be completed in 45-60 days, which is in a timeframe that would fit with FEMA reimbursement for eligible items. Since the "as quoted" design varies from the previous design sent to FEMA, it is uncertain how much FEMA will reimburse the City for, but it is likely in the range of \$30,000 to \$40,000 at a minimum. The change was made due to the difficulty in installing downstream structures that would not

be undermined, and was replaced by an additional quantity of rip rap.

FEMA is involved in this project because the City has been working with them to fix damages due to the flooding in 2019. This has been a rather long and involved process, and we just received notice that they were funding the repairs prior to the hole appearing in the roadway.

Either an appropriate contract or a change order to an existing contract will be created for this work.

TranSystems has reviewed the pricing and concluded that it is reasonable for the scope of work.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission agreed to move forward as recommended by the City Engineer.

Aye: Tim Emert, Dean Hayse

Nay: None

III. ADJOURNMENT

Motion:

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

Aye: Tim Emert, Dean Hayse

Nay: None

Louis Ysusi, Mayor

Dean A. Hayse, Commissioner

Tim Emert, Commissioner

Minutes of the City Commission's April 4, 2023 Meeting

Attest:

City Clerk/Treasurer

Minutes of the City Commission's April 13, 2023 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Louis Ysusi and Vice-Mayor Dean Hayse

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

Visitors Present: Brea Sanford and Susan Scovel

A. Call to Order

Mayor Ysusi called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission approved the agenda.

Aye: Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Library Board of Trustees -- One Resignation -- Applications are due by Noon on April 21, 2023.

One of the City representatives, Rachel Koszalka, has resigned due to taking a new position in another City. Applications are being received for this opening until noon on April 21, 2023. The City representative must reside within the City limits. Applicants may apply at this link: [Library Board Application](#)

Minutes of the City Commission's April 13, 2023 Meeting

INDEPENDENCE LIBRARY DISTRICT BOARD OF TRUSTEES			
4 year terms – 7 members			
Members	Term	Expires	Appointed
Tom Sewell Treasurer	2nd term*	May 1, 2025	11/26/2020
Michelle Avery President	2nd term	May 1, 2026	4/2/2022
Carolyn Torrance	Unexpired	May 1, 2025	Appointed 11/1/2020 Replaced 11/1/2022
Rachel Koszalka Vice Chair	1st term*	May 1, 2026	9/2/2021 Resigned 03/3/2022
Ronald Schwatken Secretary	1st term	May 1, 2025	7/1/2021
Vacant	Unexpired	May 1, 2023	
	Elk City Rep		
England Porter	Unexpired	May 1, 2025	
	USD 446 Rep		
* Previously served unexpired term			
Meeting Place: Centennial Room, Library			
Meeting Date: Third Wednesday			
Meeting time: 4:15 p.m.			

- B. Housing Authority -- Two terms expire on April 11, 2023 -- Applications are due by Noon on April 21, 2023.

Tim White and Gary Morrison's terms on the Housing Authority expired on April 11, 2023. Both have served two full terms, so they are ineligible to be reappointed unless replacements do not apply or are not eligible to be appointed. Board members with expired terms continue to serve until replaced. Applications are being received for this opening until noon on April 21, 2023. The City representative must reside within the City limits. Applicants may apply at this link: [Housing Authority Application](#)

HOUSING AUTHORITY (4 year terms – 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Darnell Lawrie	Unexpired	April 11, 2023	9/1
Eddie Rodgers	2nd term	April 11, 2026	4/2
Rita Ortolani	1st term*	April 11, 2026	4/2
Tim White	2nd term*	April 11, 2023	8/1
Gary Morrison	2nd term	April 11, 2023	3/2
Meeting Place: Penn Terrace Meeting Date: Third Tuesday Meeting Time: 12 p.m.			

III. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission approved the consent agenda.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- A. Consider placing “No Thru Truck Traffic” signs on the alley between 10th and 11th, parallel to Main and Myrtle.

Currently, a section of alleyway west of McDonald’s receives heavy truck (semi) traffic which exits over private property. A review of the exit on the western side shows that the existing apron has a power pole in close proximity, making turns difficult for semi-trailers without the use of that private area. It would be very difficult to move the power pole. As such, it is recommended to close that area off to through truck traffic.

Suggested Motion:

I move to approve the placement of two new signs restricting truck traffic in the alley between 10th and 11th, parallel to Main and Myrtle.

- B. Consider approving change order for the repair of an ADA access ramp.

Currently, one of the ADA access ramps on the northeast corner of Memorial Hall has a landing slab that is tilted and thus retains water and/or ice depending upon temperature. A quote has been received from J. Graham to rework this slab so it drains properly.

This item is projected to cost \$6,500.

Suggested Motion:

I move to approve the change order with J. Graham Construction, Inc. for \$6,500 to repair the ADA sidewalk.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider setting the date of June 22, 2023 for a Public Hearing to consider the condemnation of a garage at 712 N. 12th Street as dangerous and unsafe.

On April 02, 2023 a garage at 712 N. 12th was involved in a fire that destroyed the garage. City staff recommends setting the date of Jun 22, 2023 for a Public Hearing to consider the condemnation as dangerous and unsafe.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adopted a resolution setting the date of June 22, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of a garage at 712 N. 12th Street as dangerous and unsafe.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- B. Consider a Memorandum of Understanding with Crossland Construction.

In January 2023, the City received Bids for the Central Park Sports Complex. Two bids were received with Crossland Construction (Crossland) being the apparent low bidder. However, the bid was in excess of the City's project estimate and in excess of the approved bonding authority. The Independence Recreation Commission has applied for a SPRINT grant through the Kansas Department of Commerce for \$3M, that, if awarded, would allow the project to move forward at its current scope. This Memorandum of Understanding formalizes the City's intent to select Crossland for the project, and Crossland's willingness to hold their bid price until May 15th, to give time for the grant review and selection process. If the grant is not awarded, both parties are released from any obligation to each other.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission authorized the Memorandum of Understanding with Crossland Construction.

Aye: Dean Hayse, Louis Ysusi

Nay: None

C. Consider finalizing the 2023 Community Engagement Survey questions.

As part of our 2023 Commission and Leadership Retreat, it was discussed that it is time to conduct the bi-annual citizen satisfaction survey, as the last survey was

conducted in 2021. On February 23, 2023, the City Commission approved the attached engagement letter and scope of work from Tanner LLC. Mackey Smith with Tanner LLC requested that I check to see if any additional questions besides the previous ones need to be added to the survey. I sent the attached previous survey questions and results to the Commission, Department Heads, Economic Development Advisory Board, and Planning Commission for feedback. Here is a link to the 2021 survey results: [2021 Survey Results](#)

I only received one request to add the following additional questions from a member of the Planning Commission:

- Do you feel like Independence adequately plans for future growth?
- Do you feel like Independence is making adequate progress toward self-sufficiency (for water, energy, food, waste disposal, economic development, etc.)?

The Planning Commissioner that suggested the new perception-oriented questions indicated additional follow-up questions might be required.

I received one comment from a Commissioner to be cautious about adding new questions as this would create a new baseline and could alter the ability to do a trend analysis.

City Staff has sent the proposed new questions to our consultant Mackey Smith for his comments, and he indicated that any new or altered questions should be minimal and have a clear purpose. He also indicated that the requested topics could be gauged by existing questions in the survey or open-ended portions.

City staff would like to thank the Planning Commissioner for his suggestions.

However, we agree the topics can be covered in other categories and that adding the questions could require additional follow-up questions and concerns regarding accurate trend analysis. For these reasons, staff recommends not adding additional questions at this time.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission utilized the same questions as the 2021 survey and not add any additional questions.

Aye: Dean Hayse, Louis Ysusi

Nay: None

D. Consider Change Order for City Hall Phase II project.

The following change orders are part of the Phase II renovation of City Hall and issues they encountered while doing the renovation.

- Electrical access doors in the courtroom for the camera system. \$229.45
- AT&T and Sparklight Fiber will be installed in City Hall I.T. room D-mark. Requiring conduit and core drilling access into the basement. \$2,065.02
- V-2 light fixtures with clear w/white trim rings. Change required due to a soffit height change in admin office. \$750.92

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission approved the change orders for \$3,045.39 for Phase II City Hall Project.

Aye: Dean Hayse, Louis Ysusi

Nay: None

E. Consider approving bidding for the Independence Waterline and Meter Replacement project.

Since 2020, the City has been working with PEC to create the Independence Waterline and Meter Replacement project. The project has been approved by KDHE, and is ready for bid.

The two main purposes of this project are, first, the installation of smart meters to replace the existing mechanical meters. Second, this project will

replace the water distribution infrastructure located south of Oak, north of Pecan, between 10th and 13th streets as shown in the attached plans.

Additionally, during the installation of the meters, the contractor will collect data as required for the Lead and Copper rule.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission approved to allow bidding for the Independence Waterline and Meter Replacement project with bids due at 2:00 pm on Thursday, May 18, 2023.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- F. Consider approving bidding for Inspection Services for the Independence Waterline and Meter Replacement project.

Since 2020, the City has been working with PEC to create the Independence Waterline and Meter Replacement project. The project has been approved by KDHE, and is ready for bid.

Required for this project is the inspection of the contractor's work to ensure that specifications are met and the work is done appropriately. Attached is a Request for Proposals for this work.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission approved to allow bidding for the Independence Waterline and Meter Replacement project inspection with bids due at 2:00 pm on Thursday, May 18, 2023.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- G. Consider approving the issuance of a Request for Proposals (RFP) for engineering services related to the Bartlett water project.

As the City is preparing to design and construct the water line between the City and the new Bartlett plant, the first engineering step is developing the engineering package, which will contain the basic information necessary for making efficient decisions and understanding any potential risks and roadblocks. The City has developed a request for proposals that will provide

Minutes of the City Commission's April 13, 2023 Meeting

the basis for engineering firms to provide proposals to meet that need (attached). Since the Bartlett plant is scheduled to begin operation in approximately a year, moving quickly to find this crucial information will allow the City to maximize the resource that cannot be made up: time available to construct the project.

A contract with Bartlett for the recovery of capital costs is proceeding in parallel with this effort.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission approved issuing the Request for Proposal for engineering services for receipt back to the City by 2:00 pm on Monday, May 1, 2023.

Aye: Dean Hayse, Louis Ysusi

Nay: None

V. REPORTS

A. City Board Minutes

1. March 15, 2023, Library Board of Trustees.
2. March 22, 2023, Recreation Commission

VI. CITY MANAGER'S COMMENTS

City Manager Passauer noted that the new "See Click Fix" is working very well on the City's website.

Commissioner Hayse noted that he used the application himself and the pothole he had turned in was filled.

Mayor Ysusi commended Finance Director Lies for making the application very user-friendly.

City Manager Passauer noted that the funeral for Norman Williams would be held tomorrow at 11 AM and sanitation services would be pushed back a day.

VII. COMMISSIONERS' COMMENTS

None

Minutes of the City Commission's April 13, 2023 Meeting

VIII. PUBLIC CONCERNS

Susan Scovel inquired about removing old holiday decorations or shrines from gravestones.

IX. ADJOURNMENT

Motion:

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

Aye: Dean Hayse, Louis Ysusi

Nay: None

Louis Ysusi, Mayor

Dean A. Hayse, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's April 19, 2023 Meeting

I. SPECIAL SESSION

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

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; John Garriss, City Engineer/Director of Public Works and Utilities; Lacey Lies, Director of Finance; Brian McHugh. Memorial Hall Supervisor and Mike DeVore, Memorial Hall Maintenance.

Visitors Present: Larry McHugh, Jim Kelly, Bill Webster and Andy Taylor

A. Call to Order

Mayor Ysusi called the meeting to order.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission moved item III before item II.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. ITEMS FOR COMMISSION ACTION

A. Consider a development agreement with Bartlett-Montgomery County, LLC.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved the agreement as presented and authorized the appropriate parties to execute it on behalf of the City.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. ITEMS FOR DISCUSSION

A. Budget expectations and timeline.

Finance Director Lies led the discussion on the budget timeline and expectations.

Minutes of the City Commission's April 19, 2023 Meeting

IV. 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

Louis Ysusi, Mayor

Dean A. Hayse, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's April 27, 2023 Meeting

I. REGULAR SESSION

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

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

Visitors Present: Larry McHugh, Brea Sanford, Andy Taylor, Alexander Tucker, Gabe Schenk and Ned Stichman

A. Call to Order

Mayor Ysusi called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Library Board of Trustees -- One Resignation

One of the City representatives, Rachel Koszalka, has resigned due to taking a new position in another City. Applications were received for this opening until noon on April 21, 2023. The City representative must reside within the City limits. We have received three applications which are attached.

Minutes of the City Commission's April 27, 2023 Meeting

INDEPENDENCE LIBRARY DISTRICT BOARD OF TRUSTEES			
4 year terms – 7 members			
Members	Term	Expires	Appointed
Tom Sewell Treasurer	2nd term*	May 1, 2025	11/26/
Michelle Avery President	2nd term	May 1, 2026	4/2/
Carolyn Torrance	Unexpired	May 1, 2025	Appointed 11/1/
Rachel Koszalka Vice Chair	1st term*	May 1, 2026	Replaced 9/2/
Ronald Schwatken Secretary	1st term	May 1, 2025	Resigned 03/3/
Vacant	Unexpired	May 1, 2023	7/1/
England Porter	Unexpired	May 1, 2025	
	USD 446 Rep		
* Previously served unexpired term			
Meeting Place: Centennial Room, Library			
Meeting Date: Third Wednesday			
Meeting time: 4:15 p.m.			

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Andy Taylor to the Library Board of Trustees to fill an unexpired term ending on May 1, 2026.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Housing Authority -- Two terms expired

Tim White and Gary Morrison's terms on the Housing Authority expired on April 11, 2023. Both have served two full terms, so they are ineligible to be reappointed unless replacements do not apply or are not eligible to be appointed. Board members with expired terms continue to serve until replaced. Applications were received for this opening until noon on April 24, 2023. The City representative must reside within the City limits. Two applications were received and are attached.

HOUSING AUTHORITY (4 year terms – 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Darnell Lawrie	Unexpired	April 11, 2023	9/1
Eddie Rodgers	2nd term	April 11, 2026	4/2
Rita Ortolani	1st term*	April 11, 2026	4/2
Tim White	2nd term*	April 11, 2023	8/1
Gary Morrison	2nd term	April 11, 2023	3/2
Meeting Place: Penn Terrace Meeting Date: Third Tuesday Meeting Time: 12 p.m.			

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission appointed Cindy White to a 1st term on the Independence Housing Authority Board which will expire on April 11, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Charles Doerr to a 1st term on the Independence Housing Authority Board which will expire on April 11, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Minutes of the City Commission's April 27, 2023 Meeting

- A. Consider waiving the ordinance prohibiting food trucks in the Park on April 30, 2023 for Independence High School Fun Night

Independence High School administration is working on planning a Fun Night for Independence High School students and their families at Riverside Park on April 30th, 2023, from 6:00 p.m. to 8:00 p.m. As part of this event, they would like to have several food trucks at the park. The food trucks will be available to the general public during the hours of the event. The current City Ordinance only allows the City Manager to “give the privilege of a day to any school, church or association to sell refreshments.” We do not believe this includes a private vendor selling refreshments, even though it is part of an association's event. Therefore, we ask the Commission's permission to waive this requirement on April 30, 2023 for the IHS Fun Night Event.

Suggested Motion:

I move to waive the Ordinance prohibiting food trucks in the Park on April 30, 2023, for the Independence High School Fun Night Event.

- B. Consider authorizing TranSystems to prepare and submit a KDOT Off-System Bridge grant applications for the Cherry Street Bridge.

Kansas Department of Transportation (KDOT) Off-System Bridge applications for the spring 2023 round are due on May 26, 2023.

The City has submitted Cherry street for this grant before as the bridge has been evaluated and the time for replacement is near. Costs below include cost escalation due to inflation, per KDOT. The project has an estimated total cost of \$465,000, with an anticipated total cost to the City of \$49,000.

Suggested Motion:

I move to authorize TranSystems to prepare an application for KDOT's Off-System Bridge Program for the Cherry Street Bridge and to submit the application to KDOT.

- C. Consider authorizing a contract with TranSystems to design the containment project as required by the Airport SPCC program.

A recent update to the federally required Spill Prevention, Containment, and Countermeasures plan at the Airport shows the need for building additional secondary containment for the fuel farm as well as the fuel trucks. TranSystems has provided a cost to do design and inspection work of \$45,000, and the contract is attached.

Suggested Motion:

I move to authorize a contract with TranSystems Corporation to prepare a design for the secondary containment at the Airport and the execution of any necessary documents.

- D. Consider approving idle fund deposits in a financial institution.

The City solicited local banks for proposals as a depository for excess idle funds, in accordance with Kansas Statue 12-1675 (12-1675 (ksrevisor.org)). Three proposals were received from the following local institutions: First Oak Bank, Commercial Bank, and Community National Bank.

Community National Bank's proposal yields the highest return on the funds at the 91-day Treasury rate with a 4.5% floor for the first year.

Suggested Motion:

I move to approve deposits with Community National Bank and Trust and for city staff to execute any necessary documentation.

IV. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 1016 E. Edison as Dangerous and Unsafe.

The structure at 1016 E. Edison was involved in a fire that did extensive damage. Lariat Enterprises L.L.C has been working with the City of Independence building department and continues to make progress on the rehabilitation of the structure. The rehab progress is slow due to contractor availability, but the work is progressing with new electrical service and wiring completed, and they are now working on interior rehabilitation. City staff recommends adjourning the hearing until July 13, 2023, at 5:30 PM.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adjourned the Public Hearing for 1016 E. Edison until July 13, 2023, at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. ITEMS FOR COMMISSION ACTION

Minutes of the City Commission's April 27, 2023 Meeting

- A. Consider proclaiming May 7-13, 2023 as Public Service Recognition Week.

Introduced in 1985 by President Reagan, Public Service Week was introduced to honor the people in the public sector and acknowledge their efforts to provide services to the citizens. The City of Independence would like to honor our employees that provide services to the citizens of Independence.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized May 7-13, 2023, as Public Service Recognition Week in Independence, Kansas.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 404 South 8th Street as dangerous and unsafe.

City staff was contacted by residents about 404 S. 8th regarding the house's condition and that it was a danger to children in the area. The building department inspected the house on April 6, 2023, and found the house to be in a dangerous and unsafe condition. The building department has been in contact with the owner, who indicated he is selling the house to an individual who will rehab the residence. City staff has recommended a timeline of repairs to be submitted to the City and that immediate action be taken to correct the unsafe conditions of the porch and install a roof to stop water infiltration into the structure. City staff informed the owner that as long as a timeline of repairs is submitted and followed, the City will continue to work with the owner to rehab the structure and return it to a habitable structure. However, we will proceed with the condemnation process and hold a Public Hearing on July 13, 2023.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution setting the date of July 13, 2023, at 5:30 PM for a Public Hearing to consider the condemnation of 404 S. 8th Street as dangerous and unsafe .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider setting the date of July 13, 2023, for a Public Hearing to consider the condemnation of 201 S. 14th Street as dangerous and unsafe.

City staff has received complaints about the structure's condition at 201 S. 14th Street. City records indicate the utilities were last active in February 2010. A review of the structure found several holes in the roof, and the structure is unsecured with broken windows and access through open doors and an opening in the back of the house.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution setting the date of July 13, 2023, at 5:30 PM for a Public Hearing to consider the condemnation of 201 S. 14th Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 700 E. Edison Street as dangerous and unsafe.

The City of Independence received a complaint through See Click Fix regarding the structure's condition. The building department inspected the structure and found it uninhabitable and open. The structure last had City utilities in 2014.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution setting the date of July 13, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 700 E. Edison Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 616 E. Edison Street as dangerous and unsafe.

The City received a complaint through See Click Fix regarding the structure's condition at 616 E. Edison. The building department inspected the structure and found it to be in uninhabitable condition and need of repair. The residence has been an ongoing issue with code enforcement related to debris and the structure's condition.

Motion:

Minutes of the City Commission's April 27, 2023 Meeting

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution setting the date of July 13, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 616 E. Edison Street as dangerous and unsafe .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 510 E. Main Street as dangerous and unsafe.**

The City received a complaint from neighbors regarding the structure's condition at 510 E. Main. The City conducted an inspection and found the structure uninhabitable and needed repair. The structure last had City utilities on October 2017.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution setting the date of July 13, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 510 E. Main Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 1000 N. 4th Street as dangerous and unsafe.**

The City building department has received multiple complaints regarding the structure's condition at 1000 N. 4th. The house has not had utilities since 2020 and is open and insecure. The City has sent a notification to the owner informing him of the complaints and the open status of the structure. The failure to maintain the structure and being unsecured has created a nuisance for the neighborhood, allowing transients, an infestation of animals and insects and an attraction for vandalism.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution setting the date of July 13, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 1000 N. 4th Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider a resolution to rescind the condemnation action of 1000 W. Chestnut Street.

The City Commission approved setting a Public Hearing for the condemnation of 1000 W. Chestnut Street on March 23, 2023. Lawrence Wright, the owner's son, has since contracted with a private contractor and cleared the lot, which the City inspected. Staff is asking the Commission to adopt a resolution rescinding condemnation action to clear the title. The City has also received insurance proceeds and will return those to the owner.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution rescinding previous resolutions, which set a hearing date to consider the condemnation of 1000 W. Chestnut Street as dangerous and unsafe, and return any insurance proceeds the City may have received.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- I. Consider a change order to the Phase II City Hall Project.

City staff reviewed the 1st-floor plan with McCown Gordon, and a security concern was noted regarding access to offices and the courtroom. The main entrance to City Hall will be the door on the south side of the building, formally a garage door. Citizens can access this door 24/7 to reach the police department dispatch. Citizens would have access to the foyer and hallway towards the clerk's office, where the bathroom is located. To ensure the security of the six offices and the Commission/Courtroom, the City is requesting door access be placed on these office doors. The housing department will be located in three of these offices and have agreed to cover the installation cost of door access to their offices. This proposed change order covers three city offices and the Commission/Courtroom and includes proximity readers, door hardware, cable path/conduit, and installation.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the change order with Gateway Wireless to install door access control on the 1st floor.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- J. Consider waiving a portion of the Commission's approval authority under the City's Purchasing Policy.

The agreement with Bartlett to design and construct the new water pipeline has been executed. The water pipeline is a high-priority project for the City, as it generates revenue for the City and is also required for the operation of the new Bartlett facility, which will bring economic growth to all of Montgomery County.

The timing of decisions by the City Commission is normally adequate for most City needs, given that there are generally two or three available times for the Commission to make decisions on purchasing in any given month. On a project that is being "fast-tracked," such as the pipeline, this frequency will likely prove to be insufficient and, if followed, will result in either project delay, increased project costs, or a significant number of additional Commission meetings called to meet the needs of the project.

Alternatively, the Commission could waive its approval of purchasing, scoping, bidding, and award decisions on this project only. This would not be suggested in a typical project because, in a typical project, the City is operating using taxpayer funds. In the case of the Bartlett water pipeline project, however, the City will be reimbursed for all funding, so there is no net cost to the City or the taxpayers.

This waiver would allow decisions on the project to be made with the necessary speed to build the project in the shortest possible time. It is proposed that these decisions, generally, are approved by the designated Bartlett representative, by the Independence City Manager, and by the Independence City Engineer before implementation, except in cases of emergency.

The Commission would, however, absolutely retain its oversight role, as periodic project reports would communicate those decisions. The Commission could also rescind this waiver at any time.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission agreed to waive Purchasing Policy approval for the construction and any related expenses for the new City water pipeline to serve Bartlett-Montgomery County, LLC.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Minutes of the City Commission's April 27, 2023 Meeting

Nay: None

VI. REPORTS

A. Monthly Public Works and Project Report

City Engineer Garris presented the report.

B. Appropriations - March 18 - April 21, 2023

VII. CITY MANAGER'S COMMENTS

City Manager Passauer noted that the sanitation department is open from 8-2 during love independence week as well as the brush dump. The Commission was also informed that the City received \$2.6 million from the base grant.

VIII. COMMISSIONERS' COMMENTS

None

IX. PUBLIC CONCERNS

None

X. EXECUTIVE SESSION

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

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, 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, KSA 75-4319(b)(2). The open meeting will resume at 6:30 p.m. in the Civic Center of Memorial Hall. In the executive session will be the Commission, City Attorney, City Manager, Assistant City Manager and City Engineer and Shawn Turner.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Minutes of the City Commission's April 27, 2023 Meeting

The meeting resumed at 6:30 p.m. with no action taken.

- B. Matters relating to the security of a public body or agency, public building or facility, or the information system of a public body or agency.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission recessed for an executive session for discussion of City Hall security pursuant to the security measures exception found at K.S.A. 75-4319(b)(12). The open meeting will resume at 6:45 o'clock p.m. in the Civic Center of Memorial Hall. In the executive session will be the Commission, City Manager, City Attorney, Public Works Director, and Assistant City Manager.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The meeting resumed at 6:45 p.m. with no action taken.

XI. ADJOURNMENT

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Louis Ysusi, Mayor

Dean A. Hayse, Commissioner

Tim Emert, Commissioner

Minutes of the City Commission's April 27, 2023 Meeting

Attest:

City Clerk/Treasurer



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023**

Department Admin

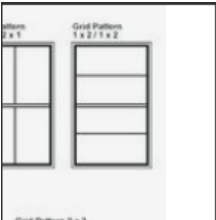
Director Approval David Cowan

AGENDA ITEM Consider Change Order for City Hall Phase II project

SUMMARY RECOMMENDATION City Staff recommends approval of the change order.

BACKGROUND The State of Kansas Historical Office reviewed the City Hall Phase II Project regarding windows in the 1960s addition. The expansion of the City Hall buildings was an important part of the building's continued use and growing services for the community. The windows that were a part of the addition were not demonstrated to be beyond repair and must be retained unless other evidence is submitted showing they cannot be repaired or modified. On a recent visit, they saw that the windows had been replaced and were not available for review and had likely gone to a landfill. Therefore, they are requesting that the installed windows look like the ones on the rest of the building. They asked the architect to propose a fix for four horizontal divisions that fit better with the horizontal details in the 1960s addition.

TreanorHL has submitted the following change to the Kansas Historical Society and has been given the approval to proceed. The change order cost is \$2,839.92. On June 12, 2023, TreanorHL notified us that the Kansas Historical Society had approved the architect's proposal.



FINANCIAL INFORMATION The contingency account balance is \$94,061.84 and will be \$ 91,221.92 if the change order is approved.

SUGGESTED MOTION I move to approve the change order for \$2,839.92.

SUPPORTING DOCUMENTS

1. RE_ ICH - East window faux muntins - approval 06122023
2. Transmittal - 00591
3. ASI 08

From: [Kara Grant](#)
To: [David Cowan](#); [Brandon Brinker](#)
Cc: [Blake Satterfield](#); [Tim Elliott](#)
Subject: RE: ICH - East window faux muntins
Date: Monday, June 12, 2023 1:32:59 PM

David and Brandon,

We got green light from SHPO to move forward with the additional of the faux muntins. Please proceed with.

Thank you,

Kara Grant IIDA, NCIDQ, LEED AP BD+C
PROJECT MANAGER

TREANOR~~HL~~
o 785.842.4858
c 785.865.9695

treanorhl.com

From: Kara Grant <kgrant@treanorhl.com>
Sent: Wednesday, May 31, 2023 3:22 PM
To: David Cowan <davidc@independenceks.gov>; Brandon Brinker <bbrinker@mccowngordon.com>
Cc: Blake Satterfield <bsatterfield@mccowngordon.com>; Tim Elliott <telliott@mccowngordon.com>
Subject: ICH - East window faux muntins
Importance: High

David,

Vance will need to have SHPO review our solution. We don't foresee and issue, but might should wait to order till have their approval. Vance should be able to get done pretty quickly.

Kara Grant IIDA, NCIDQ, LEED AP BD+C
PROJECT MANAGER

TREANOR~~HL~~
o 785.842.4858
c 785.865.9695

treanorhl.com

TRANSMITTAL**PROJECT:** Independence City Hall Phase 2**TRANSMITTAL ID:** 00591**PROJECT NO.:** HP0559.1901.00**DATE:** 5/18/2023**SUBJECT:** ICH - ASI 08**OWNER:** City of Independence, KS**PURPOSE:** For your review and comment**VIA:** Info Exchange**To:****Name****Email****Phone**

Brandon Brinker
McCown Gordon Construction, LLC
300 North Mead, Suite 104
Wichita KS 67202
United States

bbrinker@mccowngordon.com

(316) 202-5611

From:**Name****Email****Phone**

Kara Grant
TreanorHL, Inc.

kgrant@TreanorHL.com

785.727.2401 x2401

Description:

Brandon,
Please see attached link for ASI 08, regarding the 1960's building east window modifications.

Attachments:

Qty	Dated	Title	Notes
1	5/18/2023	ASI 08.pdf	

Copies:

David Cowan, City of Independence, KS

ARCHITECT'S SUPPLEMENTAL INSTRUCTIONS

PROJECT: City of Independence, KS, City
Hall Renovation

ASI NO.: 08

PROJECT NO.: HP0559.1901.00

DATE OF ISSUANCE: May 18, 2023

CONTRACT FOR: General Construction

CONTRACT DATED: March 24, 2022

TO: McCownGordon

OWNER: City of Independence, KS

ATTENTION: Brandon Brinker

The Work shall be carried out in accordance with the following supplemental instructions issued in accordance with the Contract Documents without change in Contract Sum or Contract Time. Return a signed copy of these instructions to the Architect before proceeding with the Work. Proceeding with the Work in accordance with these instructions indicates your acknowledgement that there will be no change in the Contract Sum or Contract Time.

Description:

1. A603 / ALUMINUM WINDOW FRAMES / A01:
 - a. Provide faux muntins on A01 windows per attached drawing.
-

Attachments: Sheet: ASI 08 DWG.

ARCHITECT

TreanorHL, Inc.
719 Van Buren St, Suite 200
Topeka, KS 66603

Vance Kelley

By

May 18, 2023

Date

CONTRACTOR

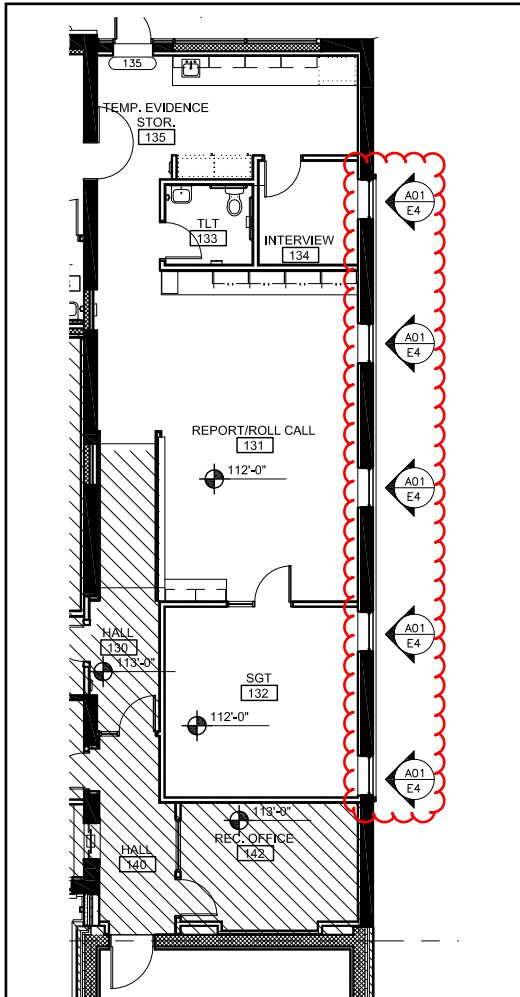
McCownGordon Construction
255 N Mead, Suite 200
Wichita, KS 67202

Copies: Kara Grant, TreanorHL
David Cowan, City of Independence KS

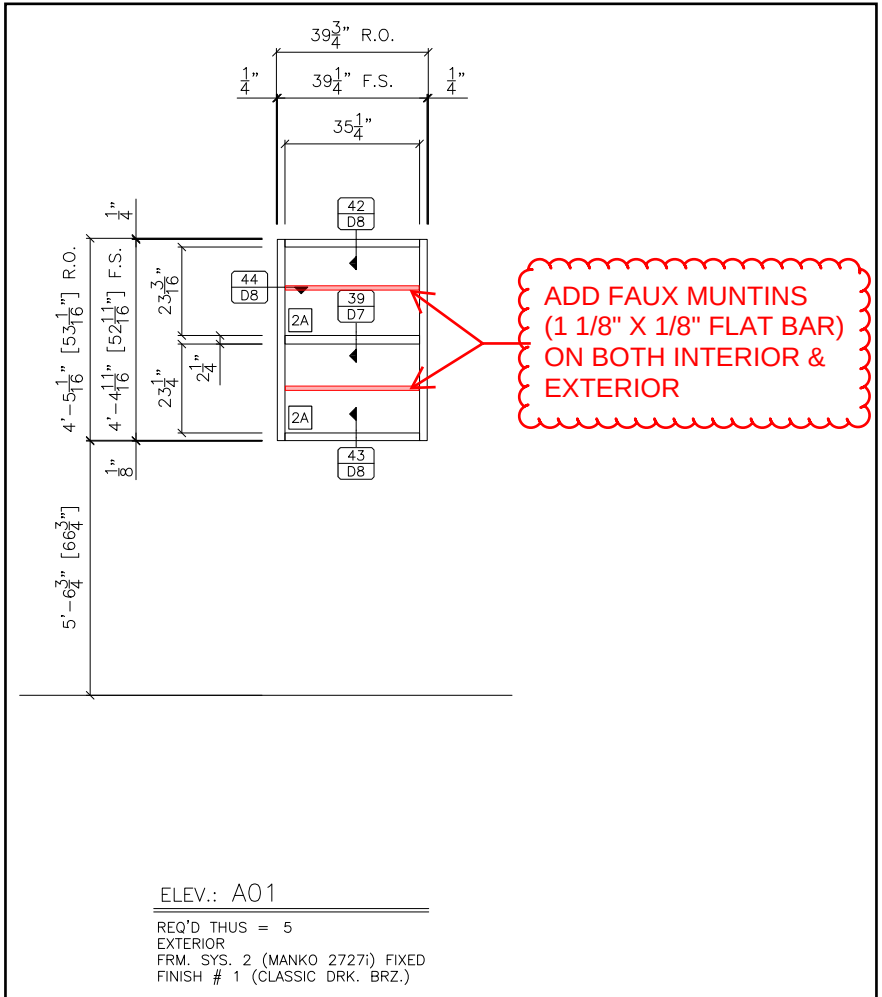


INDEPENDENCE CITY HALL RENOVATION ASI 08 DWG (05/18/23)

1. At 1960's addition east facade aluminum windows (Window Type A01): Provide tape applied surface faux muntins to both interior and exterior side of windows as shown on elevations below. Faux muntins: Manko 1 1/8" x 1/8" flat bar stock, match finish of replacement window - Manko / Classic Dark Bronze)



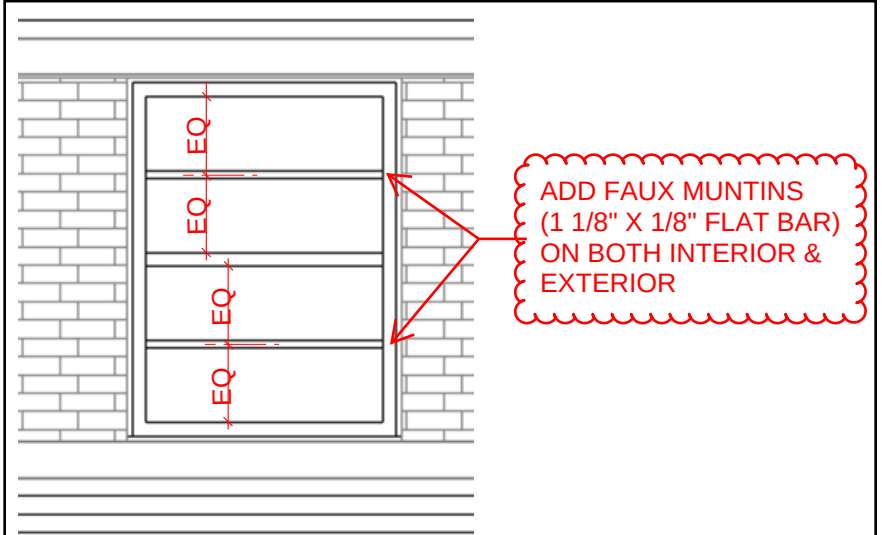
PARTIAL ARCHITECTURAL PLAN



WINDOW SUBMITTAL - A01 WINDOWS



EXISTING 1960'S WINDOW PHOTO



ARCHITECTURAL WINDOW ELEVATION



REQUEST FOR COMMISSION ACTION CITY OF INDEPENDENCE

June 22, 2023

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider a recommendation from the Planning Commission to adopt a resolution for a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street.

SUMMARY RECOMMENDATION Accept the recommendation of the Planning Commission and adopt a resolution for a conditional use permit for a daycare

BACKGROUND On June 6, 2023 the Planning Commission held a public hearing to consider a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street. The Planning Commission recommended approval. There were no public comments from anyone other than the applicant.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt a resolution for a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street with conditions.

SUPPORTING DOCUMENTS

1. RESOLUTION NO 2023-029 - CUP 301 S 11TH ST
2. 06/06/2023 P/Z Staff Report

RESOLUTION 2023-029

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A DAYCARE CENTER AT 301 SOUTH 11TH STREET.

WHEREAS, at a public hearing conducted on June 6, 2023, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit for a daycare center in an R-3 zoned district at 301 South 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 for a daycare center in an R-3 zoned district at 301 South 11th Street, is approved as hereinafter modified.

The property in question has the following legal description:

Lot 1-4, Block 83, Original Plat to the City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. The applicant must continue to meet all the "special conditions" set forth in Section 1003.1 a, b, c and d of the Zoning Code as follows:
2. City, county and state standards: All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.
3. Loading zone: A "hard surfaced" loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.
4. Operation: Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
5. Screening required: Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use.
6. The conditional use permit is not transferable to another property owner or to another location.
7. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.

Adopted and approved by the Governing Body of the City of Independence,
Kansas, on this 22nd day of June 2023.

(Attest)

Louis Ysusi, Mayor

David Schwenker, City Clerk/City Treasurer



REQUEST FOR PLANNING COMMISSION ACTION CONDITIONAL USE PERMIT CITY OF INDEPENDENCE JUNE 6, 2023

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to consider a request for a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street.

SUMMARY RECOMMENDATION Approve a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street.

BACKGROUND The Zion Evangelical Lutheran Church of Independence wants to have a Daycare Center at 301 South 11th Street in their already existing building, Zion Lutheran School. A conditional use permit is required for a "Day care center with more than four children" in an R-3, low density multifamily dwelling district..

Land Use Category	Code	Permitted Zoning District												
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Day care centers—more than four children	6811	C	C	C	C	C	C	C	P	P	C	P		

There is adequate existing parking since the school is not building on or changing the use of the existing structure.

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.

1003.0. - Day care facilities for more than four children.

1003.1. Special conditions: Day care facilities for more than four children shall meet the following provisions when authorized as a conditional use in any residential district:

- a. *City, county and state standards:* All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.

- b. *Loading zone:* A loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.
- c. *Operation:* Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- d. *Screening required:* Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use.

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. 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 and meeting the following requirements:

1. The applicant must continue to meet all the "special conditions" set forth in Section 1003.1 a, b, c and d of the Zoning Code as follows:
 - a. City, county and state standards: All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.
 - b. Loading zone: A "hard surfaced" loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.
 - c. Operation: Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
 - d. Screening required: Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use.
2. The conditional use permit is not transferable to another property owner or to another location.
3. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.

SUGGESTED MOTION I move to authorize a conditional use permit for "Daycare Center" at 301 South 11th Street, Zion Lutheran School, with the conditions as recommended by City staff.

SUPPORTING DOCUMENTS

1. Application for Conditional Use Permit 301 S 11th
2. 301 S 11th St Notification CUP
3. 301 S 11th Notification Area

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Eric Pralle 301 South 11th Street, Independence, KS 67301

LEGAL DESCRIPTION OF LAND INVOLVED:

LOT 1-4, Block 83, Orig Plat

COMMON ADDRESS OF SAID LAND:

301 South 11th Street, Independence, KS 67301

PRESENT ZONING CLASSIFICATION: R-3

STATEMENT OF INTENDED USE OF PROPERTY:

Zion Lutheran Church and School intends to use the existing property and facility to provide daycare in addition to our existing preschool for Independence and the surrounding community.

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

Existing Building

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.

4-25-23

Date

Eric A. Pralle

Signature of Applicant

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

 Receipt

Your payment was successfully processed.

Confirmation number

3YM5FG5K56

Payer Contact Info

epralle@zionindy.com

Payment Method

*****4930

Conditional Use

Property Address

300 S 11th Street

Name

Eric Pralle

Phone

6203323331

Base price \$200.00

Convenience Fee \$1.25

Municipal Online Payments Fee \$1.25

Total \$202.50

Announcement



Office Hours are Monday through Thursday from 8am to 4pm and Friday's 8 am to noon.

Contact us



620-332-2500

[Contact us](#)

Site Plan

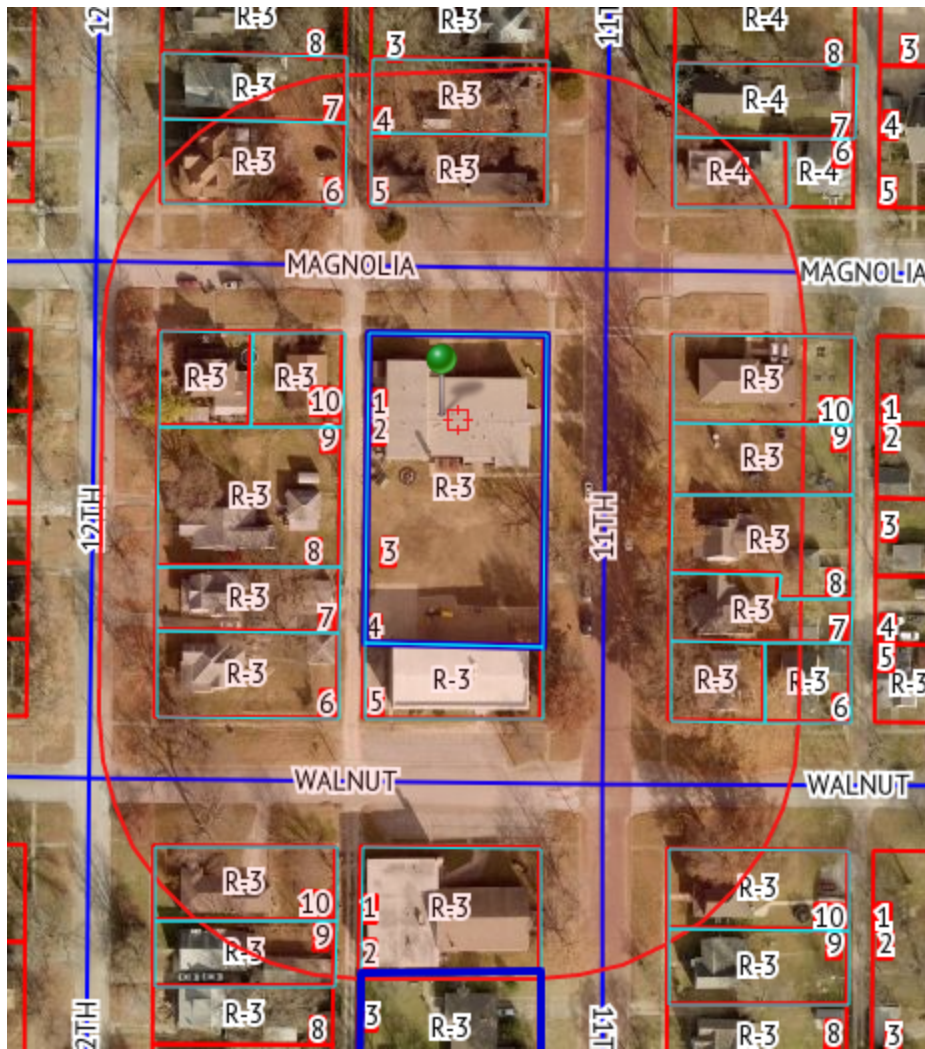
- Site Plan is not needed because Zion Lutheran Church and School has an existing building to use.
- Zion Lutheran Church and School is using an existing space and existing parking so extra parking is not needed.
- Zion Lutheran Church and School currently has enough parking to meet code (2 parking places for each teacher).

Owner Name	ZION EVANGELICAL LUTHERAN CHURCH OF INDEPENDENCE
Address	303 S 10TH ST INDEPENDENCE, KS 67301

Address	301 S 11TH ST, Independence, KS 67301
----------------	---------------------------------------

Function	Parochial school
Activity	Classroom-type activities
Ownership	Nonprofit religious
Site	Developed site - with buildings

Quick Ref	II Situs	Owner	Mailing Address 1	Mailing Address City	Mailin	Mailing Address Zip
R4088	409 S 11TH ST	POGUE, SARA	6056 BRADFORD HILL DR	NASHVILLE	TN	37211
R4036	500 W WALNUT ST	FIRST CHURCH OF THE NAZARENE	3835 CR 3900	INDEPENDENCE	KS	67301
R4035	316 S 12TH ST	MORSE, TREVA S	2118 CR 1425	CANEY	KS	67333
R4064	418 W WALNUT ST	HUNTER, RHONDA	418 W WALNUT	INDEPENDENCE	KS	67301
R4065	412 W WALNUT ST	BROWN, DEBORAH & DONALD	PO BOX 1145	INDEPENDENCE	KS	67301
R4043	214 S 12TH ST	ARMSTRONG, L C	Attn: TRACY LORNES 717 N 8TH ST	INDEPENDENCE	KS	67301
R4046	215 S 11TH ST	HUTCHISON, MATTHEW WARREN & TRAEMORLUNA, DOKTER THANATOS	215 S 11TH ST	INDEPENDENCE	KS	67301
R4054	212 S 11TH ST	MARQUEZ, BRENDA & MANUEL	212 S 11TH	INDEPENDENCE	KS	67301
R4081	404 S 12TH ST	LINDEN, MASON & SHIRLEY	404 S 12TH ST	INDEPENDENCE	KS	67301
R4072	404 S 11TH ST	SIMMONS, KENNEN L & CHRISTY	1414 W 2ND ST	COFFEYVILLE	KS	67337
R4034	312 S 12TH ST	AEMISEGGER, KIRK M	312 S 12TH ST	INDEPENDENCE	KS	67301
R4063	312 S 11TH ST	PARRETT, LINDA S & MELISSA J	312 S 11TH ST	INDEPENDENCE	KS	67301
R4033	308 S 12TH ST	ROMINE, PATRICIA A	115 TIMBERLANE DR	INDEPENDENCE	KS	67301
R4061	304 S 11TH ST	ZION EVANGELICAL LUTHERAN CHURCH OF INDEPENDENCE	303 S 10TH ST	INDEPENDENCE	KS	67301
R4032	300 S 12TH ST	HASTINGS, CHRISTOPHER PAUL & TAMISHA JO	2410 GARY AVE	INDEPENDENCE	KS	67301
R4031	513 W MAGNOLIA ST	ADAMSON, BOBBY R. & DIANA L.	210 S 10TH	INDEPENDENCE	KS	67301
R4030	301 S 11TH ST	ZION EVANGELICAL LUTHERAN CHURCH OF INDEPENDENCE	303 S 10TH ST	INDEPENDENCE	KS	67301
R4060	407 W MAGNOLIA ST	ZION EVANGELICAL LUTHERN CHURCH OF INDEPENDENCE	303 S 10TH ST	INDEPENDENCE	KS	67301
R4080	400 S 12TH ST	EPP, CAROL	3976 CR 4050	INDEPENDENCE	KS	67301
R4079	401 S 11TH ST	CHURCH OF CHRIST	PO BOX 513	INDEPENDENCE	KS	67301
R4071	400 S 11TH ST	KAUFMANN, SARA SUZANNE & MACKENZIE JAMES	400 S 11TH	INDEPENDENCE	KS	67301
R4062	308 S 11TH ST	BROWN, KENNETH M & CINDY ELLEN	2272 E CR 3900	COFFEYVILLE	KS	67337
R4045	219 S 11TH ST	AKEMAN, JULIA M; STEPHENSON, DIANNE	219 S 11TH ST	INDEPENDENCE	KS	67301
R4055	218 S 11TH ST	HLADKY, TINA I	218 S 11TH ST	INDEPENDENCE	KS	67301
R4044	518 W MAGNOLIA ST	RODRIGUEZ, DAVE & VICTORIA	518 W MAGNOLIA	INDEPENDENCE	KS	67301





REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023

Department Park, Zoo & Cemetery

Director Approval Scott Patton

AGENDA ITEM Consider approving request authorizing FORPAZ to move forward with locomotive restoration.

SUMMARY RECOMMENDATION Approve request authorizing FORPAZ to move forward with locomotive restoration.

BACKGROUND In 1952, Atchison, Topeka, and Santa Fe Railroad donated an AT&SF 1050 Prairie Type Steam Locomotive to the City of Independence to be placed in Riverside Park. Since then, it has become a favorite pastime of park patrons to climb into the cab of the train, and on top of the steam drum to take photos. Several generations of Independence citizens have enjoyed watching their children and grandchildren climb and play on the same locomotive that they had when they were young. Over the past 70 years, the locomotive has deteriorated significantly. Areas have rusted away, leaving holes and jagged edges, especially on top of the steam drum.

In 2022, FORPAZ launched a fundraising campaign to raise money towards the restoration of the locomotive. The scope of work includes remediation of hazardous materials, sandblasting the surface of the train down to bare metal, welding and repair work of damaged areas, and repainting back to the original paint scheme with high quality paint and primer. This stage will also include all detail work on the timing wheels, refurbishment or replacement of all handles and valves back to red as original, and stencil of the engine number on the side (ATSF 1050). The cost of this project is approximately \$150,000 which FORPAZ has raised in full.

In the future, a stage 2 project will be planned and presented to the commission, which will include construction of a catwalk on the side of the locomotive, replacement of stairs to the cab, and site beautification.

FINANCIAL INFORMATION The city will pay for rental of temporary construction fencing during construction. The cost of the rental is \$5,000, which will be absorbed out of the park's budget.

SUGGESTED MOTION I move to approve the request authorizing FORPAZ to move forward with locomotive restoration.

SUPPORTING DOCUMENTS



REQUEST FOR COMMISSION ACTION CITY OF INDEPENDENCE

June 22, 2023

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider accepting a USDA Rural Business Development Grant for the Community Development Comprehensive Plan.

SUMMARY RECOMMENDATION Authorize the Mayor or City Manager to sign all documents.

BACKGROUND Previously, the Commission authorized applying for a USDA Rural Business Development Grant to assist with the Community Development Comprehensive Plan. We have been notified that the grant is officially obligated in their system. The next step is to “close” the grant and sign the RD4280-2 Grant Agreement. We request the Commission accept the grant and authorize the Mayor and/or City Manager to execute the grant documents when received.

FINANCIAL INFORMATION The City's share will be paid from funds budgeted for this purpose in 2023.

SUGGESTED MOTION I move to accept a Rural Business Development Grant from the USDA for the Community Development Comprehensive Plan and authorize the Mayor and/or City Manager to execute all related documents.

SUPPORTING DOCUMENTS

1. Letter of Conditions
2. RD 4280-2 City of Independence
3. City-CDBG-opinion-



Date: June 1, 2023

City of Independence
Attn: Kelly Passauer
811 W. Laurel
Independence, KS 67301

SUBJECT: Letter of Conditions
Rural Business Development Grant
Legal Name of Applicant; City of Independence
Grant Amount: \$50,000.

Dear Ms. Passauer:

Rural Business-Cooperative Service (RBS) hereby establishes conditions which must be understood and agreed to by you before further consideration may be given to your application. Any changes in project cost, sources of funds, scope of services, and/or any other significant changes in the project or applicant must be reported to and approved by RBS by written amendment to this letter. Any changes not approved by RBS shall because to discontinue processing of the application.

This letter is not to be considered as grant approval or as a representation as to the availability of funds. The docket may be completed on the basis of a grant not to exceed \$50,000.00

The grant will be considered approved on the date a signed copy of Form RD 1940-1, "Request for Obligation of Funds," and Form RD 4280-2, "Rural Business-Cooperative Service Financial Assistance Agreement," is mailed to you.

Please complete and return the attached Form RD 1942-46, "Letter of Intent to Meet Conditions," if you desire that further consideration be given your application. BY SIGNING FORM RD 1942-46, "LETTER OF INTENT TO MEET CONDITIONS," YOU ARE HEREBY AGREEING AND ACKNOWLEDGING THAT THIS RURAL BUSINESS DEVELOPMENT GRANT IS A NON-CONTINUING, NON-RENEWABLE GRANT AND ANY APPROVAL OF THIS GRANT IN NO WAY CONSTITUTES AN ASSURANCE THAT FUTURE GRANTS WILL BE AVAILABLE.

If the conditions set forth in this letter, except those to be met at grant closing, are not met within 60 days from the date hereof, Rural Business-Cooperative Service reserves the right to discontinue the processing of the application. This is not appealable.

Grantees expecting funds from other sources for use in completing projects partially financed with RBS funds will present evidence of commitment of funds from other sources. This evidence will be made available before grant closing. The funds provided by the applicant or other sources must be spent proportionally, and if leveraged funds are not utilized proportionally with the grant, the Agency reserves the right to take legal action, including terminating the grant.

The funding period of this grant will begin on the date the grant has been obligated. The projected time frame for completion of this project is 06/01/2023-07/01/2024.

USDA is an equal opportunity provider, employer, and lender.

If you wish to file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD 3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed complaint form or letter to U.S. Department of Agriculture, Office of the Assistant Secretary for Civil, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

FEDERAL INTEGRITY ACT

To assure the high standards of honesty, integrity, and impartiality maintained by Agency employees, we need to identify any Agency assistance to be provided to Agency employees, their relatives, or their business or close personal associates. This includes grants to organizations. If you know of any relationship or association you may have with an Agency employee, please provide this information.

1. REQUIREMENT FOR SYSTEM FOR AWARD MANAGEMENT (SAM)

This grant is further conditioned upon your providing the Agency with evidence of your Unique Entity Identifier (UEI) number and evidence that you are registered in the System for Award Management (SAM). Your organization is actively registered with an expiration date of **August 26, 2023**. Please ensure that this account is kept current.

You as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award and all grant funds under this award have been disbursed or de-obligated, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

2. USE OF FUNDS

The proposed grant funds will be used to pay for a Community Development Plan. The Project will support the development of small and emerging private business enterprises in rural areas in accordance with the application package as submitted for an “enterprise grant project” or as amended and approved by USDA Rural Development.

Any changes in the proposed use of funds must be submitted in writing to USDA Rural Development and receive prior written approval.

3. APPLICANT CONTRIBUTION

The Grantee along with private support agrees to provide \$52,041.00 in matching funds to be applied to the project. The matching funds will be applied to the project at the same time grant funds are applied on a prorated basis. Prior to any release of grant funds, the Grantee will provide documentation sufficient to USDA Rural Development that matching funds have been expended on the approved project.

4. SCOPE OF WORK

Grantee will administer the grant in accordance with the approved Scope of Work. USDA Rural Development comments and required changes, if any, in the Grantee’s Scope of Work will be provided by the Grantee.

If the Scope of Work indicates the Grantee will sub-contract for the grant assistance to be provided. The Grantee agrees to not turn the responsibility of the grant project over to the contracting party and will oversee and control the project through completion.

Any changes in the Scope of Work, must be approved in writing by USDA. Should project not be completed by the date indicated in the Scope of Work, Grantee must request in writing, to USDA, and receive approval, for an extension of time to complete the project.

Rural Development may, at its discretion (non-appealable) and under certain conditions, consider a one-time extension of the expiration date of the award of up to 12 months. Grantee must notify Rural Development in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date of the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances. Please refer to 2 CFR 200.308 for additional requirements.

5. GRANTEE INSURANCE AND BONDING

Grantee must maintain sufficient hazard insurance, workman's compensation insurance and liability insurance, as recommended by Grantee's attorney, to protect the interests of the Grantee and the government. Grantee shall provide satisfactory evidence to USDA Rural Development that all officers of Grantee organization authorized to receive and/or disburse Federal funds are covered by such bonding and/or insurance requirements as are normally required by the Grantee and approved by USDA.

6. DISBURSEMENT OF GRANT FUNDS

Grant funds will be disbursed by USDA Rural Development on a **reimbursement** basis not to exceed one reimbursement every 30 days. An original and one copy of Standard Form (SF) 270, "Request for Advance or Reimbursement," will be submitted to USDA Rural Development. The financial management system of the recipient organization shall provide for effective control over and accountability for all funds, property, and other assets.

Grant funds will not be disbursed until all provisions of any phased environmental review process are complete in accordance with USDA Rural Development regulations.

Grant funds will be transferred to the Grantee via Electronic Funds Transfer (EFT). The Grantee will complete and deliver to USDA Rural Development, Form SF-3881, Electronic Funds Transfer Payment Enrollment Form.

It is the intent of the Grantee that all grant funds will be disbursed within one year from the date of this letter or in accordance with the Grantee's approved Scope of Work. In accordance with RD Instruction 4280-E, 4280.451 (b), "any funds not disbursed within 42 months from the date of obligation will be automatically deobligated." This is non-appealable. Copies of paid invoices, receipts, cancelled checks etc., will be required as supporting documentation for the reimbursement.

7. RURAL AREA

You must certify that the Project is located in a rural area as defined by RD Instruction 4280-E and 7.U.S.C. 1991 (a) (13) (a) and (d) et seq., and you must certify that the activities provided under this grant will be benefiting a rural area.

(Written certification from grantee must be in file – Certification of Rural Area is attached)

8. CONFLICT OF INTEREST

Grantee will certify that no conflict of interest exists as outlined in RD Instruction 4280-E, 4280.406.

9. EQUAL OPPORTUNITY AND NONDISCRIMINATION REQUIREMENTS

The Grantee will comply with Title VI of the Civil Rights Act of 1964, "Nondiscrimination in Federally Assisted Programs," 42 U.S.C. 2000d, Section 504 of the Rehabilitation Act for Federally Conducted Programs and Activities, the Age Discrimination Act of 1975 and the Americans with Disabilities Act, Executive Order 13166 and Executive Order 11246. RD Forms 400-1, "Equal Opportunity Agreement" and 400-4, "Assurance Agreement", must be completed by the Grantee. The Grantee will be subject to Agency compliance reviews.

RD Instruction 1970-E, "Rural Development Environmental Justice (EJ) and Civil Rights Impact Analysis (CRIA) Certification" provides guidance on how to implement and integrate environmental justice considerations into all Agency programs' environmental reviews as part of the public involvement process. Form RD 2006-38 "Civil Rights Assessment" is to be completed prior to obligation of grant funds and completion of grant project to assure that the major civil rights impacts of imposed actions are identified and the potential for negative effects are addressed prior to approval of the Agency's financial assistance.

Prior to the obligation of funds, RD Instruction 2006-P (2006.754(a) and (b), requests certifying officials to identify and address major civil rights impacts of proposed policy actions and the potential for negative effects based on race, color, sex, national origin, religion, age, disability, or marital and/or familial status; and to complete Form RD 2006-38 to assure the Agency that a civil rights impact analysis has been completed and the potential effects of each proposed policy action have been considered before the proposed policy action is approved and implemented.

The policies contained in subpart E of part 1901 apply to grantees. As recipients of Federal financial assistance, RBCS grant and loan program recipients are required to comply with the applicable Federal, State and local laws. Title VI of the Civil Rights Act of 1964 prohibits discrimination by recipients of Federal financial assistance. Grant recipients are required to adhere to specific outreach activities. These outreach activities include, contacting community organizations and leaders that include minority leaders, advertising in local newspapers and other media throughout the entire service area, and including the nondiscrimination slogan. "This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law, "in methods that may include, but not be limited to, advertisements, public broadcasts, and printed materials, such as brochures and pamphlets. **All borrowers and applicants must submit and have on file a valid Form RD 400-1, "Equal Opportunity Agreement," (where construction costs of more than \$10,000 is involved) and Form 400-4, "Assurance Agreement".**

By signing Form 400-4, "Assurance Agreement" recipients affirm that they will operate the program free from discrimination. The recipient will maintain the race and ethnic data on the board members and beneficiaries of the program. The recipient will provide alternative forms of communication to persons with Limited English Proficiency.

10. COMPLIANCE REVIEWS

In addition to the "Equal Opportunity and NonDiscrimination Requirements" stated above, Each grantee must keep and provide data on race, gender, national origin, and any such records, accounts, and other sources of information and facilities as may be pertinent for USDA RBS to determine whether the Grantee has complied or are complying with the regulations. Grantees should have available, for USDA RBS review, racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Federal assistance program. In addition, the

compliance review will ensure that equal access to the Program benefits and activities are provided for persons with disabilities and language barriers.

11. NONDISCRIMINATION STATEMENT

The Nondiscrimination Statement set out below shall be posted in all USDA offices and included on all materials produced by USDA and its Agencies for public information, public education, or public distribution. The statement below lists all the prohibited bases for discrimination contained in the USDA Civil Rights Policy Statement. The statement shall be made available in English, in other languages appropriate to the local population served or directly affected by any USDA program or activity, and in alternative means of communication (e.g., Braille, large print, audiotape, etc.). All laws, regulations, Executive Orders, and policies.

a. USDA's Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Area, agency or staff office; the USDA TARGET Center at (202) 720-2600 (voice and TTY) or the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at <http://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

(1) Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) Fax: (833) 256-1665 or (202) 690-7442; or

(3) Email: OASCR.Program-Intake

USDA is an equal opportunity provider, employer, and lender.

b. Exceptions to Including the Full USDA Nondiscrimination Statement

If the size of the material is too small to include the full statement, the material will at a minimum, include the following statement in print in the same size as the text:

“USDA is an equal opportunity provider, employer, and lender.”

Where appropriate, a recipient may state:

“This institution is an equal opportunity provider.”

Similarly, when an audio or video presentation does not reasonably lend itself to including the full statement, the presentation will, at a minimum include the following statement, presented in a conspicuous and meaningful manner:

“USDA is an equal opportunity provider, employer, and lender.”

Alternatively, where appropriate, a recipient may state:

“This institution is an equal opportunity provider.”

c. Recipients

The recipient will post the Nondiscrimination Statement in its entirety containing only those protected bases mandated in applicable Federal law. USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, disability, age, reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

The full Nondiscrimination Statement must be included on all print and non-print materials (including but not limited to, audio, video, website, brochures, newsletters, by-laws, etc.). If the size of the material is too small to include the full statement, the material will at a minimum, include the following statement in print in the same size as the text:

“This institution is an equal opportunity provider.”

Recipients are required to notify applicants with disabilities and LEP persons of their right to free language assistance and accommodations and provide free language assistance and accommodations upon request.

d. And Justice for All Posters

The USDA poster “And Justice for All” will be the primary method utilized to inform customers of their rights. The poster will be used for this purpose except when appropriate substitutes in outdoor areas are necessary. There are three versions of the “And Justice for All” poster: Form AD-475-A is the poster that displays information relevant to your program. The grantee must also post “Equal Opportunity Employment is the Law” poster (attached).

Please note that institutions participating in or administering USDA programs are required to display the appropriate “And Justice for All” poster in their facilities where it can be viewed by customers.

All “And Justice for All” posters must be displayed in a specific size: 11” width x 17” height. The minimum text size that will be used on the “And Justice for All” posters is 14 point. Agency officials can obtain “And Justice for All” posters by contacting the Office of Communications. However, recipients must contact the sponsoring Agencies’ Civil Rights Division in order to obtain “And Justice for All” posters.

12. REPORTING

Per RD Instruction 4280-E, 4280.449 and 2 CFR 200.328, forms SF-425, "Federal Financial Report" (attached) and a Project Performance Activity Report (template attached) will be required on a quarterly basis (due 30 calendar days after end of quarter) until all grant funds have been disbursed. Project reporting will begin when the grant is closed which is the date all parties have executed Form RD 1940-1. A final Project Performance Activity Report will be required after all grant funds have been expended or the term of the grant expires, with the last SF-425. The final report may serve as the last quarterly report. Grantees shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. NO USDA FUNDS WILL BE RELEASED WITHOUT ALL REPORTING REQUIREMENTS BEING UP TO DATE.

Grantee Project Performance Activity Report. The Grantee Project Performance Activity Report shall include, but not be limited to, the following:

- a. A comparison of actual accomplishments to the objectives established for that period.
- b. Reasons why established objectives were not met, if any.
- c. Problems, delays, or adverse conditions which will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular project work elements during established item periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and
- d. Objectives and timetable established for the next reporting period.

Final Report

A final project performance report will be required with the final Federal Financial Report. The final report must provide the Grantee’s assessment and evaluation of the success of the project.

Other Report

RBS may require the Grantee to prepare a report suitable for public distribution describing the accomplishments made through the use of the grant and, in the case where the grant funded the development or application of a "best practice," to describe that "best practice."

“For RBDG where grant funds are used to acquire or improve an asset, such as a business incubator, real estate, or equipment, the grantee will verify and report to RBS the performance measures annually for 3 full grantee’s fiscal years after the project completion.”

13. AUDITS BASED UPON FEDERAL FINANCIAL ASSISTANCE RECEIVED

An annual audit is required in accordance with the Code of Federal Regulations, 2 CFR 200 Subpart F, 2 CFR 200.500-521 “Uniform Administrative Requirements, Cost Principles and Audit Requirements for federal awards.

Grantees expending \$750,000 or more of Federal assistance per year must submit an audit in accordance with the provisions of 2 CFR 200.500-200.521. Grantees that expend less than \$750,000 a year in Federal awards are exempt from the Federal audit requirements for that year except as noted in 2 CFR 200.503. Additionally, a Federal Agency, Inspectors General or Government Accountability Office (GAO) may conduct or arrange for additional audits, which are necessary to carry out its responsibilities under Federal statute or regulation. All audit records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office.

14. RESPONSIBILITIES OF THE GRANTEE

1. The Grantee must comply with the requirements set forth in RD Instruction 4280-E and Form RD 4280-2 Rural Business-Cooperative Financial Assistance Agreement.
2. Grantee will certify in writing, that they are in compliance with and will continue to comply with all applicable laws; regulations; Executive Orders; and other generally applicable requirements, including those contained in 2 CFR 200 and 2 CFR 400 in effect on the date of grant approval; and the approved “Letter of Conditions”
3. Grantee must certify in writing as being in compliance with the procurement requirements of 2 CFR Part 200 Subpart D, as required in 2 CFR 200.324 C (2), as well as compliance with all applicable State, Local, and Tribal laws and regulations relating to contracting and procurement as identified in 2 CFR Part 200.318.

15. START OF PROJECT

The Grantee is cautioned that expenditures should not be undertaken for which reimbursement is anticipated under this grant application until notified in writing that the grant has been approved and funds reserved.

16. PROGRAMMATIC CHANGES

The Grantee shall obtain prior approval for any change to the scope or objectives of the approved project. Failure to obtain prior approval of changes to the scope or budget the Agency may suspend, terminate, and recover the grant funds.

17. OTHER REQUIREMENTS

The Grantee will be responsible for any additional requirements of federal, state or local governments that may apply in accordance with RD Instruction 4280-E and 2 CFR Part 200.

18. CLOSING INSTRUCTIONS

The above conditions are based on the proposed use of funds as outlined and financing arrangements as stated. The conditions as stated may be modified if the scope or cost of the Project is changed or the financial arrangements are adjusted. Any change or modification of the conditions of the Project must have prior approval by USDA Rural Development.

19. GRANT MONITORING AND SERVICING

Grant will be monitored and serviced in accordance with RD Instruction 4280-E, part 4280.443, Form RD 4280-2, "Rural Business-Cooperative Service Financial Assistance Agreement," and 2 CFR Chapter IV.

If you have any questions concerning this letter, please contact me at this office.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Yarbrough".

Jennifer Yarbrough
Business Programs Specialist

Enclosures

ENCLOSURES FOR LETTER OF CONDITIONS

- ◆ RD 1940-1, "Request for Obligation of Funds"
- ◆ RD 1942-46, "Letter of Intent To Meet Conditions"
- ◆ Scope of Work (Approved)
- ◆ SF 425, "Federal Financial Report"
- ◆ Procurement Standards Handbook (**if applicable**)
- ◆ SF 270, "Request For Advance or Reimbursement"
- ◆ SF-3881, "Electronic Funds Transfer Payment Enrollment Form"
- ◆ RBDG Applicant/Grantee Certification
- ◆ Form RD 400-4, "Assurance Agreement"
- ◆ "And Justice for All" Poster
- ◆ "Equal Employment Opportunity is the Law" Poster
- ◆ "Sample" Project Performance Report

Form RD 4280-2
(Rev 8-21)**UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT**FORM APPROVED
OMB No. 0570-0067**RURAL BUSINESS-COOPERATIVE SERVICE FINANCIAL ASSISTANCE AGREEMENT**

This Agreement, which includes Attachments A and B, for the Project and Amount described below (the "Project Description") and for the Program identified below, is between the Recipient (you) and the United States of America acting through the Rural Business-Cooperative Service (RBS or we).

Type of Award (mark one):

- ☐ Cooperative Agreement
☒ Grant

Program and CFDA Number (mark one):

- ☐ Rural Energy for America Program (REAP) – 10.868
☐ Rural Economic Development Grant (REDG) – 10.854
☒ Rural Business Development Grant (RBDG) – 10.351
☐ Rural Microenterprise Assistance Program (RMAP) – 10.870
 Agricultural Marketing Resource Center (AgMRC) – 10.352
 Appropriate Technology Transfer for Rural Areas (ATTRA) – 10.782
 Delta Health Care Services (DHCS) – 10.874
 Federal-State Research on Cooperatives (RSRC) – 10.350
 Rural Cooperative Development Grant (RCDG) – 10.771
 Rural Development Cooperative Agreement (RDCA) - 0.890
 Socially-Disadvantaged Groups Grant (SDGG) – 10.871
 Value Added Producer Grant (VAPG) – 10.352
 Other

I. GENERAL AWARD INFORMATION

1. Recipient Name & Address City of Independence 811 W Laurel Street Independence, KS 67301	2. UEI No. HJTBBXB31VC8	3. CAGE code
5. Federal Award Identification Number (FAIN)	4. Case No. 18-063-486042582	
7. Performance Start Date 06/01/2023	6. Award Date	
9. Amount of Federal Funds Obligated for this Action, and Total Amount of Federal Funds Obligated \$50,000.00	8. Performance End Date 07/01/2024	
11. Total Project Cost (Budget Approved Amount) \$102,041.00	10. Amount of Matching/Other Funds (if applicable) \$52,041.00	
13. Indirect Cost Rate (if applicable)	12. Award as Percentage of Total Project Cost 49%	
15. Recipient Contact (Name, Title, Contact Info) Kelly Passauer, Manager (620) 332-2506	14. Does this award involve Research & Development? ☐ Yes ☐ No	
	16. Agency Contact (Name, Title, Contact Info) Jennifer Yarbrough Business Programs Specialist (785)271-2727	

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 0570-0067. Public reporting for this collection of information is estimated to be approximately 21 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information.

All responses to this collection of information are voluntary, however in order to obtain or retain a benefit the information in this form is required (citing authority). Rural Development has no plans to publish information collected under the provisions of this program. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Rural Development Innovation Center, Regulations Management Division at ICRMRequests@usda.gov.

II. RESPONSIBILITIES

A. Recipient. The Recipient shall remain in compliance with all applicable laws, regulations, Executive Orders, and other generally applicable requirements for the duration of the Agreement including 2 CFR parts 200, 400, 415, 416, 417, 418, 421, and 422. The most commonly-referenced provisions are identified below.

1. Financial and Program Management. You must follow the financial and performance management requirements in 2 CFR §§ 200.300-.309.

- a. **Financial Management.** You must maintain a financial management system in compliance with 2 CFR § 200.302.
- b. **Internal Controls.** You must maintain internal controls in compliance with 2 CFR § 200.303.
- c. **Payments.** You must comply with the payment requirements described in 2 CFR § 200.305. Payment must be requested by using the SF-270, “Request for Advance or Reimbursement” or SF-271, “Request for Reimbursement for Construction Programs” (as applicable). Receipts, hourly wage rate, personnel payroll records, or other documentation must be provided upon request from RBS if the request is for an advance; otherwise, the documentation must be provided at the time of the request. Requests for payment must be sent to the Agency contact listed in Section I.16.
- d. **Revisions of the Work Plan and Budget.** You must complete all elements of the Work Plan in Attachment B in accordance with that Attachment and must use project funds only for the purposes and activities specified in Attachment B - Approved Work Plan and Budget. You must further complete the outcomes shown for each Work Plan items within the time and scope constraints shown in Attachment B. You must report any changes and request prior approvals in accordance with 2 CFR § 200.308.
- e. **Period of Performance.** You may only incur costs chargeable to the award in accordance with 2 CFR § 200.309.
- f. **Bonding.** You must maintain your fidelity bond coverage in the amount of \$ 50,000 for the Period of Performance of the award. (See 2 CFR § 200.304.)
- g. **Program Income.** You must comply with the requirements of 2 CFR § 200.307. Additionally, if program income is earned during the period of performance, you may use it in accordance with 2 CFR § 200.307(e)(2), provided that you inform us in writing of your intent prior to the award date. However, if you earn program income in excess of what can be used under 2

CFR § 200.307(e)(2) or if you earn unanticipated program income, you must comply with 2 CFR § 200.307(e)(1). Costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the award.

2. Procurement and Property Standards. You must follow the procurement standards requirements in 2 CFR §§ 200.310-.326.

3. Performance and Financial Monitoring and Reporting. You must follow the requirements in 2 CFR Part 170, including Appendix A, and 2 CFR §§ 200.327-.329, and submit reports as outlined below. Unless otherwise directed in the addendum to this Agreement, the reports are due as indicated below.

a. Form SF-425, “Financial Status Report.” Reports are due 30 calendar days after the reporting period ends. A final report is due within 90 days after the Performance End Date specified in Section I.8. of this Agreement or at the completion of your project, whichever date is sooner. Your reporting periods are below (mark one):

Semi-Annually: January 1 – June 30 and July 1 – December 31

Semi-Annually: April 1 – September 30 and October 1 – March 31

Quarterly: January 1 – March 31, April 1 – June 30, July 1 – September 30, October 1 – December 31

b. Performance Reports. Reports are due 30 calendar days after the reporting period ends. A final report is due within 90 days after the Performance End Date specified in Section I.8. of this Agreement or at the completion of your project, whichever date is sooner. Your reporting periods are below (mark one):

Semi-Annually: January 1 – June 30 and July 1 – December 31

Semi-Annually: April 1 – September 30 and October 1 – March 31

Quarterly: January 1 – March 31, April 1 – June 30, July 1 – September 30, October 1 – December 31

4. Subrecipient Monitoring and Management. You must monitor and manage any subrecipients in accordance with 2 CFR §§ 200.330-.332.

5. **Record Retention and Access.** You must retain records related to this work performed under this Agreement and allow access to them in accordance with 2 CFR §§ 200.333-.337.
 6. **Closeout.** You must comply with the closeout requirements in 2 CFR § 200.343.
 7. **Post-Closeout Adjustments and Continuing Responsibilities.** You must continue to comply with the requirements in 2 CFR § 200.344 even after the Period of Performance for this Agreement has ended.
 8. **Cost Principles.** You must comply with the provisions in 2 CFR Part 200, most of which are contained in Subpart E.
 9. **Audits.** You must comply with the provisions in 2 CFR Part 200, Subpart F.
 10. **Civil Rights Compliance.** Unless otherwise provided in the addendum, you must comply with Executive Order 12898, Executive Order 13166- Limited English Proficient, the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973 as applicable. Your compliance, shall include collection and maintenance of data on race, sex, and national origin of your membership, ownership, and employees. These data must be available to us for Civil Rights Compliance Reviews. Unless otherwise provided in Attachment A, you must submit to a post-award compliance review conducted after the final disbursement of grant funds have occurred.
 11. **Universal Identifier and Central Contractor Registration.** You must comply with 2 CFR Part 25, including Appendix A. Note that the Central Contractor Registration is now available through the System for Award Management at www.sam.gov.
 12. **Special Conditions.** You must comply with any special conditions identified in Attachment A – Program Addendum.
- B. Rural Business-Cooperative Service (RBS).** RBS shall remain in compliance with all applicable laws, regulations, Executive Orders, and other generally applicable requirements for the duration of the Agreement. The most commonly-referenced provisions are identified below.
1. **Payments.** We will advance or reimburse funds up to the Award Amount identified in Section I.9 upon the Recipient's proper request according to Section II.A.1.c.

2. **Monitoring and Enforcement.** We will monitor the project to ensure that you are in compliance with the terms of the award. If we find that you are not in compliance, we will enforce the terms of this Agreement using the provisions of 2 CFR §§ 200.338-.342.

C. Both Parties. The Recipient and RBS agree to the following:

1. **Invalid Clauses.** The invalidity of any one or more phrases, clauses, sentences, paragraphs, or provisions of this Agreement shall not affect the remaining portions of the Agreement.
2. **Conflict between this Agreement and Other Applicable Regulations or Laws.** If there is a conflict between this Agreement and the applicable Program Regulation, the applicable Program Regulation shall prevail. If there is a conflict between this Agreement and another law or regulation, RBS shall seek a legal opinion to determine which provision applies.
3. **Dates.** When the date fixed for the performance of an act under this Agreement is on a weekend or Federal holiday, then the performance by the close of business on the next Federal work day shall have the same force and effect as if made performed or exercised on the specified date.

The signatories below certify that they have authority to enter into this Agreement.

Approved by an Authorized Representative of the Recipient:

Name (Please Print)

Title (Please Print)

Signature

Date

Approved by the United States of America, Rural Business-Cooperative Service by:

Jennifer Yarbrough

Name (Please Print)

Business Programs Specialist

Title (Please Print)

Signature

Date

Attachment A – Program Addendum
Attachment B – Approved Work Plan and Budget

Attachment A – Program Addendum

Attachment A – Program Addendum

PROGRAM NAME:

- ☒ Rural Business Development Grant Program (RBDG)
☐ Rural Economic Development Grant Program (REDG)
☐ Rural Microenterprise Assistance Program (RMAP)

AUTHORITY: RBDG (7 USC 1932(c)); REDG (7 USC 940c); RMAP (7 USC 2008s).

APPLICABLE PROGRAM REGULATIONS: RBDG (7 CFR part 4280 subpart E); REDG (7 CFR 4280 subpart A); RMAP (7 CFR part 4280 subpart D).

APPLICABLE FEDERAL REGISTER NOTICE: [INSERT FR REFERENCE]

ADDITIONAL PROGRAMMATIC AWARD PROVISIONS:

RBS and the Recipient agree to the following additional provisions:

Section II, Paragraph A.1.g. is retained and the following language is added:

Program income funds must be spent prior to grantee or Agency funds whenever possible. Otherwise, a program income account must be established and utilized in the following manner:

[INSERT WHAT PROGRAM INCOME CAN BE USED FOR AS RELATED TO THIS SPECIFIC PROJECT. EXAMPLES MAY INCLUDE BUT ARE NOT LIMITED TO, EQUIPMENT MAINTENANCE AND REPAIRS. THE EXPENDITURE OF THESE FUNDS SHOULD BE PROJECT SPECIFIC]:

Real property acquired or improved with Award Funds. (Provide the legal description and/or address of where the real property or other property described in block below is located. Use continuation sheets as necessary.)

N/A

Other property (e.g. equipment) acquired with Award Funds. (Describe each item, estimated useful life, and the value of equipment. Use continuation sheets as necessary.)		
Item	Estimated Useful Life	Value

Section II, Paragraph A.2 is retained and the following language is added:

In addition, you must list any real property and equipment purchases made with project funds in the tables below. Finally, you must provide status reports on any real property in which we retain an interest, in accordance with 2 CFR § 200.329.

Section II. Paragraph A.5 is retained and the following language is added:

The Recipient, upon request, will provide non-confidential information resulting from its activities to the general public on an equal basis.

Section II. Paragraph A.12 is retained with the following language added: The following Special Conditions apply to your award:

[INSERT SPECIAL CONDITIONS OR N/A]

N/A

Section II, Paragraph A.13. is added with the following language:

Cost Sharing. You must comply with the requirements of 2 CFR § 200.306. Matching funds must be available at the same time award funds are expected to be spent and expenditures of matching funds will be pro-rated or spent in advance of award funds.

Attachment B – Approved Work Plan and Budget. (The work plan must have time, scope, and outcome entries for each task.)

RBDG CLOSING OPINION

TO: City of Independence
(Grantee)

811 West Laurel St. Independence, KS 67301
(Address)

And

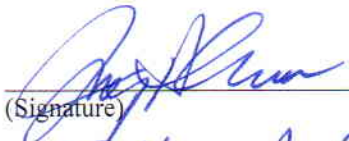
THE UNITED STATES OF AMERICA

I have examined and rechecked the records and proceedings of the governing body of the City of Independence (hereinafter called Grantee).

Based on the foregoing examination, and to the best of my knowledge, information and belief, I am of the opinion that:

1. Grantee has been duly created as Private Non-Profit, Public Agency, or federally recognized as an Indian Tribe or Tribal group, and is in good standing under the laws of Kansas;
2. The Bylaws have been duly adopted in the form submitted to the United States of America;
3. Grantee's governing body and officers were duly and validly elected and appointed and are empowered to act for Grantee;
4. Grantee has the power to carry out the Rural Business Development Grant (RBDG) program in Kansas, which it proposes;
5. That the Grantee has not indebtedness other than: (describe the grantee's debts in sufficient detail to indicate amounts, obliges, and when due).
6. We further certify that there is no controversy, suit or other proceeding of any kind pending or threatened wherein or whereby any question is raised questioning, disputing or affecting in any way the legal organization of the Grantee (or its boundaries), or the right or title of any of its officers and Board members to their respective offices, or the legality of any official act shown to have been done in obtaining a grant in the amount of \$ _____ from the United States of America.
7. Exceptions: (None, unless indicated)

This Opinion is issued expressly for the benefit of the above-mentioned Borrower and the United States of America, acting through Rural Development, and I assume liability to each hereunder.


(Signature)

Jeffrey A. Chubb
(Typed or Printed Name)

Ernest Chubb, LLC
(Law Office)

6-15-2023
(Date)



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider authorizing the Mayor to sign a grant agreement with SEKRPC to administer a Community Comprehensive Development Plan project grant from USDA Rural Business Development.

SUMMARY RECOMMENDATION Authorize the agreement.

BACKGROUND SEKRPC has assisted the City in finding and applying for this grant. It is recommended to authorize them to administer the grant to ensure compliance.

FINANCIAL INFORMATION The administration fee is \$5,000 which will be paid for from budgeted funds for the Community Comprehensive Development Plan.

SUGGESTED MOTION I move to authorize an agreement with SEKRPC to administer a Community Comprehensive Development Plan project grant from the USDA Rural Business Development.

SUPPORTING DOCUMENTS

1. City of Independence - 2023 USDA RBDG Administration Agreement

**AGREEMENT FOR ADMINISTRATIVE CONSULTING SERVICES
FOR A 2023 USDA RURAL BUSINESS DEVELOPMENT GRANT PROJECT FOR A PLANNING GRANT
(RBDG PROJECT NO. _____)**

THIS AGREEMENT is made this ____ day of _____, **2023**, by and between the Southeast Kansas Regional Planning Commission, hereinafter referred to as Administrative Consultant, and the **City of Independence**, Kansas, hereinafter referred to as City.

WHEREAS, the City desires to engage in a community improvement project described as the **Community Development Plan** project.

WHEREAS, the project is being funded in part by a 2023 Rural Business Development Grant (RBDG) funds offered through the United States Department of Agriculture (USDA), awarded on June 1, 2023.

NOW, THEREFORE, the City engages the services of the Consultant to administer the project based upon the following terms and conditions:

I. UTILIZATION OF RBDG FUNDS

The Administrative Consultant shall be familiar with pertinent Federal and State laws and regulations concerning the administration of projects involving the utilization of USDA RBDG funds for the purpose of completing a Community Development Plan.

II. TERMINATION OF CONTRACT

A. WITHOUT CAUSE

This contract may be terminated by either party, at any time, without cause and upon giving no less than 30 days written notice. The Administrative Consultant, upon receipt of notice of a termination without cause, shall have ten days to request a hearing before the City's Governing Body regarding said termination. If the termination is affirmed by the City, any unpaid balance due, pursuant to the terms and condition of Paragraph 8, shall be paid immediately upon written request.

The City shall be entitled to a prorated refund of fees actually paid the Administrative Consultant upon termination of the Agreement by the Administrative Consultant without cause. Such prorated refund shall be according to the following formula: (1). all amounts actually paid to the Administrative Consultant, less 20% of the total agreement amount, if termination shall become effective within the first ninety days of this agreement. (2). All amounts actually paid to the Administrative Consultant, less 30% of the total agreement amount, if termination shall become effective within the 91st through 180th days of this agreement. (3). All amounts actually paid to the Administrative Consultant, less 40% of the total agreement amount, if termination shall become effective within the 181st through 270th days of this agreement. (4). All amounts actually paid to the Administrative Consultant, less 50% of the total agreement amount after the 271st day of this agreement.

B. FOR CAUSE

Termination for cause shall mean:

- (1.) The successful completion of the project becomes impractical for any reason; or
- (2.) A material breach in the performance of the requirements of this Agreement.

Upon the termination of this Agreement for cause, the Administrative Consultant shall be entitled to receive any funds still due and owing pursuant to Paragraph 8, subject to the following terms and conditions. If the termination for cause is a result of the Administrative Consultant's failure to appropriately perform any obligation of this Agreement, the result of which causes the City to receive a penalty or fine, or incur damages or unanticipated expenses, then the City shall have the right to retain sufficient funds to cover the fine, penalty, damages or expenses, including a

reasonable attorney's fee.

C. AFTER TERMINATION

In the event of termination of this agreement by either party, all finished or unfinished documents, studies and reports prepared by the Administrative Consultant under this Agreement shall, at the option of the City, become the property of the City.

III. CHANGES

The City may, from time to time, request changes in the scope of the services of the Administrative Consultant to be performed hereunder. Such changes, including any increase or decrease in the amount of the Administrative Consultant's compensation, which are mutually agreed upon by and between the City and the Administrative Consultant, shall be incorporated in written amendments to the Agreement.

IV. PERSONNEL AND ASSIGNABILITY

- A.** The Administrative Consultant represents that it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of, or have any contractual relationship with, the City.
- B.** All of the services required hereunder will be performed by the Administrative Consultant personnel and all such personnel shall be fully qualified to perform such services.
- C.** None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City. However, any claims for money by the Administrative Consultant from the City, under this Agreement, may be assigned to a bank, trust company or other financial institution without such approval. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.

V. SERVICES PROVIDED BY THE ADMINISTRATIVE CONSULTANT

Services outlined in this Agreement are those necessary to effectively administer a USDA RBDG project for a Community Development Plan. The following summary of services is not intended to limit the scope of services but is intended to illustrate the work and services to be provided by the Administrative Consultant. The services are divided into six phases, which are the Grant Award, Request for Proposals, Execution of Project, Financial Management, Reporting Requirements, and Close-Out.

A. GRANT AWARD

- 1. Assist with the execution of the post-award documents including the USDA RBDG contractual agreement between the USDA and the City in accordance with the USDA's Condition Letter.
- 2. Assist the City in the preparation of the Financial Management Checklist and Signature Forms.
- 3. Prepare the Project Budget.
- 4. Prepare any other documents that USDA may require from time to time.

B. REQUEST FOR PROPOSALS

- 1. Assist with the preparation of the Request for Proposals for a Community Development Plan.
- 2. Assist with the distribution of the RFP to eligible entities.

3. Assist with the tracking of RFPs received.
4. Assist with overseeing the rating and selection of the proposal(s).

C. EXECUTION OF PROJECT

1. Assist with overseeing the execution of the project.
2. Act as liaison between City and hired consultant.
3. Assist with keeping the project on target to meet required deadlines.

D. FINANCIAL MANAGEMENT

1. Prepare a financial management system to ensure accurate tracking and reporting of all funds.
2. Preparation of pay requests including supporting documentation of funds being requested
3. Maintain accurate project ledger throughout life of the grant.

E. REPORTING REQUIREMENTS

1. Assist the City with all required reporting requirements while the grant is an open active project.

F. CLOSE-OUT

1. Upon completion of the project, prepare the USDA close-out packet to fulfill the requirements set out by USDA.
2. Assist in the final inspection of the project.
3. Assist the City in securing a qualified auditing firm, if necessary, that satisfies USDA regulations.

VI. RECORDS AND AUDITS

The Administrative Consultant shall assist the City in maintaining RBDG project records, including property and financial records, adequate to identify and account for all costs pertaining to the project to assure proper accounting for all project funds, both Federal and non-Federal shares.

The Administrative Consultant shall assist the City in developing a financial management system which will comply with the U.S. Office of Management and Budget (OMB) Circular A-102 (Revised).

The City will be responsible for having the records audited by a Certified Public Accountant at the completion of the project. The expense for this audit will be a responsibility of the City. At the discretion of the City, the Administrative Consultant will assist the City in procuring auditing services and with preparing the agreement for such services.

VII. COMPLIANCE WITH LAWS

The Administrative Consultant shall comply with all applicable laws, ordinances and codes of the State and local governments. This includes, but is not limited to:

A. EXECUTIVE ORDER 11246, AS AMENDED

During the performance of this Agreement, the Administrative Consultant agrees to comply with the following Equal Employment Opportunity provisions:

1. The Administrative Consultant will not discriminate against any employee or qualified

applicant for employment because of race, creed, sex, color, national origin, or mental or physical handicap. The Administrative Consultant will take affirmative action to ensure that qualified applicants are employed, and that employees are treated during employment without regard to their race, creed, sex, color, national origin, or mental or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Administrative Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this non-discrimination clause.

2. The Administrative Consultant will, in all solicitation or advertisements for employees placed by or on behalf of the Administrative Consultant, state all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, national origin, or physical or mental handicap.
3. The Administrative Consultant will cause the foregoing provision to be inserted in all subcontracts for any work covered by this Agreement so said provisions will be binding upon each subcontractor.
4. The Administrative Consultant will comply with all provisions of the Davis-Bacon Act, and of the rules, regulations and relevant orders of the United States Secretary of Labor.

B. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

C. TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968 (FAIR HOUSING ACT)

As amended, prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. Title VIII was amended in 1988 (effective March 12, 1989) by the Fair Housing Amendments Act, which: expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability or on familial status (presence of child under age of 18, and pregnant women); established new administrative enforcement mechanisms with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing discrimination; and revised and expanded Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts.

D. SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

No person in the United States shall, on the grounds of race, color, national origin, sex or handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

E. SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The Administrative Consultant must comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely by reasons of his or her handicap, be excluded from participation (including employment), be denied program benefits or be subjected to discrimination under any program or activity receiving Federal funds.

F. AGE DISCRIMINATION ACT OF 1975, AS AMENDED

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

G. FAIR HOUSING AMENDMENTS ACT OF 1988

The Administrative Consultant shall comply with all provisions of the Fair Housing Amendments Act of 1988, which prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, handicap or familial status.

H. EXECUTIVE ORDER 11063

No person shall, on the basis of race, color, religion, sex or national origin, be discriminated against in regards to housing and related facilities provided with Federal assistance or in lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal Government.

I. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968, AS AMENDED

The Administrative Consultant shall, to the greatest extent feasible, provide that opportunities for training and employment shall be given to lower-income residents of the project area, and that contracts, in connection with the project, be awarded to business concerns located in, or owned in substantial part, by residents of the project area.

J. KANSAS ACT AGAINST DISCRIMINATION

The Administrative Consultant shall comply with the provisions of Articles 10 and 11 of the K.S.A. Chapter 44, which prohibits discrimination in employment, public accommodations or housing, on the basis of race, religion, color, sex, physical handicap, national origin or ancestry.

K. COPYRIGHT RESTRICTION

No report, maps or other documents produced in whole or in part under this Agreement shall be subject of an application for a copyright by or on the behalf of the Administrative Consultant.

L. INTEREST OF MEMBERS OF A City GOVERNMENT

No members of the governing body of the City and no other officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of this project, shall have any personal financial interest, direct or indirect, in the Agreement, and the Administrative Consultant shall take appropriate steps to insure compliance.

M. INTEREST OF ADMINISTRATIVE CONSULTANT AND EMPLOYEES

The Administrative Consultant covenants that it presently has no interest and shall not acquire interest, direct or indirect, in the project area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of its services hereunder. The Administrative Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed.

N. SECTION 503 OF THE REHABILITATION ACT OF 1973

The Administrative Consultant must comply with Section 503 of the Rehabilitation Act of 1973 and is committed to take affirmative action to employ and advance employment of mentally and physically disabled individuals.

O. SECTION 912 OF THE CRANSTON-GONZALES NATIONAL AFFORDABLE HOUSING ACT OF 1990

The Administrative Consultant must comply with Section 912 of the Cranston-Gonzales National Affordable Housing Act which prohibits discrimination on the basis of religious preference.

P. KANSAS ACT AGAINST DISCRIMINATION

It is a policy of the State of Kansas that requires all employers, labor organizations, employment agencies, realtors, financial institutions, or other persons covered by the Act to assure equal opportunities and encourage every citizen regardless of race, religion, color, sex, age, physical disability, national origin, or ancestry, to secure and hold – without discrimination, segregation, or separation – employment in any field of work of labor for which they are properly qualified, the opportunity for full and equal public accommodations, and to assure full and equal opportunities in housing.

VIII. FEES

The City agrees to pay the Administrative Consultant the sum of Five Thousand Dollars (\$5,000) as the total agreement amount charged for the services outlined in Section V. of this Agreement. The City will be billed incrementally for this total Agreement amount as follows:

\$500 upon completion of the execution of the grant agreement and supporting documents

- \$1,000** upon publication of the Request for Proposals
- \$1,000** upon the City's approval of the first consultants pay estimate.
- \$1,000** when project construction is 50% complete.
- \$1,000** upon the City's approval of the completed Community Development Plan.
- \$500** upon submission of the close-out packet.

IX. NON-EXECUTION OF CDBG AGREEMENT

The City and the Administrative Consultant mutually agree that, in the event that RBDG Agreement # _____ is not executed between the City and the USDA, this Agreement will be immediately terminated and that the City will not be assessed any fees for services performed by the Administrative Consultant in accordance with this Agreement prior to the date of termination.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first written above.

**SOUTHEAST KANSAS REGIONAL PLANNING
COMMISSION**

CITY OF INDEPENDENCE, KANSAS

Chairman

Mayor

ATTEST:

ATTEST:

Secretary/Treasurer

City Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider authorizing applying for a Safe Streets for All (SS4A) grant.

SUMMARY RECOMMENDATION Authorize application.

BACKGROUND The City was fortunate to be one of three locations in the United States chosen by the Federal Highway Administration (FHWA) to have direct federal assistance in creation of a Local Road Safety Plan (LRSP). This plan was completed at no cost to the City.

In conjunction with KDOT, the FHWA will be awarding grants to further implementation of the SS4A initiative. Given multiple factors in the grant, it is quite possible that any work done under the grant to make our roadway safer will take place at no cost to the City.

We must get a letter of support from KDOT to apply for the grant, and that is expected to happen on June 30, 2023. As the grant timing would require us to apply for the SS4A grant by July 10, which is before the next Commission meeting, we are requesting to apply for the grant in whatever amount KDOT provides a letter of support for.

In a preliminary survey, the City has identified between \$400,000 and \$1.6 million in projects that would have a direct, positive impact on safety. These projects may include (reference numbers and page number are references to the LRSP):

2.1. Provide edge delineation using reflective strips on signposts, object marker delineators, and pavement markings. (p. 40)
\$150,000

3.4. Improve visibility of intersections and traffic control devices (signs and signals) using systemic application of low-cost countermeasures. (p. 41)
\$50,000

4.3. Install traffic calming roadway sections, such as curb extensions and refuge islands. (p. 42)
\$280,000

4.4. Install Rectangular Rapid Flashing Beacon (RRFB) and educate the public on their use. (p. 42)
\$150,000

4.2 Collect pedestrian volume/exposure data to better understand pedestrian travel patterns. (p. 47)
\$10,000

4.5 Install high-visibility crosswalks, lighting, signing and pavement markings.

Included in item 2.1

Our Police Chief, Jerry Harrison, has done research on the safety impacts of radar speed feedback signs, added \$50,000 for these signs, which are noted in our plan at item 1.3, on page 48.

Finally, there is item 5.1 on page 43. This was not originally included because we didn't have data on what some of these projects would cost. Now we do. In reviewing the data from past crashes, the one area that would likely have the most impact on pedestrian and bicycle crashes is the segment of Main Street west of 10th Street to the Overpass. Cost for a multi-use path in that area is has an initial estimate of \$910,000.

FINANCIAL INFORMATION This would likely have no net cost to the City.

SUGGESTED MOTION I move to authorize application for the Safe Streets for All grant in the amount supported by KDOT.

SUPPORTING DOCUMENTS

1. IndependenceKS_LRSP_DRAFT_20230208_508



Local Road Safety Plan

Source: FHWA



Table of Contents

Acknowledgments.....	iii
Executive Summary.....	iv
Acronym List.....	vi
Introduction.....	1
Safe System Approach	4
Equity.....	6
Local Road Safety Plan Process	7
Vision, Mission, and Goal	10
Existing Efforts	11
Data Analysis.....	13
HIN Analysis.....	17
Equity Analysis.....	19
Systemic Analysis.....	22
Emphasis Areas.....	28
Roadway Departure Crashes	29
Intersection Crashes.....	30
Older Driver Crashes	32
Pedestrian Crashes	33
Bicyclist Crashes.....	35
Action Tables.....	38
Safe Roads	39
Safe Road Users.....	44
Safe Speeds.....	48
Post-Crash Care.....	49
Safe Vehicles	51
Implementation and Evaluation	52
Funding Sources.....	54
Implementation of Strategies and Action Items	55
City Safety Priorities.....	56

Acknowledgments

City of Independence

Kansas Department of Transportation

Kansas Local Technical Assistance Program

Montgomery County, Kansas

Federal Highway Administration Office of Safety

Federal Highway Administration Kansas Division

VHB

Executive Summary

The City of Independence promotes a safe, efficient, and reliable multi-modal transportation system that serves the needs of the citizens and those that travel in the City. The City is committed to improving transportation safety for all users and eliminating traffic fatalities and serious injuries. To achieve this, the City initiated and, through a series of workshops, engaged a multi-disciplinary stakeholder group comprised of Federal, State, and local representatives from the 4E's (engineering, enforcement, education, and emergency response) to develop a Local Road Safety Plan (LRSP).

A LRSP is a Federal Highway Administration (FHWA) Proven Safety Countermeasure¹ that provides a framework for identifying, analyzing, and prioritizing roadway safety improvements on local roads. The LRSP development process and content are tailored to local issues and needs. The process results in a prioritized list of issues, risks, actions, and improvements that help to reduce fatalities and serious injuries on all roads in the City. The LRSP uses a strategic approach to achieve the vision of creating a transportation system that is safe for all users. It expands on past safety efforts by providing a data-driven framework to collaboratively and equitably focus multi-disciplinary safety strategies and allocate resources. This LRSP focuses on the safety issues of all public roads within the City limits and aligns with the goals, objectives, emphasis areas, and strategies of the Kansas SHSP². It adopts a Safe System Approach³ which is based on the principles that the human body is vulnerable, humans make mistakes, responsibility is shared, safety is proactive, redundancy is crucial, and it is unacceptable that these mistakes result in death and injury. This supports the Kansas Department of Transportation's (KDOT) implementation of the Toward Zero Deaths' National Strategy on Highway Safety⁴. The LRSP, when implemented helps the City fulfill its commitment toward eliminating traffic fatalities and serious injuries.

Developed using the collaborative six-step process documented by FHWA, the LRSP's intent is to:

- Achieve a significant reduction of traffic fatalities and serious injuries on public roadways in the City.
- Leverage partnerships and resources to maximize implementation of this plan.
- Complement efforts to develop and implement transportation plans and other plans and studies.
- Identify strategies and action items based on data analysis and crash trends.
- Prioritize needed roadway safety improvements.
- Increase awareness of road safety and risks through education and enforcement.
- Develop support for funding applications.
- Support implementation of the Kansas SHSP.

¹ FHWA, Office of Safety, Proven Safety Countermeasures,
https://safety.fhwa.dot.gov/provencountermeasures/local_roads.cfm

² Kansas Department of Transportation, Kansas 2020-2024 Strategic Highway Safety Plan,
<https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burTrafficSaf/reports/reportspdf/SHSP2020.pdf>

³ FHWA, Office of Safety, Safe System Approach flyer, SA-20-015,
https://safety.fhwa.dot.gov/zerodeaths/docs/FHWA_SafeSystem_Brochure_V9_508_200717.pdf

⁴ <https://www.towardzerodeaths.org/tzd-national-strategy/>

The City has a multi-modal transportation system that includes roadways, sidewalks, and bike lanes. The roadways in the City are a combination of arterial, collector, and local streets that seek to accommodate all users of the system. However, the LRSP identifies conditions that may put vulnerable users at risk and addresses them.

This LRSP includes an analysis of safety data (crash, roadway, and traffic volume) for the 107 miles of roads within the City limits between 2011 to 2020. This analysis identified crash trends, over-represented crash types, and the High Injury Network (HIN). During this ten-year analysis period, a total of 1,455 crashes occurred on City roadways of which 189 resulted in an injury. The data analysis results indicate that roadway departure and intersection crashes are the predominant crash types, and that older drivers, pedestrians, and bicyclists make up a notable share of the City's injury crashes.

The HIN is comprised of those roadways with a concentration of fatal and injury crashes. Data analysis facilitated the identification of 17 percent of the City's roadways which account for 84 percent of the total fatal and injury crashes. These roadways also overlap with Census Tracts identified by the United States Department of Transportation (USDOT) as being transportation disadvantaged⁵. The largest portion of fatal and serious injury crashes occur on US-75 (North Pennsylvania Avenue and Main Street), US-160 (Main Street), 10th Street, Laurel Street, Oak Street, and Maple Street. Data analysis and field reviews of these locations and other portions of the HIN indicate a need for a variety of safety countermeasures such as enhanced visibility of the existing traffic control devices and crosswalks at intersections across the network. Safety improvements on the HIN will have the greatest impact on reducing fatal and injury crashes.

The stakeholder group used the data analysis results and collaborated through a series of workshops to establish vision, mission, and goal statements, select LRSP emphasis areas, and identify safety strategies. The LRSP uses the five elements of the Safe System Approach (Safe Roads, Safe Road Users, Safe Speeds, Safe Vehicles, and Post-Crash Care) as the framework for integrating the emphasis areas, strategies, and action items. It uses a proactive approach and considers redundancy in the implementation of strategies and action items. Redundancy means that reducing risks requires that all parts of the transportation system play a role, so that if one part fails, the other parts still protect people.

To facilitate implementation of the LRSP, each strategy and action item includes lead and partner agencies, an implementation time frame (low, medium, and long-term), and level of funding (low, medium, and high). The City and its stakeholders recognize the limitation of resources including funding, staffing, and existing protocols; therefore, have prioritized actionable strategies in this LRSP. These include items such as establishing a Safety Committee, improving data collection, conducting road safety audits (RSAs) on HIN corridors, implementing RSA recommendations, providing enhanced crosswalk and intersection visibility, and implementing road infrastructure that accommodates all users of the transportation system.

The LRSP identifies and prioritizes potential projects to help advance implementation. The LRSP is a living document that will be updated every three to five years to reflect changing safety needs and priorities of the City. It is the combined, collaborative efforts of the stakeholders that will advance the implementation of the LRSP and achieves the vision of creating a transportation system that is safe for all users.

⁵ <https://usdot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceedfabe58a3a>

Acronym List

4Es	Engineering, Education, Enforcement, and Emergency Medical Services
CMF	Crash Modification Factor
DMV	Department of Motor Vehicles
EMS	Emergency Medical Services
FHWA	Federal Highway Administration
HIN	High Injury Network
HSM	Highway Safety Manual
HSP	Highway Safety Plan
HSIP	Highway Safety Improvement Program
KDOT	Kansas Department of Transportation
KHP	Kansas Highway Patrol
KTSRO	Kansas Traffic Safety Resource Office
LEL	Law Enforcement Liaison
LRSP	Local Road Safety Plan
LRTP	Long Range Transportation Plan
NHTSA	National Highway Traffic Safety Administration
PDO	Property Damage Only
PSC	Proven Safety Countermeasure (As identified by FHWA)
RRFB	Rectangular Rapid Flashing Beacon
RSA	Road Safety Audit
SS4A	Safe Streets and Roads for All
SHSP	Strategic Highway Safety Plan



West Maple Street at South 25th Street (Source: FHWA)



South 10th Street at West Magnolia Street (Source: FHWA)



Introduction

The City of Independence is within Montgomery County in southeastern Kansas, approximately 15 miles from the Oklahoma state line. According to the 2020 United States Census, the City has a population of 8,548. Incorporated in 1870, the City is the county seat of Montgomery County. The total land area of the City is 7.67 square miles. The closest metropolitan areas are Tulsa (85 miles) and Wichita (113 miles). Other municipalities near Independence are Cherryvale, Coffeyville, and Neodesha, all with populations under 10,000.

The population of the City has been declining since 1930 according to the U.S. Census. The population decreased from 9,483 residents in 2010 to 8,548 in 2020, a 9.8 percent reduction over the period. In 2020, the median household income in the City was \$38,963. The largest industries of employment are educational services, healthcare, social assistance, and manufacturing. Historically, the City had industries focused on agriculture and oil. This was due in part to the rich natural resources and soil in the City created by its proximity to the Verdigris River and Elk Rivers.

The City has 107 miles of roads, of which 79 miles are local neighborhood streets and the remainder are arterial or collector roadways, including US-75 (North Pennsylvania Avenue, Chestnut Street, 10th Street, and West Main Street) and US-160 (Main Street) which connect to other communities in Montgomery County and beyond. The City does not have a public transit service, though there is a Greyhound Bus Stop and a stop for the Coffeyville route of the Jefferson Bus Line. Based on the 2020 American Community Survey, 94 percent of residents used a car, truck, or van for their trips, while three percent walked, and two percent took a taxicab, motorcycle, bicycle, or other means. This indicates a high reliance on personal automobiles for movement in the City. The US Census also estimated that three percent of households did not have a vehicle.

Data analysis shows that 84 percent of all fatal and injury crashes in the City occur on 17 percent of the roadway network as shown in Figure 1. This is also where most pedestrian and bicycle crashes occur. Since 2016, there have been no fatal crashes in the City, though there have been 118 injury crashes, representing 16 percent of all crashes. There have been 13 crashes involving pedestrians, making up less than 2 percent of all crashes. Throughout statewide efforts, Kansas has called for a coordinated approach to continue reduction of fatal and serious injury rates.

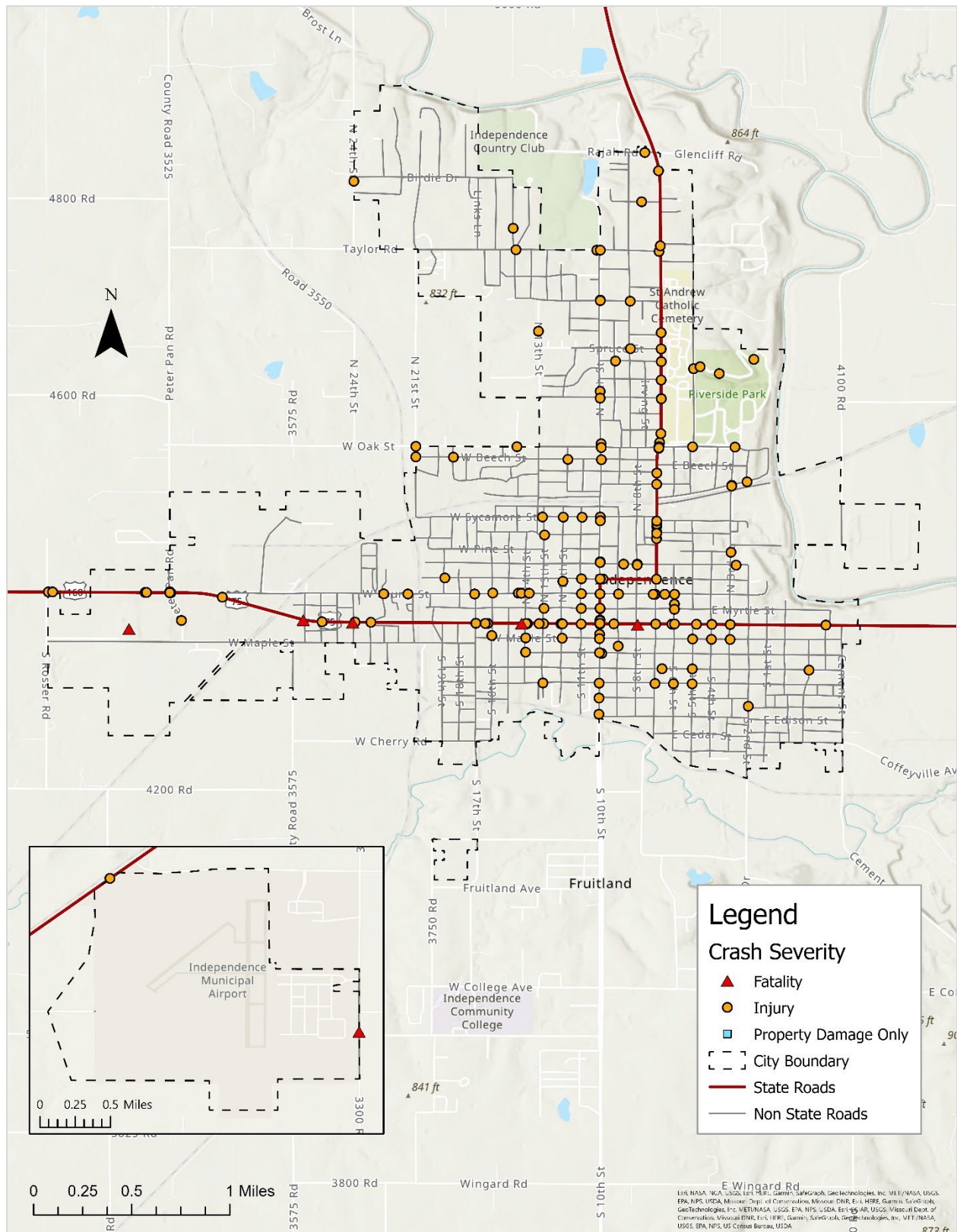
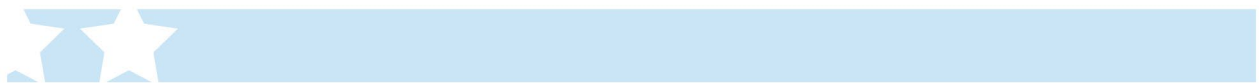


Figure 1. Graphic. Severe Crash Locations (Source: FHWA, 2022)



The City Local Road Safety Plan (LRSP) is important for establishing a data-driven approach to address safety issues on roads in the City. The Plan involves collaboration with local stakeholders and explores the most relevant safety issues and desired safety goals for the city. The LRSP aligns with the [Kansas's Strategic Highway Safety Plan](#) (SHSP),⁶ as all of the emphasis areas chosen for the LRSP are also emphasis areas in the SHSP. The emphasis areas in the City's LRSP are:

- Lane Departure.
- Intersections.
- Pedestrians.
- Bicyclists.
- Older Drivers.

The SHSP calls for coordination with localities to reduce crash rates through using the 4E's (education, enforcement, engineering, and emergency medical services), which the LRSP is helping foster through exploring countermeasures to address safety emphasis areas. The plan also shares a similar goal of strategic safety improvements as the [Kansas Highway Safety Improvement Program](#) (HSIP),⁷ which funds engineering improvements to reduce fatalities and serious injuries on public roads. The HSIP lists systemic project priorities in areas that intersect with the emphasis area countermeasures. The LRSP will be important to identify potential countermeasures to be funded by HSIP.

Developed using the collaborative six-step LRSP process documented by the Federal Highway Administration (FHWA), the City LRSP's intent is to:

- Achieve a significant reduction of traffic fatalities and injuries on all roads in the City.
- Leverage partnerships and resources to maximize implementation of this plan.
- Complement efforts to develop and implement transportation plans and other plans and studies.
- Identify strategies and action items based on data analysis and crash trends.
- Prioritize needed roadway safety improvements.
- Increase awareness of road safety and risks through education and enforcement.
- Pursue funding opportunities for identified safety priorities.
- Support implementation of the Kansas SHSP.

In addition, the Safe System Approach will be used in the LRSP to create a comprehensive safety plan for the City. It has become increasingly important in transportation safety to shift the focus from solely crash frequency reduction to acknowledging that humans are fallible and that crashes will occur, but how their severity can be mitigated with systemic approaches.

Since transportation is a determinant of quality of life, equity within the transportation system is essential to ensuring that everyone within a community can attain affordable and accessible transportation options based on their needs. As population demographics shift in the City, it is important that all residents continue to have equal and safe access to transportation.

⁶ <https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burTrafficSaf/reports/reportspdf/SHSP2020.pdf>

⁷ <https://safety.fhwa.dot.gov/hsip/reports/pdf/2020/ks.pdf>

Safe System Approach

This LRSP adopts the Safe System Approach, which acknowledges that the human body is vulnerable and that humans make mistakes, but it is unacceptable that these mistakes result in death and injury.

Understanding that humans are fallible, and crashes will occur as a result, this Approach refocuses safety on managing those crashes that do occur to minimize impact. This is done with a focus on safety in design and project planning. FHWA promotes the use of the [Safe System Approach](#),⁸ and calls for it to be incorporated in plans that address the frequency and severity of crashes; this LRSP will be implementing such an approach.

As shown in figure 2 six principles form the basis of the approach:

- Deaths and serious injuries are unacceptable.
- Humans make mistakes.
- Humans are vulnerable.
- Responsibility is shared.
- Safety is proactive.
- Redundancy is crucial.



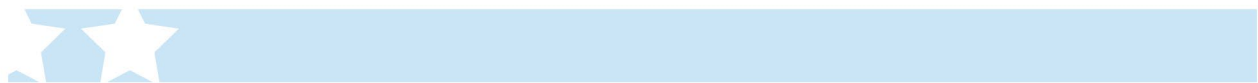
Figure 2. Graphic. Safe System Approach (Source: FHWA)

Additionally, there are five Safe System elements, all working together to create a Safe System which anticipates human mistakes and tolerate crash impacts. These elements are:

Safe Roads: The roadway is the platform used to move across the system. Safe roads use engineering strategies to plan, design, construct, maintain, and operate roads to prevent against crashes and manage impacts should a crash occur.

Safe Road Users: This element includes all users of all modes of travel. Their capabilities are influenced by factors such as age, ability, and other behaviors. Signing, enforcement, and education campaigns can be used to address these limitations and encourage safer behavior.

⁸ https://safety.fhwa.dot.gov/zerodeaths/zero_deaths_vision.cfm



Safe Speeds: As speed increases, the risk of death and serious injury dramatically increase (Figure 3). Pedestrians are even more vulnerable to death and serious injuries from higher speeds. Their risk of fatality doubles when speeds increase from 32 mph to 42 mph, and triples at 50 mph. Lowering speed increases the likelihood that a road user survives the crash. To reduce the speed of users, infrastructure changes, speed limits, signage, and radar speed feedback signs can be used in combination with education and enforcement.

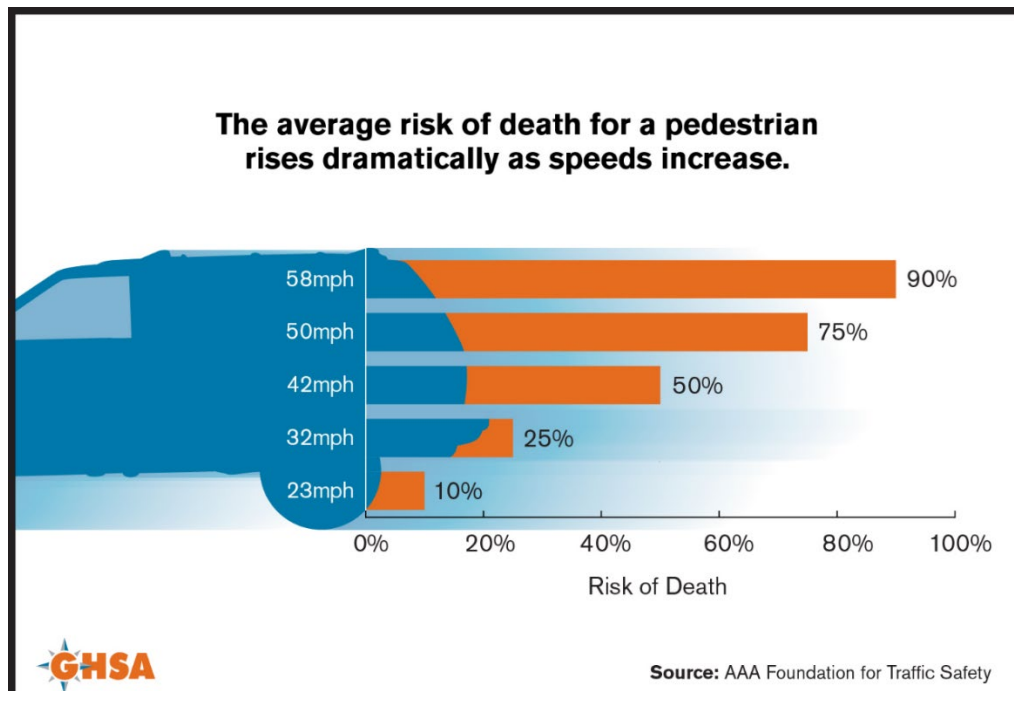


Figure 3. Graphic. Relationship Between Pedestrian Crash Risk and Speed (Source: GHSA and AAA)

Post-Crash Care: Post-crash care is the need for emergency vehicle operators to arrive at the scene of a crash quickly to provide prompt assistance, while also not causing an additional crash on their way.

Safe Vehicles: Safe vehicles are important in protecting the driver and occupants if a crash occurs, as the Safe System Approach asserts that we must understand that the body has a limited ability to tolerate crash impacts. Safe vehicles are stressed through safe vehicle technology and through the promotion of fleet management and company policies against unsafe driving practices while using company vehicles.

This LRSP uses the five elements of the Safe System Approach to guide the selection of emphasis areas and development of strategies. These elements integrate the 4E's of safety and accommodate human error.



Equity

The transportation system is a vital component of the quality of life of the people in a community. It affects where people live, where and how they travel to work and school, and what services and recreational activities are available. Transportation equity seeks fairness in mobility and accessibility to meet the needs of all community members, especially those individuals traditionally underserved. These include populations with limited English proficiency, elderly, persons of disability, minorities, and low-income areas. Transportation Equity information is provided on the FHWA webpage here: [Transportation Equity - Transportation Planning Capacity Building Program](#)⁹.

According to the US Census Bureau, the population of the City is 80 percent non-Hispanic (White alone) and 20 percent minority. This is a lower range of racial and ethnic diversity than the statewide averages of 25 percent for Kansas. There is a higher share of individuals above the age of 65 and a lower share of those under 18 years of age compared to the State. The Census Bureau data also shows that 21 percent of persons in the City live below the poverty line, compared to 12 percent statewide. The median household income in the City is just under \$39,000, compared to over \$61,000 statewide. In addition, over 16 percent of the City population under the age of 65 have a disability, compared to 9 percent statewide. It is essential to consider these various populations and communities in the City early during the planning process to address potential impacts and transportation equity.

The City understands that the demographic composition (age, gender, race/ethnicity, ability/disability, income) of the City is critical to making informed transportation investment decisions and achieving the City's social equity goal of providing equitable investments in transportation to enable quality of life for all residents. The consideration of demographics and equity also influence safety of all road users. For example, houses with zero-vehicles likely means that there will be more people walking, bicycling, or using paratransit offered by the Southeast Kansas Community Action Program as a means of transportation. Without adequate facilities, this increased exposure can lead to a higher percentage of pedestrian crashes in these communities. Implementation of safety countermeasures such as installing and properly maintaining sidewalks, adding high visibility crosswalks, proper lighting, and evaluating intersections for safe pedestrian accommodations to provide for safe travels of users in these zero-vehicle household blocks can improve traffic safety and address equity at the same time.

The City and its stakeholders considered transportation equity during each step of the LRSP development process. This included using indices to evaluate and compare locations of minority populations, low-income areas, and households with zero-vehicle with those roadways with higher concentration of fatal and serious injury crashes. The LRSP identifies strategies that address the safety needs of all road users. Projects identified support the recognition that the safety needs of all road users should align with future transportation investments.

⁹ FHWA/Federal Transit Administration, Transportation Capacity Building, [Transportation Equity](#)

Local Road Safety Plan

Process

An LRSP is an [FHWA Proven Safety Countermeasure](#) and is developed using a collaborative six-step process (figure 4). The following sections describe each step. More detail can be found in later sections of the plan. This LRSP builds upon past and ongoing safety activities and considers the unique needs and issues specific to the road system within the planning area limits and the users of these roadways. The LRSP aligns with the Kansas SHSP and its goals and strategies to eliminate traffic fatalities and serious injuries. This is supported by adopting the principles and elements of the Safe System Approach. LRSP implementation is key to saving lives and kept at the forefront during the LRSP development process.



Figure 4. Graphic. LRSP development process (Source: FHWA).

Establish Leadership

The LRSP leadership team, comprised of representatives from City agencies, has a key role in the development and implementation of safety projects, programs, and policies. The leadership team is ultimately responsible for developing, adopting, and implementing the LRSP. The City engaged multi-disciplinary safety stakeholders representing the 4Es of safety through a series of workshops to provide input into the development of the LRSP. These partnerships and collaborative efforts recognize a shared responsibility to eliminate fatal and serious injury crashes and provide the opportunity to share knowledge, leverage resources, and maximize implementation of the LRSP.

Analyze Safety Data

Analyzing safety data (e.g., crash, traffic, roadway data) identifies crash trends, high-risk factors, and those locations and infrastructure characteristics with a higher concentration of fatal and injury crashes. The Kansas Department of Transportation (KDOT) provided safety data for the local roadways within the City limits for the ten-year period of 2011 to 2020. The safety analysis for the LRSP considered the over-representation of major crash types and their relationship between each other. This guided the selection of LRSP emphasis areas. Crash tree analysis helped to identify key combinations of factors that contribute to predominant crash types. This is especially beneficial to systemically address locations with an identified



potential crash characteristic where crashes have not yet occurred. An assessment of crashes and key corridors identified a High Injury Network (HIN) where most fatal and injury crashes occur. An overlay of the HIN with equity demographic indices showed a correlation between the HIN and equity areas of concentration. Performing safety field reviews helped to identify additional features that may contribute to crashes and safety countermeasures that are typically present to mitigate crashes. The analysis results and safety field review guided the selection of the emphasis areas and strategies and identification of potential projects.

Determine Emphasis Areas

Emphasis areas in a LRSP enable the safety stakeholders to better focus available resources. The Kansas SHSP contains nine emphasis areas based on analysis results for the period of 2014-2018. The safety stakeholders considered these SHSP emphasis areas and the data analysis results for the roads within the city limits for 2011 to 2020 and selected the following five emphasis areas for the LRSP.

- Lane Departure.
- Intersections.
- Pedestrians.
- Bicyclists.
- Older Drivers.

Although crashes involving younger users and driver behavior characteristics are not included as emphasis areas in the LRSP, strategies related to these users are integrated into the other emphasis areas. The five Safe System elements serve as “pillars,” and each emphasis area aligns with the appropriate Safe System element.

Identify Strategies

The LRSP identifies strategies and action items that address emphasis areas and aligns with the appropriate Safe System element. This allows for the strategies to take all road users and modes of transportation into account, while also ensuring that multiple emphasis areas can be addressed simultaneously. It also makes it easier for the various stakeholders to coordinate, strategize, and implement the LRSP. Based on local knowledge and potential policy changes, the stakeholders considered the data analysis results, potential to address identified safety issues, different types of road users, equity, and how to ensure the strategies are actionable when identifying multi-disciplinary countermeasures for inclusion in the LRSP. Many of the action items are identified in the Kansas SHSP as well as the State behavioral-related Highway Safety Plans and are considered as effective countermeasures by FHWA and the National Highway Traffic Safety Administration (NHTSA).

Prioritize and Incorporate Strategies

The stakeholders considered each strategy and action item as well as the feasibility of implementation during the process to prioritize them. The cost and availability of resources as well as the ease of implementation or how a strategy could influence implementation of other strategies were factors that influenced the prioritization. Each action item is listed in priority order and includes the lead agency and partners, application method (e.g., citywide), priority ranking, effectiveness, level of resources required (e.g., low, medium, or high), and an implementation time frame. Short-term actions are anticipated to be implemented within 3 years; medium-term actions can be implemented within 3 to 10 years; and long-term actions can be implemented within 15 years. Some actions are considered ongoing.



Evaluate and Update

System managers/owners (engineers, planners, designers, builders, operators, and maintenance workers), law enforcement, post-crash personnel, system users and other stakeholders all have a shared responsibility to reduce traffic fatalities and serious injuries on the roadway system within the City. It is essential that this LRSP moves beyond a planning document. Implementation of the identified strategies and action items by the various stakeholders is key to achieving the goal set forth in this LRSP. A benefit of the alignment of the LRSP with the SHSP is that it leverages existing funding sources to support LRSP implementation. These include State funds from KDOT as well as Federal funding from sources such as HSIP and Highway Safety Plan (HSP) administered by FHWA and NHTSA, respectively. In addition, the Bipartisan Infrastructure Law (BIL) establishes the new [Safe Streets and Roads for All \(SS4A\) Grant Program](#) which may support implementation of the LRSP. This new discretionary program provides \$5-6 billion over the next five years of funding to support regional and local initiatives through grants to prevent roadway deaths and serious injuries.

The LRSP is a living document that should be evaluated and updated periodically. Tracking the allocation of resources, positive changes in user behavior, and the reduction in crashes as the various strategies and action items are implemented can be the mechanism with which the City and its safety stakeholders evaluate the effectiveness of the LRSP implementation. This also will assist the City and its stakeholders to identify new action items or those that should be expanded, determine necessary resources for implementation, and pursue grant opportunities.



Vision, Mission, and Goal

The stakeholders established the LRSP vision, mission, and goal statements. These statements reflect the Safe System Approach principles that death and serious injuries are unacceptable and shared responsibility by all stakeholders is necessary. The vision for the LRSP demonstrates the intent that all users of the roadway system within the City reach their destination safely. The mission statement recognizes that a collaborative effort by all the safety partners is necessary to achieve the reductions in traffic-related fatalities and serious injuries set forth by the goal. Strategies and action items identified in later sections of this LRSP reflect elements of the Safe System Approach and support achieving the vision, mission, and goal statements.

Vision:

Eliminate ALL deaths and life-changing injuries on our roadways.

Mission:

Implement a collaborative data-driven Safe System approach to reduce and prevent fatalities and serious injuries on our roads.

Goal:

Reduce fatal and injury crashes by half by 2035.



Existing Efforts

Several City and State agencies resources were reviewed as background research for this LRSP. These resources included the 2020-2024 Kansas SHSP, the Kansas HSIP annual report, the Kansas HSP, the City of Independence Community-Based Strategic Plan, and the Montgomery County Local Road Safety Plan.

The five-year Kansas SHSP was released in 2020 and was developed based on input from numerous agencies and multi-disciplinary stakeholders. This document is an important resource for the development and implementation of the LRSP as it informs potential strategies and actions for local adoption.

The Kansas SHSP outlines nine emphasis areas:

- Roadway Departure.
- Occupant Protection.
- Impaired Driving.
- Older Drivers.
- Intersections.
- Local Roads.
- Teen Drivers.
- Pedestrians and Cyclists.
- Data Support.

The Kansas HSIP Annual Report identified the types of projects the State would like to allocate funds toward, including:

- Install or improve lighting.
- Install or improve pavement marking and/or delineation.
- Install or improve signing.
- Install or improve guard rails.
- Rail crossing improvements.
- Intersection improvements.
- High Risk Rural Road improvements (or Local Safety).
- General safety improvements.

Understanding that these programs are a State priority helps City stakeholders prioritize their projects toward these types of programs while considering the outcomes from the data analysis.

The HSP¹⁰ developed by KDOT to identify behavioral safety issues and pair them with available grants provides an opportunity for the implementation of this LRSP that can effectively contribute to the reduction of fatalities within the City. The HSP indicates safety initiatives that target behaviors such as impaired driving, occupant protection, and speeding. The HSP also identifies educational initiatives administered by the Kansas Traffic Safety Resource Office.

¹⁰ Kansas HSP Landing Page: <https://www.ksdot.org/bureaus/burTrafficSaf/reports/annrpt.asp>



The City developed a Community-Based Strategic Plan for 2018-2023. Initiatives in this plan include increasing budget allocation for road and sidewalk improvements, performing annual reviews of street conditions and planned improvements, and maintaining commitment to ADA compliance. Since the development of the plan, some major transportation-related accomplishments include the completion of Phase IV of their 2017 ADA Transition Plan, resurfacing of streets, and the award of five KDOT grants. Of those five KDOT grants, three are improvements on City streets, including West Maple Street, Main Street, and West Main Street.

The Montgomery County Local Road Safety Plan, released in 2020, was developed with the assistance of KDOT. This plan focused on the 315 miles of roads maintained by the County, which generally are major collectors, except those in subdivisions with speed limits lower than 35 mph. This plan identified several favorable or effective countermeasures:

- Shoulder improvements.
- Edgeline and centerline rumble strips.
- Transverse rumble strips on stop-controlled approaches.
- Implementing good access management policies.
- Roundabouts.
- Beacons on stop signs or intersection warning signs if implemented closer to cities/towns/populated areas.
- Dynamic speed feedback signs if implemented closer to cities/towns/populated areas.
- Retroreflective strips on stop signposts.
- Intersection lighting.
- Bypass lanes at intersections where there is a lot of turning activity.
- Clearing and grubbing.

While the county plan did not include analysis of roads within the City. The plan identified two priority segments, Peter Pan Road and County Road 3900, that are just outside of the city limits. Peter Pan Road is of note as this north-south route, in conjunction with the east-west route of Taylor Road, serves as an undesignated bypass of the City. Portions of this bypass route that are within the City limits, particularly Taylor Road, are of interest to stakeholders as the road is near schools and adjacent to residential neighborhoods. The traffic volume on this route is over 1,500 vehicles per day.



Data Analysis

KDOT provided crash data for public roads in the City for the period between 2011 and 2020. The data identifies three levels of crash severity – fatal (F), injury (I), and property damage only (PDO). From 2011 to 2020, there were 1,455 crashes in the City, of which 189 resulted in a fatality or injury.

Safety data analysis identifies trends and proportions in the types of crashes, risk factors, and locations with higher proportion of the injury crashes. Figure 5 shows that over the ten-year analysis period, the number of crashes have ranged from 189 in 2013 to 89 in 2018. The number of crashes involving a fatality or injury ranged from 29 in 2013 to 8 in 2020. Figure 6 shows that crashes peak during late Summer and early Fall as well as in May.

Fatal (F)	Injury (I)	Property Damage Only (PDO)	Total
6	183	1,266	1,455

Table 1. Crash Severity Summary, 2011-2020 (Source: FHWA)

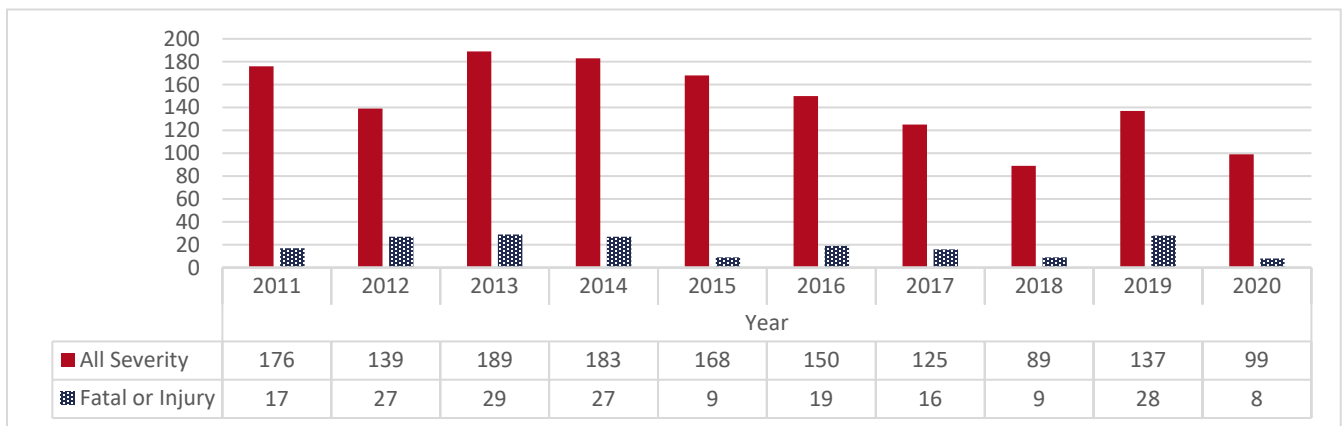


Figure 5. Graphic. Crashes by Year, 2011-2020 (Source: KDOT, 2022)

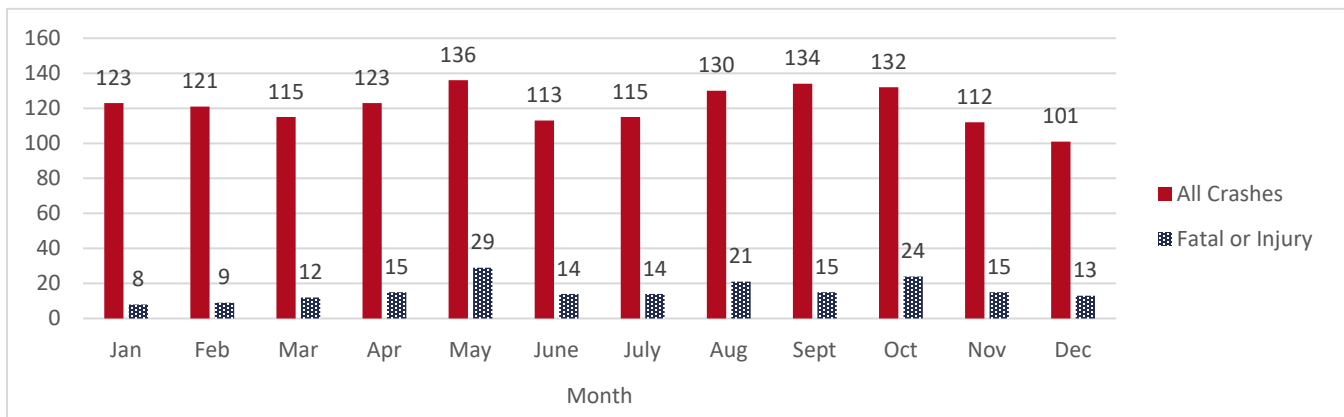


Figure 6. Graphic. Crashes by Month, 2011-2020 (Source: KDOT, 2022)

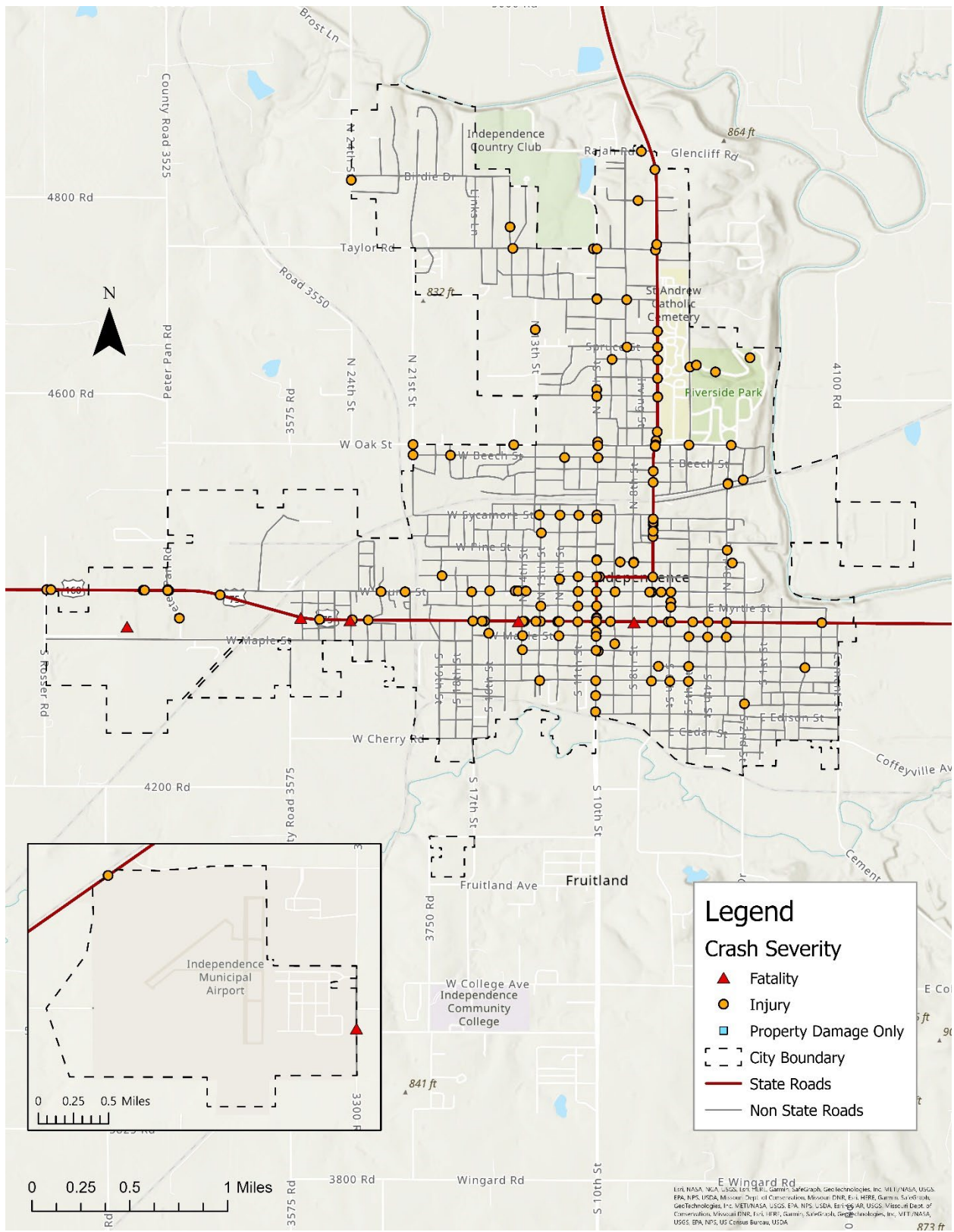
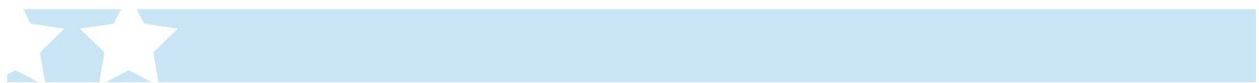


Figure 7: Fatal and Injury Crashes, 2011-2020 (Source: KDOT, 2022)



The data analysis considered the over-representation of major crash types and their relationship between each other to guide the selection of the LRSP emphasis areas. The emphasis areas in the Kansas SHSP that informed the City's LRSP include:

<i>Kansas SHSP Emphasis Areas</i>
Roadway Departure
Occupant Protection
Impaired Driving
Older Drivers
Intersections
Teen Drivers
Bicycles
Pedestrians
Data Support

Table 2 provides a breakdown of the City's crash data by State emphasis area and compares to the State's percentages. There are several emphasis areas that are generally overrepresented or overrepresented in injury/fatality outcomes when compared to all crashes, including occupant protection, impaired driving, older drivers, pedestrians, and bicycles. When compared to the emphasis area share of fatal and injury crashes at the State-level, roadway departure, older drivers, intersections, pedestrians, and bicyclists are overrepresented in the City.

Table 2: City Crashes by State Emphasis Area, 2011-2020 (Source: KDOT, 2022)

<i>Emphasis Area (EA)</i>	<i>Fatal (F)</i>	<i>Injury (I)</i>	<i>Property Damage Only (PDO)</i>	<i>All Crashes (1,455)</i>	<i>EA Share of All Crashes</i>	<i>EA FI Crashes as share of all City FI Crashes</i>	<i>EA Share of All State Crashes</i>	<i>EA FI Crashes as share of all State FI Crashes</i>
Roadway Departure	3	59	499	561	39%	33%	25%	23%
Occupant Protection	3	21	16	40	3%	13%	2%	10%
Impaired Driving	1	14	32	47	3%	8%	4%	6%
Older Drivers	2	47	319	368	25%	26%	11%	11%
Intersections	0	88	398	486	33%	47%	30%	30%
Teen Drivers	0	12	64	76	5%	6%	12%	12%
Pedestrians	2	17	2	21	1%	10%	1%	1%
Bicycles	0	12	2	14	1%	6%	1%	1%

Of the 40 crashes involving lack of occupant protection, twenty-four (60 percent) involved a fatality or injury. Of the 47 impaired driving crashes, 15 (32 percent) involved a fatality or injury. According to the 2020 Census, older drivers make up approximately 18 percent of the City population, but account for 25 percent of all crashes and 26 percent of all fatal and injury crashes.



Pedestrians and bicyclists are considered vulnerable users since they do not have the physical protection that is provided to a car driver or occupant. Crashes involving vulnerable road users are often more severe. Of the 21 crashes involving pedestrians, 19 (90 percent) involved a fatality or injury. Of the 14 crashes involving a bicycle, 12 (86 percent) involved an injury.

The overrepresentation of these emphasis areas should be addressed through local road safety efforts, including a combination of infrastructure and behavioral approaches. Solutions include increasing visibility at pedestrian crossings, marking bike lanes, and education to raise awareness.

The emphasis area matrix shown in Table 3 illustrates the relationship between emphasis areas. This relationship allows stakeholders to leverage resources and address multiple emphasis areas simultaneously. The matrix is read such that rows are in relation to the column. For example, older drivers are involved in 15 percent of all roadway departure crashes and 28 percent of all intersection crashes. The matrix helps to quickly identify trends, while providing additional depth to the emphasis area analysis. The three emphasis areas with the highest proportions in relation to any given column are roadway departure, intersections, and older drivers. The single highest proportion is 59 percent of teen crashes involving a roadway departure.

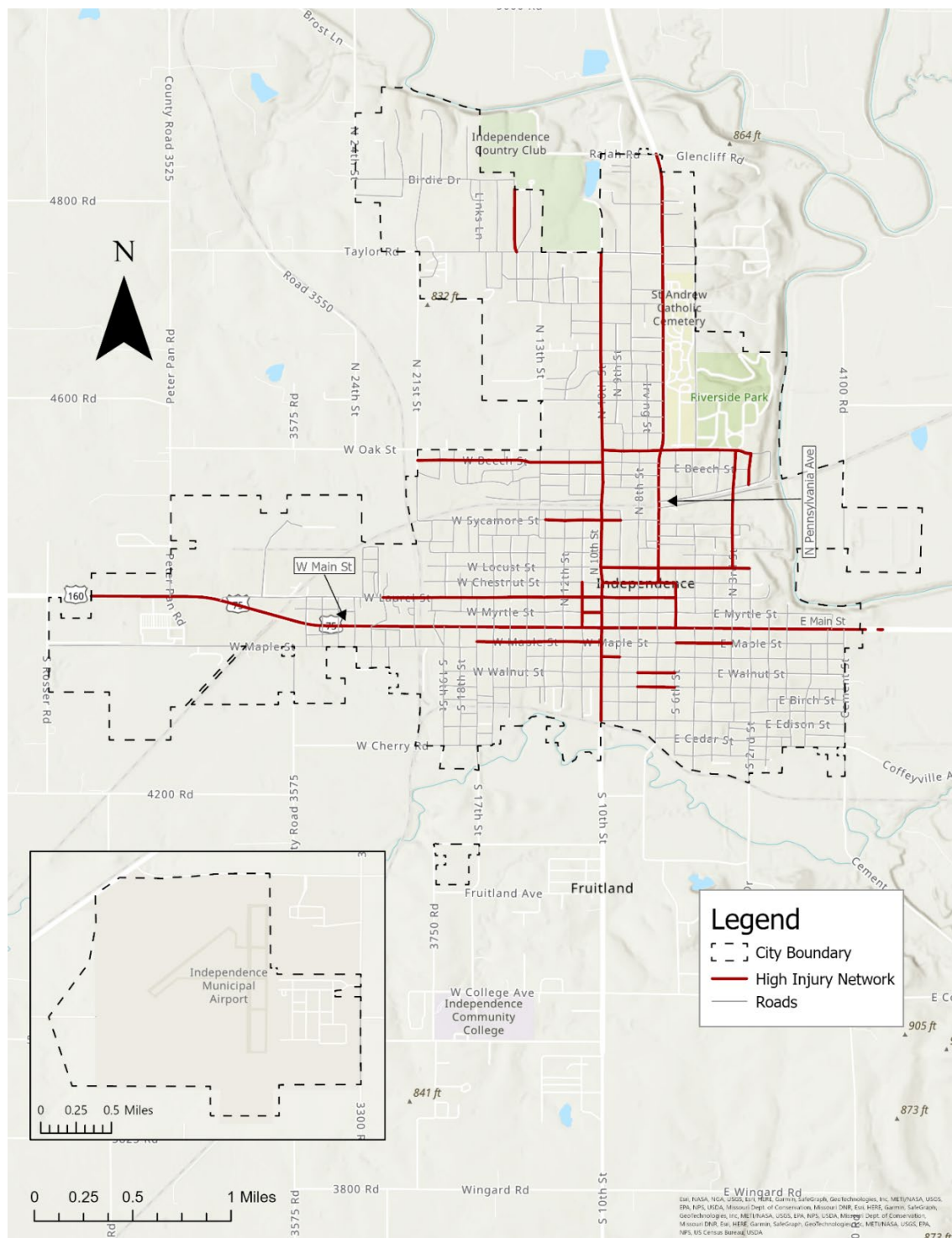
Table 3: Emphasis Area Cross-Matrix, 2011-2020 (Source: KDOT, 2022)

Emphasis Area – All Crash Severities	Roadway Departure (561)	Occupant Protection (40)	Impaired Driving (47)	Older Drivers (368)	Inter-sections (486)	Teen Drivers (76)	Pedestrians (21)	Bicyclists (14)
Roadway Departure	-----	43%	55%	22%	0%	59%	57%	43%
Occupant Protection	3%	-----	9%	3%	3%	4%	0%	0%
Impaired Driving	5%	10%	-----	1%	3%	4%	0%	0%
Older Drivers	15%	28%	6%	-----	28%	0%	24%	14%
Intersections	0%	35%	28%	37%	-----	26%	24%	36%
Teen Drivers	8%	8%	6%	0%	4%	-----	0%	7%
Pedestrians	2%	0%	0%	1%	1%	0%	-----	0%
Bicyclists	1%	0%	0%	1%	1%	1%	0%	-----
Chart is read such that rows are in relation to the column. Shading scale provided in this row.								-----



HIN Analysis

The goal of the HIN is to identify which roads account for a high proportion of injury crashes. This analysis is inherently reactive, and thus, crashes need to have occurred for this analysis to be possible. Figure 8 below is the City HIN map for the years 2011-2020. The shaded streets indicate a street that is part of the HIN.





pavement condition (rated low on the City Pavement Condition Index) that are also on the HIN, such as East Main Street, are likely candidates for improvements as well. The segments with the highest proportions of injuries are shown in Table 4 below.

Table 4: High Injury Network Summary, 2011-2020 (Source: KDOT, 2022)

Road Name	Fatality and Injury (KABC) Count	Percent of City KABC Crashes	Percent of City Miles
US 75 (North Pennsylvania Avenue)	37	19.79%	3.19%
US 75 / US 160 (West Main Street)	37	19.79%	2.50%
North 10 th Street	20	10.70%	2.04%
West Laurel Street	12	6.42%	1.33%
South 10 th Street	12	6.42%	0.57%
US 160 (East Main Street)	11	5.88%	1.17%

Equity Analysis

The Environmental Protection Agency (EPA) publishes an Environmental Justice Screening and Mapping Tool, EJScreen. This tool maps a combination of environmental and demographic indicators to identify vulnerabilities at a census block group level. The socioeconomic indicators include a demographic index, percent of persons of color, low-income, unemployment rate, linguistically isolated, percent of people with less than a high school education, percent under the age of five and the percent over the age of 64. The demographic index is based on the average of two demographic indicators – percent of low-income people and people of color. This indicator is visualized as a percentile compared to the national average. The large block group in the southwestern portion of the City scores in the 72nd percentile, which is the highest in the City.

Under the Justice40 Initiative, the U.S. Department of Transportation has developed a Transportation Disadvantaged Census Tracts map. The map addresses six categories; transportation access disadvantage, health disadvantage, economic disadvantage, environmental disadvantage, equity disadvantage, and resiliency disadvantage. If a census tract ranks in the top 50th percentile of the average score in at least four categories, it is considered transportation disadvantaged. Three Census tracts meet this definition of transportation disadvantaged and are listed in Table 5.

Table 5: USDOT Transportation Disadvantaged Index by Census Tract (Source: USDOT, 2022)

Census Tract	Transportation Access	Health	Economy	Equity	Resilience	Environmental
Tract 9505	Disadvantaged	Disadvantaged	Disadvantaged	Disadvantaged	Disadvantaged	Disadvantaged
Tract 9506	Disadvantaged	Disadvantaged	Disadvantaged	Not Disadvantaged	Disadvantaged	Disadvantaged
Tract 9504	Not Disadvantaged	Disadvantaged	Disadvantaged	Disadvantaged	Not Disadvantaged	Disadvantaged



People with low-income often have longer commutes, lower car ownership rates, and are more likely to rely on biking and walking or have reduced mobility due to disabilities. Focusing improvements on the needs of these vulnerable populations is vital to improving equity. Figures 9 and 10 are maps of the demographic index and the transportation disadvantaged index for the City.

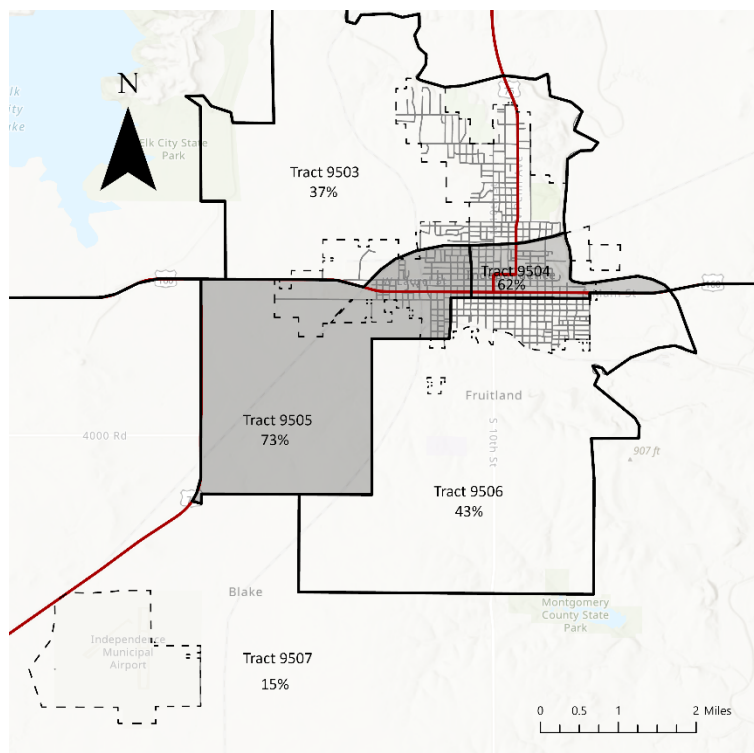


Figure 9. Graphic. EPA EJScreen - Demographic Index Map (Source: EPA, 2022)

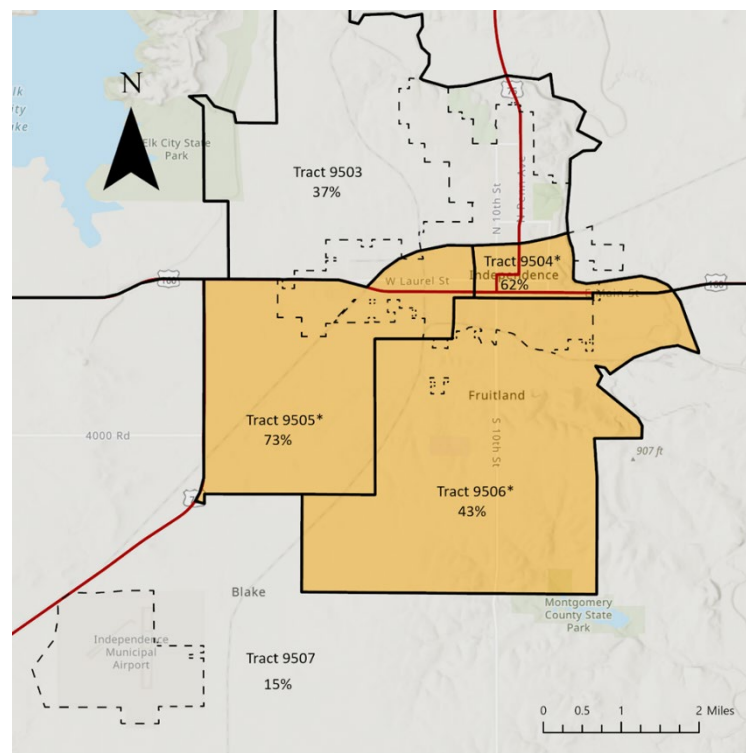


Figure 10. Graphic. Transportation Disadvantaged Communities (Source: USDOT, 2022)

Systemic Analysis

A systemic crash analysis looks beyond crashes at a particular location and instead evaluates risk across the entire system. Aided by a crash tool provided by FHWA, this system-based approach can help identify characteristics that are overrepresented in crashes (i.e., road type, four-way intersection). City staff can then locate where these characteristics are found and implement solutions before serious injury and fatal crashes have occurred.

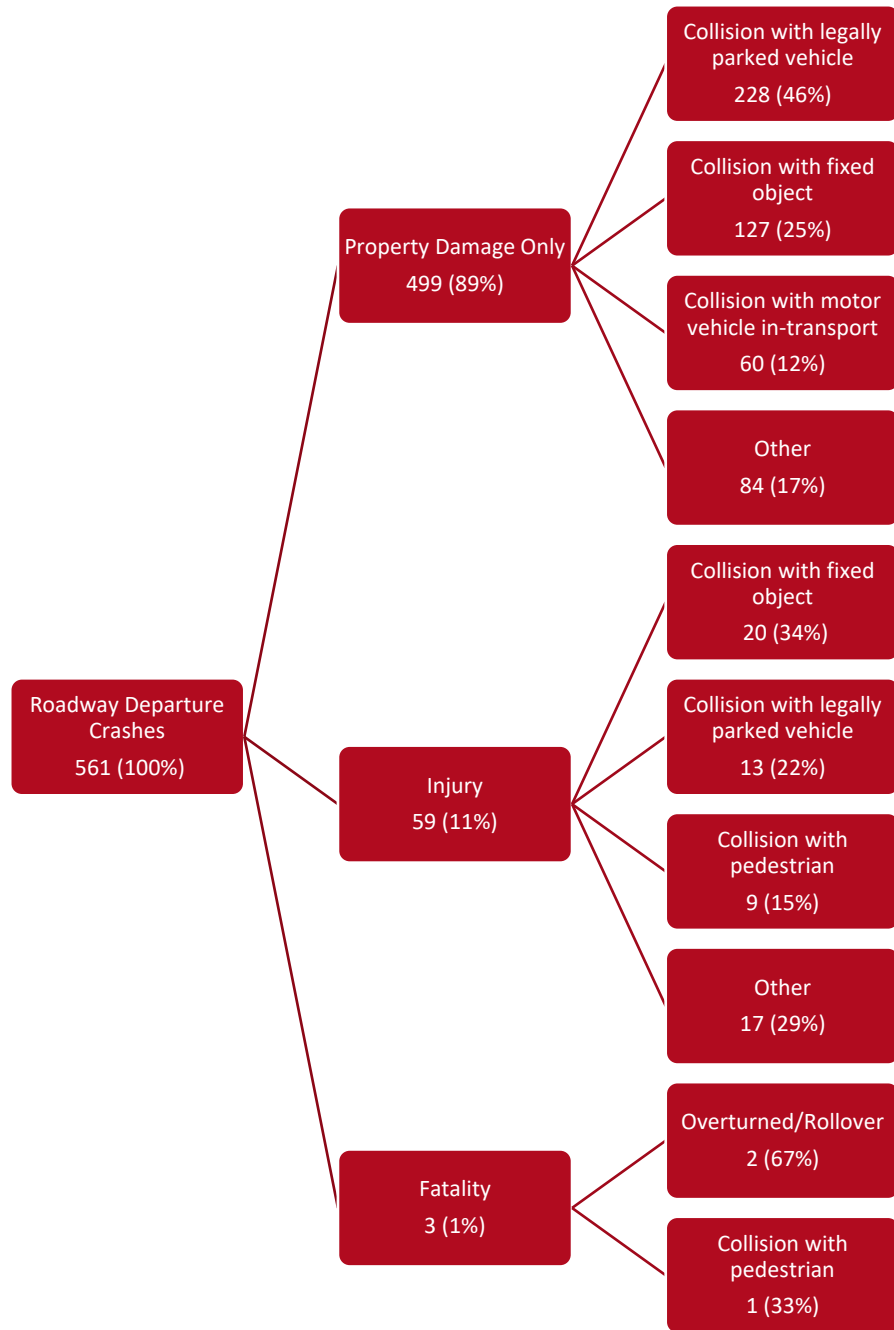
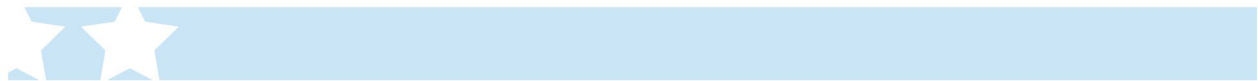


Figure 11. Graphic. Roadway Departure Crash Tree, 2011-2020, (Source: KDOT, 2022)



Identifying risk factors in a road system can help to proactively address them before a crash occurs. For example, appropriately adding countermeasures such as edge delineators or pavement markings, widening shoulders and adding center and edgeline rumble strips, are possible solutions to reducing roadway departure crashes.

In the Safe System Approach, safety is proactive. The City can use the proactive approach to identify, prioritize, and implement strategies and action items. Of the 21 pedestrian involved crashes, 9 occurred on segments. Six of the nine crashes occurred in daylight, while the other three occurred in the



*Figure 12. Graphic.
Rectangular Rapid Flashing
Beacon (RRFB) (Source:
FHWA MUTCD)*

dark -- two under streetlights and one with no lighting. Improving conspicuity can benefit all users of the roadway.

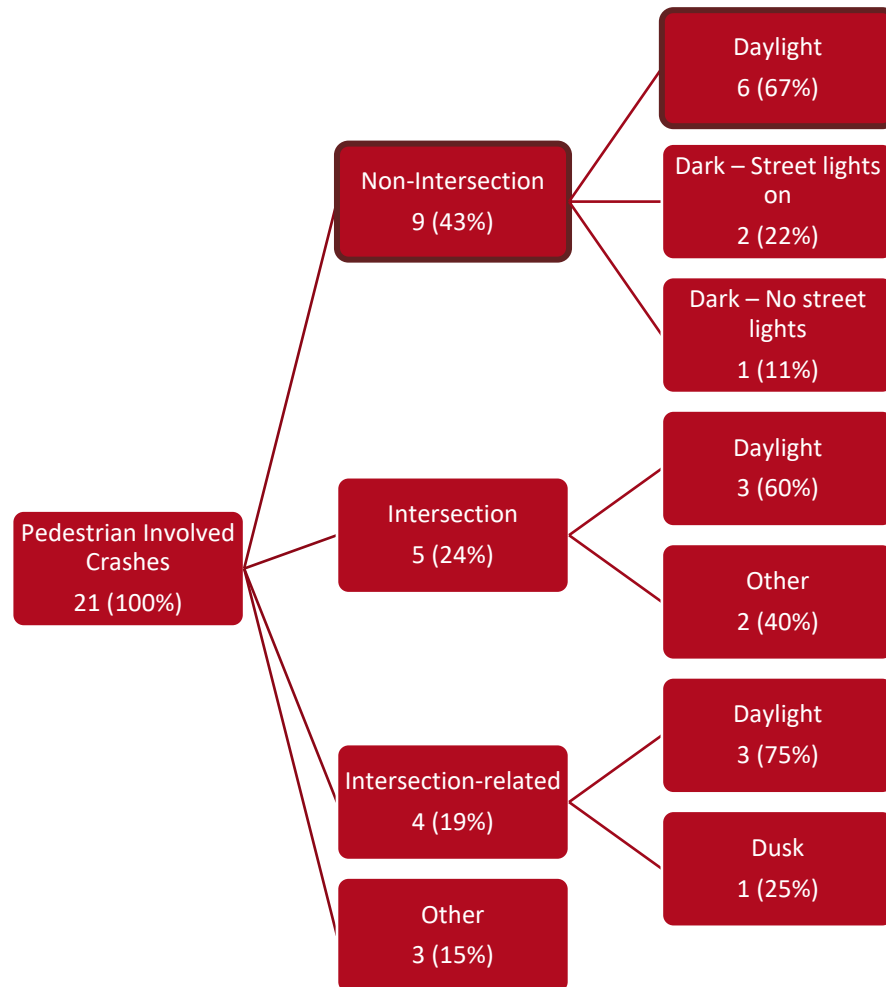


Figure 13. Graphic. Pedestrian Involved Crash Tree, 2011-2020 (Source: KDOT, 2022)¹¹

¹¹ Intersection-related is a crash deemed to occur as a result of traffic slowing or backing up from an intersection. (<https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burTransPlan/prodinfo/lawinfo/CrashCodingManual.pdf>)

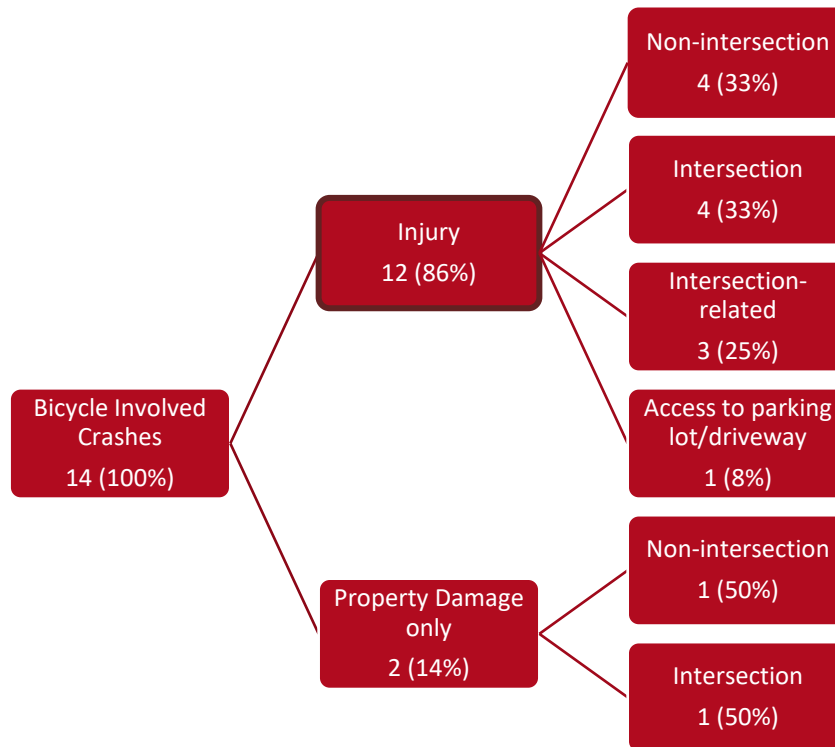
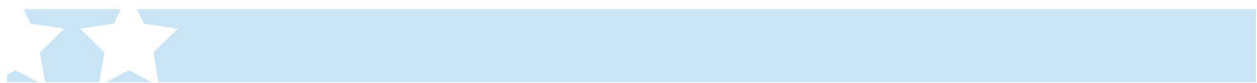


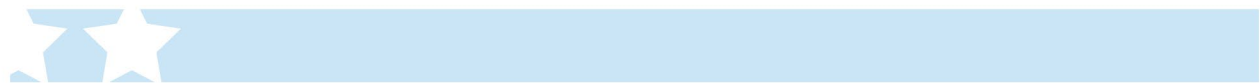
Figure 14. Graphic. Bicycle Involved Crash Tree, 2011-2020 (Source: FHWA, 2022)

Through discussions with local staff, West Main Street was targeted as a corridor for improving pedestrian infrastructure. West Main Street is a four-lane road with a center turning lane. Traveling east from the western extent of the City, the speed limit is 35 miles per hour (mph) until the intersection of North 11th Street and West Main Street, where it drops to 20 miles per hour. One pedestrian fatality and one pedestrian serious injury occurred in the 35 mph section of West Main Street.

Sidewalks are provided on both sides of the street and are setback a few feet from the roadway, providing a buffer for pedestrians. A wide crossing distance, faded, infrequent cross walks, and high travel speeds, however, make crossing West Main Street challenging. Mid-block or intersection crossings designed with high-visibility elements such as Rectangular Rapid Flashing Beacons (RRFB) and retroreflective signage can help alert motorists of pedestrian crossings. Reducing crossing distance by implementing road diets, adding curb extensions, and refuge islands help pedestrians cross the road safely.



Figure 15. Graphic. Curb Extension (Source: www.pedbikeimages.org / Michael Austin)



Crash Tree: Older Drivers

The crash tree below (figure 16) shows a comparison of outcomes for older drivers and all other ages. The tree shows injury outcomes and the location of the first harmful event. Older drivers are overrepresented in injury outcomes when the first harmful event of a crash takes place in an intersection or an intersection-related location. Thirty-seven of the forty-seven injury crashes (79 percent) are coded as intersection or intersection-related for older drivers, while seventy-six of the one-hundred and thirty-six crashes (56 percent) for all other ages are coded as intersection or intersection-related.

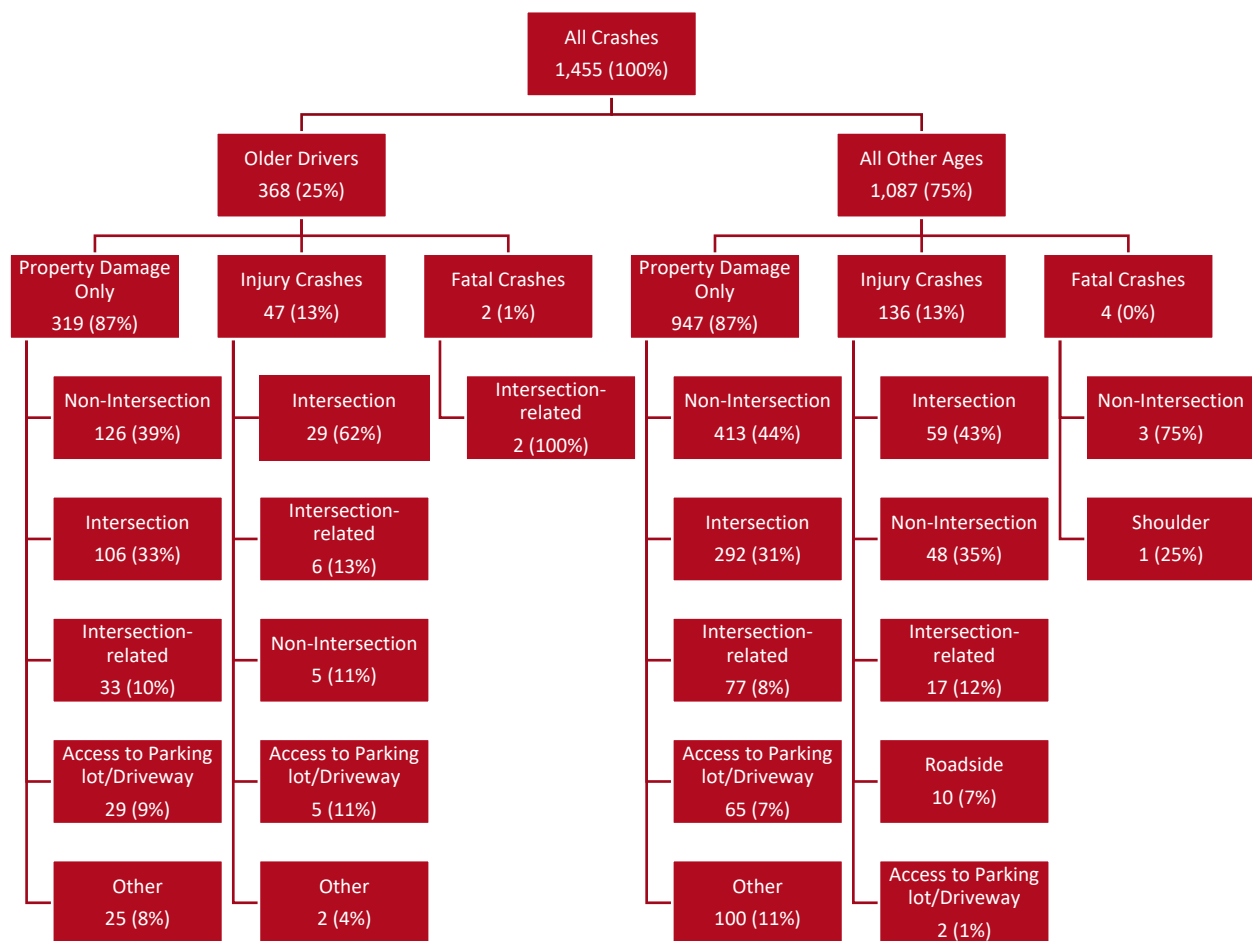
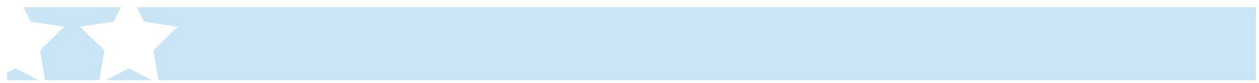


Figure 16. Graphic. Older Drivers Crash Tree, 2011-2020 (Source: KDOT, 2022)





Emphasis Areas

The LRSP stakeholders identified five emphasis areas to achieve significant reductions in traffic-related fatal and injury crashes and meet the safety goal of the LRSP. However, other emphasis areas will also be addressed based on the interrelationship of crash factors, contributing factors and recommended solutions that may benefit multiple emphasis areas.

The emphasis areas identified through the data analysis and confirmed by the stakeholders included:

Roadway Departure

Intersections

Older Drivers

Pedestrians

Bicyclists

Table 6 shows how each emphasis area can be grouped with the five Safe System elements. These groupings show which Safe System element has the greatest association with an emphasis area. However, this does not mean an emphasis area has no association with the other elements. The Action Tables section of this LRSP provides additional discussion about the relationship between emphasis areas and the Safe System elements.

Table 6. City LRSP emphasis areas by Safe System element.

Safe Roads	Safe Road Users	Safe Speeds	Post Crash Care	Safe Vehicles
Roadway Departure	Older Drivers	All	All	All
Intersections	Pedestrians			
	Bicyclists			

The following pages describe each emphasis area in greater detail.



Roadway Departure Crashes

Roadway departure crashes account for 39 percent of all crashes and 33 percent of fatal and injury crashes in the City, which is the highest of all emphasis areas. Figure 17 shows there is a greater density of these crashes, on the major routes of Main Street and North Pennsylvania Avenue particularly those resulting in injuries. It is notable that 43 percent of roadway departure crashes in the City involve a legally parked vehicle – 5 percent of these crashes result in an injury.

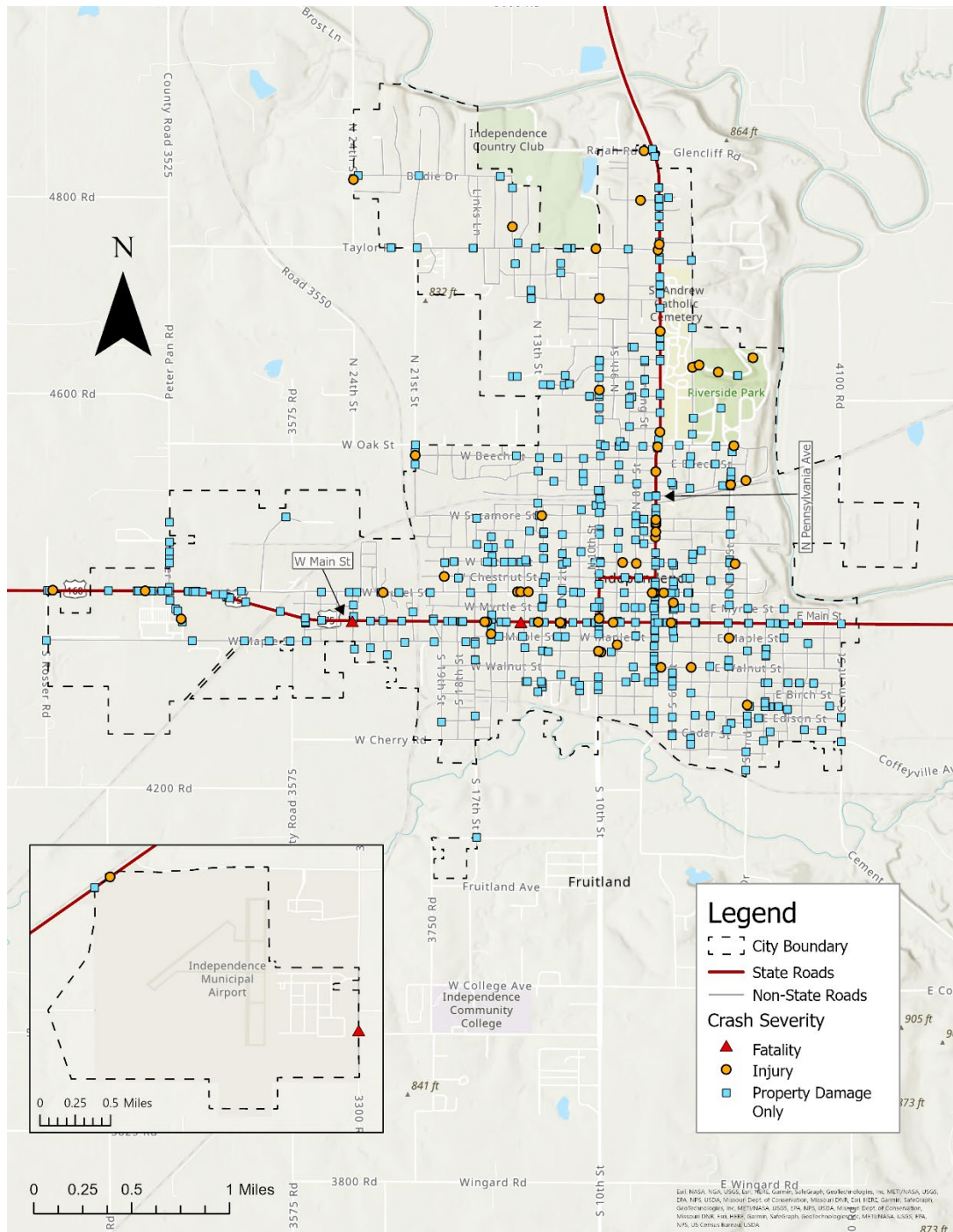
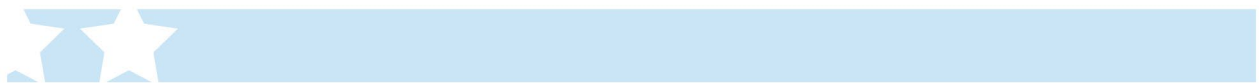


Figure 17. Graphic. Roadway departure crashes, 2011-2020 (Source: KDOT, 2022).

Intersection Crashes

Intersection crashes make up 33 percent of all crashes and 47 percent of fatal and injury crashes in the City. As Figure 18 shows, many intersections in the downtown section of the City have had a crash. The density of intersections is greater in the higher traffic and built-up areas, leading to greater conflict

between users of the road system. Over half of these intersection crashes are of the angle-type and occur mainly during daylight hours.

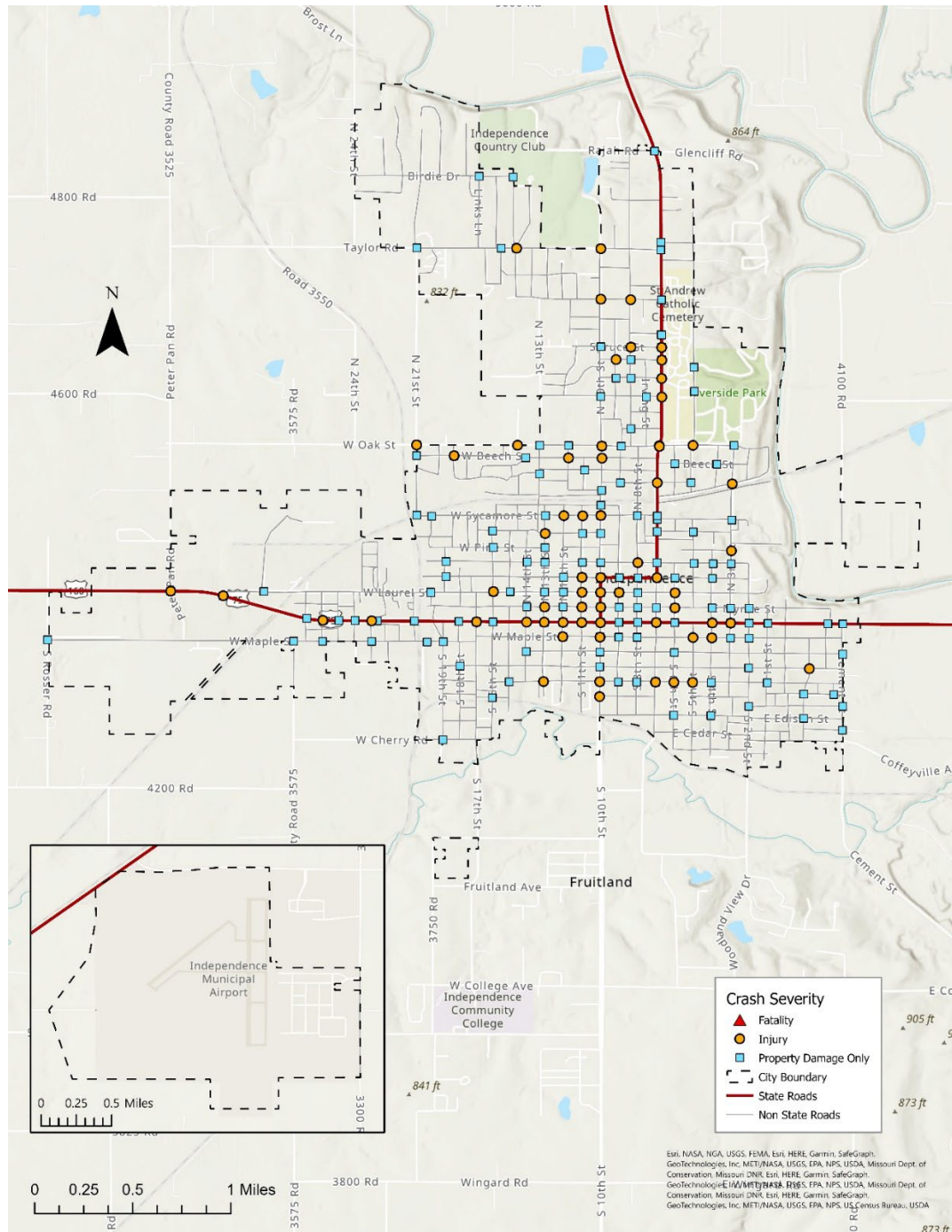


Figure 18. Graphic. Intersection crashes, 2011-2020 (Source: KDOT, 2022).

Older Driver Crashes

Figure 19 shows the location of older driver-related crashes on the City road network. Over 20 percent of these crashes are in the downtown area bounded by North 10th Street, Main Street, North Pennsylvania Avenue, and West Chestnut Street, where traffic volumes are highest.¹² Over 8,000 vehicles a day use North 10th Street between Chestnut Street and Main Street, while over 9,000 vehicles a day access Main Street west of 10th Street and 6,000 vehicles access the segment of Main Street east of 10th Street. Almost 8,000 vehicles a day use North Pennsylvania Avenue north of Chestnut Street.

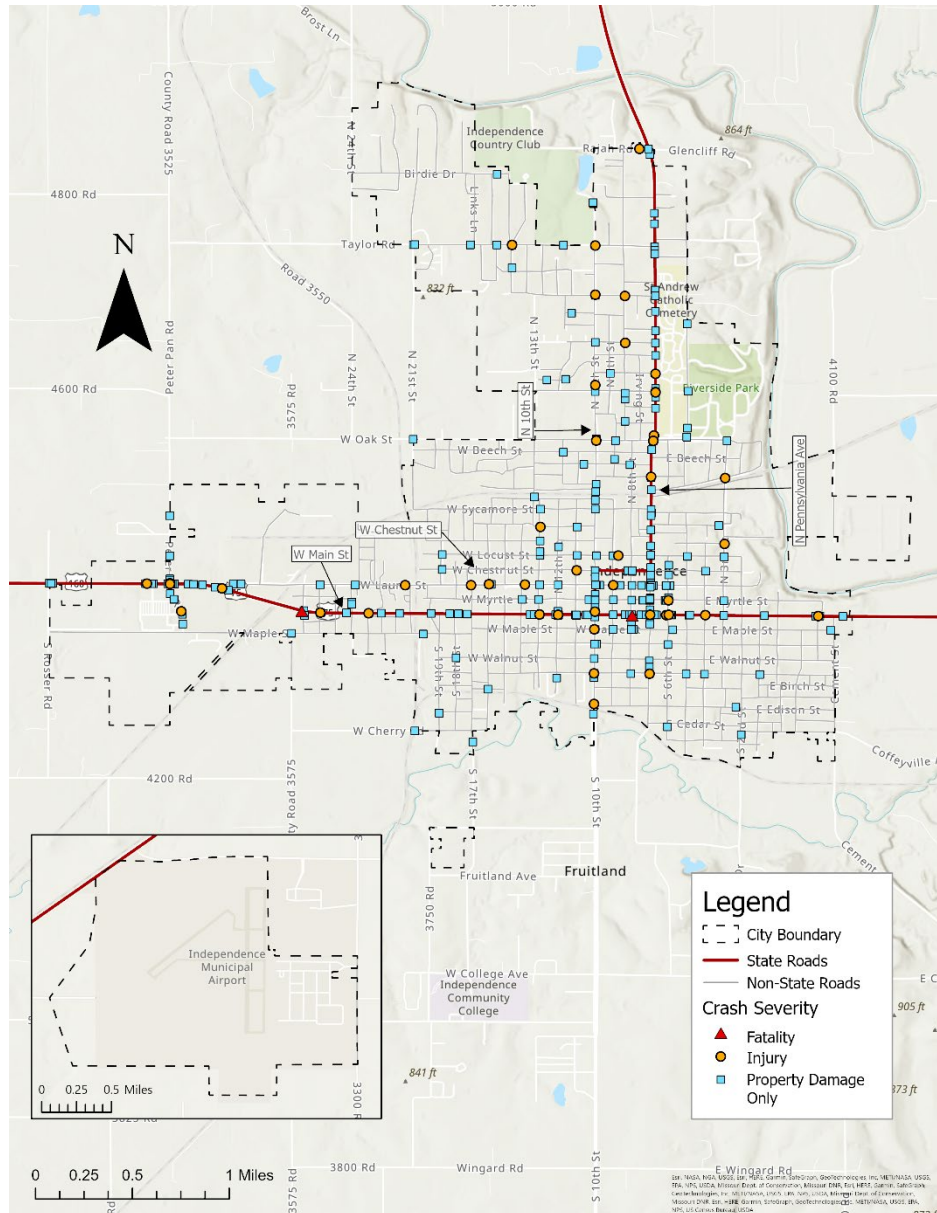


Figure 19. Graphic. Older driver-related crashes, 2011-2020 (Source: KDOT, 2022).

¹² City of Independence Average Annual Daily Traffic Volumes.

<https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burTransPlan/maps/CountMaps/Cities/Independence.pdf>

Pedestrian Crashes

Pedestrian-involved crashes account for one percent of all crashes in the City; however, they represent ten percent of fatal and injury crashes. Figure 20 shows that Main Street and North 10th Street is the location of several of these crashes. One-third of the pedestrian crashes occur in dark conditions. Pedestrian crashes are also evenly split between intersection and non-intersection locations. Stakeholders during LRSP development meetings expressed an interest in addressing the safety of pedestrians around schools.

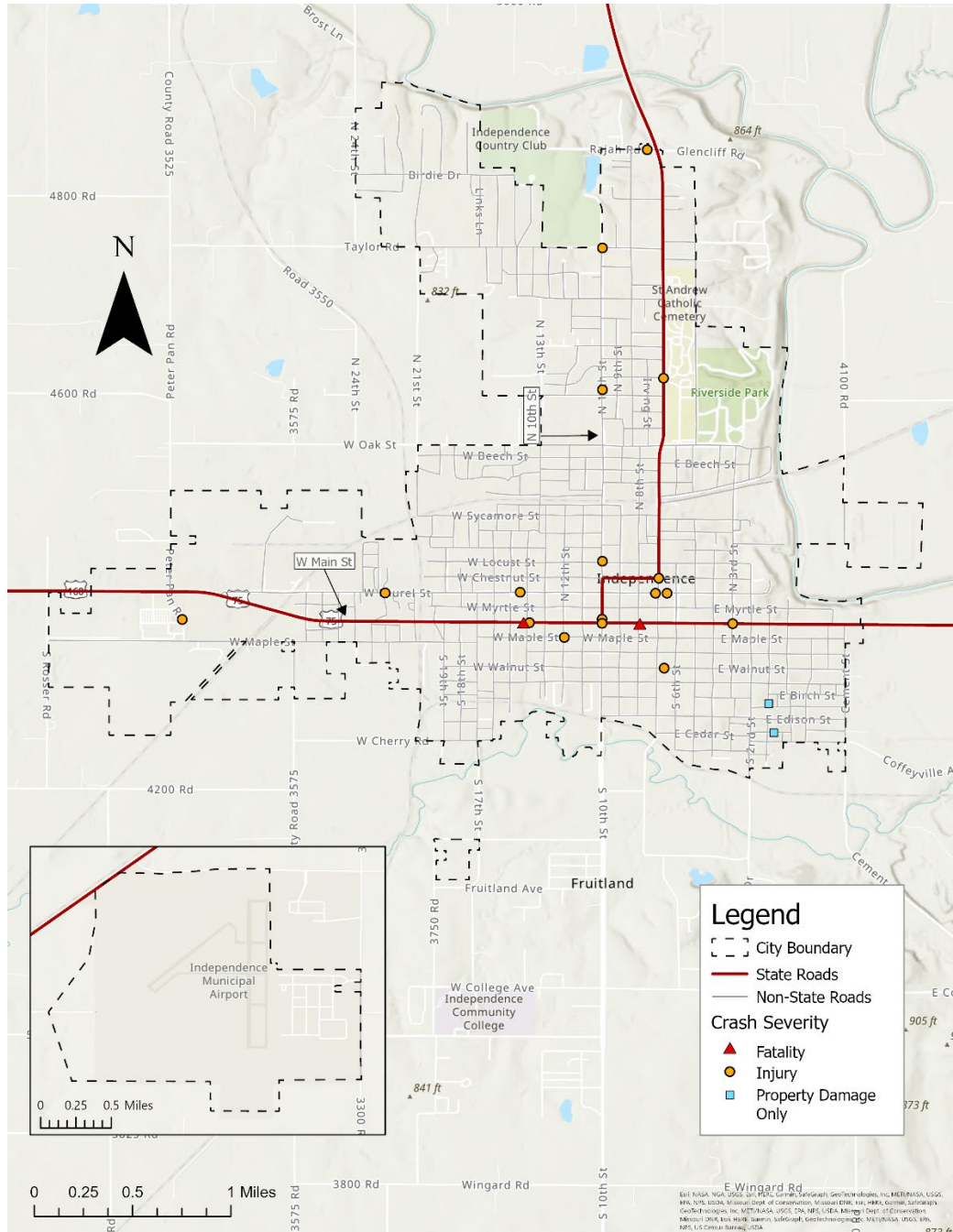
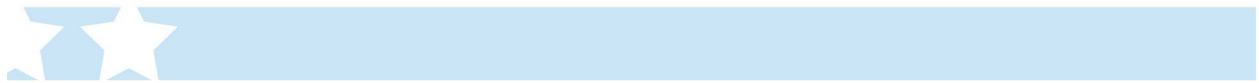


Figure 20. Graphic. Pedestrian crashes, 2011-2020 (Source: KDOT, 2022).



Bicyclist Crashes

Bicyclist-involved crashes in the City account for one percent of all crashes and six percent of fatal and injury crashes in the City. Figure 21 shows that Main Street and 10th Street are routes with several of these crashes. Over half of these crashes occurred at intersections. Most of these crashes occurred during daylight hours.

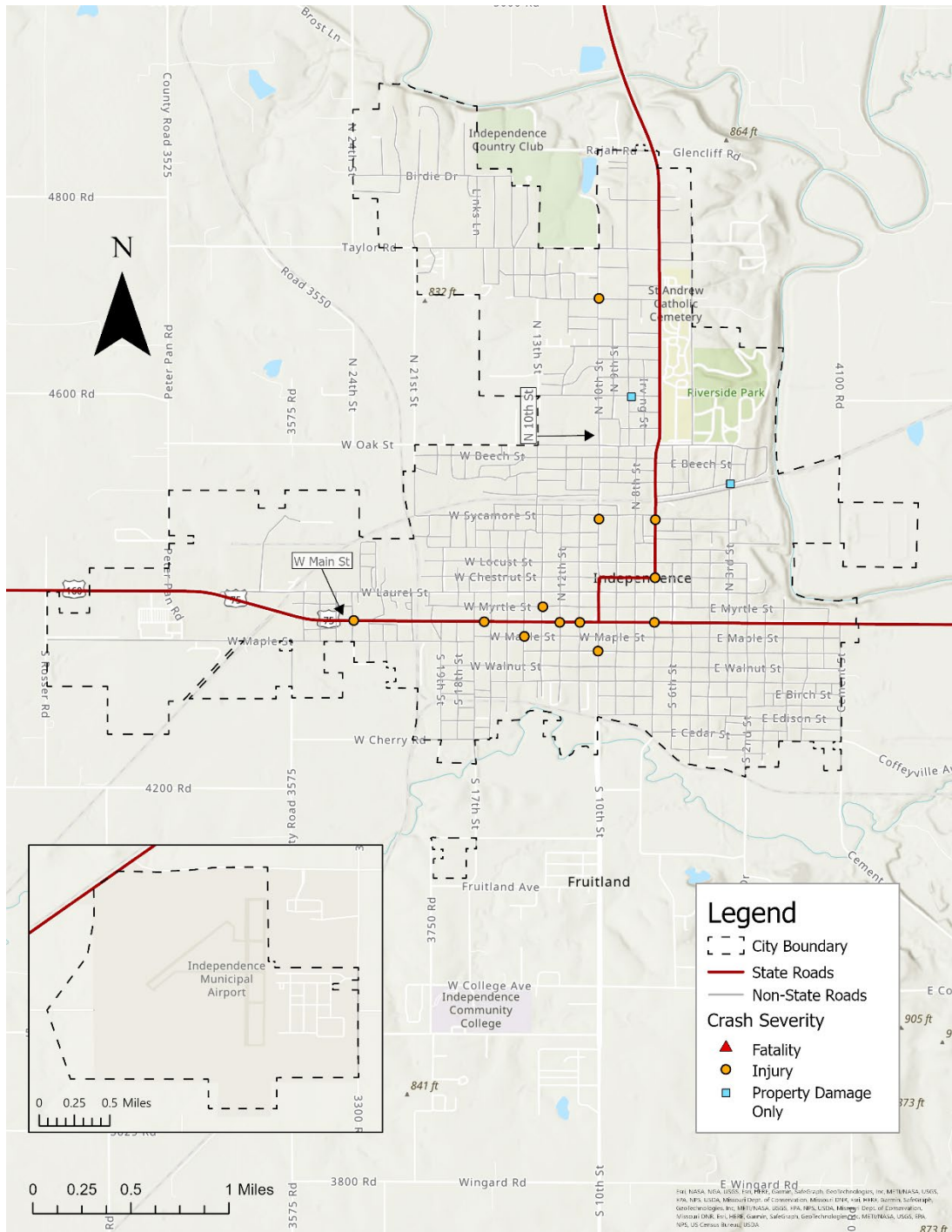
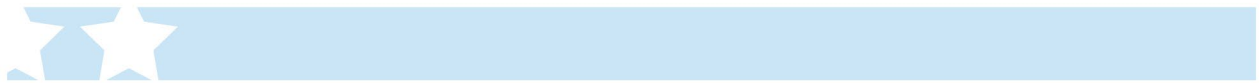
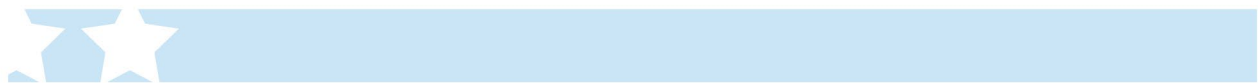


Figure 21. Graphic. Bicyclist crashes, 2011-2020 (Source: KDOT, 2022).





The five elements of the Safe System Approach provide the framework into which each of these emphasis areas are integrated. The LRSP identifies strategies and action items for each emphasis area and corresponds to the Safe System element. Each action item includes the effectiveness (if available). The effectiveness of an engineering-related action item is measured by a crash modification factor (CMF) from the FHWA [Crash Modification Factors Clearinghouse](http://www.cmfclearinghouse.org/).¹³ Each CMF in the Clearinghouse is given a star rating to indicate the quality or confidence in the results of the study producing the CMF. NHTSA's publication [Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices](https://www.ghsa.org/sites/default/files/2021-09/Countermeasures%20That%20Work%2C%2010th%20Edition.pdf)¹⁴ contains star ratings to measure the effectiveness of behavior-related (education and enforcement) countermeasures that are used most regularly by State Highway Safety Offices.

What is a crash modification factor (CMF)?

A CMF is an estimate of the change in crashes expected after implementation of a countermeasure. For example, an intersection is experiencing 100 angle crashes and 500 rear-end crashes per year. If you apply a countermeasure that has a CMF of 0.80 for angle crashes, then you can expect 80 angle crashes per year following the implementation of the countermeasure ($100 \times 0.80 = 80$). If the same countermeasure also has a CMF of 1.10 for rear-end crashes, you will also expect 550 rear-end crashes per year following implementation ($500 \times 1.10 = 550$).

(Source: FHWA CMF Clearinghouse)¹⁴

Behavior Countermeasure Star Ratings

- ★★★★ or ★★★★★ Effective
- ★★★ Promising, and Likely To Be Effective
- ☆☆ Effectiveness Still Undetermined
- ☆ Limited or No High-Quality Evaluation Evidence

(Source: NHTSA Countermeasures That Work)¹⁵

¹³ FHWA, Crash Modification Factor Clearinghouse, <http://www.cmfclearinghouse.org/>

¹⁴ NHTSA, <https://www.ghsa.org/sites/default/files/2021-09/Countermeasures%20That%20Work%2C%2010th%20Edition.pdf>



Action Tables

The stakeholders evaluated the results of the data analysis and the safety concerns and priorities of the City, and using the Safe System Approach as the framework, established the strategies and action items represented in the LRSP. The strategies are organized by each Safe System element: Safe Roads, Safe Road Users, Safe Speeds, Safe Vehicles, and Post-crash Care. Each of these elements identifies LRSP emphasis areas, strategies, and action items which when implemented with leadership and partnership support and input will achieve the LRSP safety goals. However, in a cost-constrained environment, not all actions are proposed to take place simultaneously. Therefore, these tables identify actions by short-term (within 3 years), medium-term (3 to 10 years), and long-term (within 15 years) implementation time frames.

Safe Roads

The roadway is the platform in which users move across the system. The Safe System element, Safe Roads, considers the interaction of all users and incorporates engineering-related strategies during planning, design, construction, maintenance, and operations of the system to prevent crashes and manage impacts to keep kinetic energy at tolerable levels should a crash occur. A field review of the HIN noted the need in the City for pedestrian and bicycle facilities, improved connectivity of these facilities, and enhanced visibility of the existing traffic control devices and crosswalks at intersections across the network. Implementing strategies associated with these key findings address crashes related to intersections, pedestrians, bicyclists, and older drivers.

Safe System Element: Safe Roads

Strategy/Action	CMF/NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/Potential Funding Source	Emphasis Area	Source
1. Enhance Local Knowledge									
1.1. Conduct RSAs on priority corridors and implement recommendations.	N/A	City	KDOT, FHWA, City Police, LEL, Kansas LTAP	High Injury Network, Equity Areas	Medium	High	Low/KDOT, FHWA	All	<i>KDOT SHSP Strategies; FHWA PSC (Road Safety Audits).</i>
1.2. Train City staff on using Traffic Assistance Services for Kansas (TASK).	N/A	City	Kansas State University	N/A	Short	High	Low/KDOT	All	N/A

Strategy/Action	CMF/NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/Potential Funding Source	Emphasis Area	Source
1.3. Partner with Kansas Local Technical Assistance Program on analysis, studies, and training.	N/A	City	Kansas LTAP	N/A	Short	High	Low/LTAP	All	N/A
2. Reduce Road Departure Crashes									
2.1. Provide edge delineation using reflective strips on signposts, object marker delineators, and pavement markings.	0.78-0.94 ¹⁵	City	KDOT	High Injury Network	Short	Medium	Low/ KDOT, FHWA	Road Departure	KDOT SHSP Road Departure Action Plan
3. Improve Intersection Safety									
3.1. Implement signal timing modifications (e.g., extending yellow change interval, all red interval, signal coordination) to serve all modes/users.	0.50-0.88 ¹⁶	City	KDOT	High Injury Network	Short	High	Low/ KDOT, FHWA	Intersections Pedestrians	KDOT SHSP Intersection Action Plan; FHWA PSC (Yellow Change Interval)
3.2. Implement Leading Pedestrian Interval (LPI); consider adding NO RIGHT TURN blank out signs to balance safety and capacity.	0.87 ¹⁷	City	KDOT	High Injury Network	Short	Medium	Low/ KDOT, FHWA	Intersections Pedestrians	KDOT SHSP Intersection Action Plan; FHWA PSC (LPI)

¹⁵ https://safety.fhwa.dot.gov/provencountermeasures/enhanced_delineation.cfm

¹⁶ https://safety.fhwa.dot.gov/provencountermeasures/yellow_xhg_intervals.cfm

¹⁷ https://safety.fhwa.dot.gov/provencountermeasures/lead_ped_int.cfm

Strategy/Action	CMF/NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/Potential Funding Source	Emphasis Area	Source
3.3. Install street lighting to improve visibility of intersections and pedestrians.	0.58-0.72 ¹⁸	City	KDOT	High Injury Network	Short	High	Low/ KDOT, FHWA	Intersections Pedestrians Bicyclists	<i>KDOT SHSP Intersection Action Plan and FHWA PSC (Lighting)</i>
3.4. Improve visibility of intersections and traffic control devices (signs and signals) using systemic application of low-cost countermeasures (signing, backplates for signals, delineation, signpost sheeting, and pavement markings for better reflectivity and retroreflectivity).	0.73-0.90 ¹⁹ ²⁰	City	KDOT	High Injury Network	Short	High	Low/ KDOT, FHWA	Intersections Pedestrians Bicyclists	<i>KDOT SHSP Intersection Action Plan; FHWA PSC (Systemic Application of Multiple Low-Cost Countermeasures at Stop-Controlled Intersections)</i>
3.5. Verify sight triangles and eliminate obstructions and reassess parking locations/policy.	0.53 (CMF ID: 307)	City	KDOT	High Injury Network	Short	Medium	Low/ KDOT, FHWA	Intersections Pedestrians Bicyclists	<i>KDOT SHSP Intersection Action Plan</i>
3.6. Install roundabouts	0.18-0.22 ²¹	City	KDOT	High Injury Network	Medium	Medium	High / KDOT, FHWA	Intersections	<i>FHWA PSC</i>
4. Improve Pedestrian Facilities									
4.1 Implement Complete Streets Policies. ²²	N/A	City	KDOT	High Injury Network	Short	Low	Low/ KDOT, FHWA	Intersections Pedestrians Bicyclists	<i>KDOT SHSP Pedestrian and Cyclists Action Plan</i>

¹⁸ <https://safety.fhwa.dot.gov/provencountermeasures/lighting.cfm>

¹⁹ <https://safety.fhwa.dot.gov/provencountermeasures/backplate.cfm>

²⁰ https://safety.fhwa.dot.gov/provencountermeasures/syst_stop_control.cfm

²¹ <https://highways.dot.gov/safety/proven-safety-countermeasures/roundabouts>

²² <https://highways.dot.gov/complete-streets/implement-complete-streets-improvements>

Strategy/Action	CMF/NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/Potential Funding Source	Emphasis Area	Source
4.1. Explicitly include the safety of all road users in the design of transportation projects, including maintenance projects.	Varies	City	KDOT	High Injury Network	Short	Low	Medium/ KDOT, FHWA	Intersections Pedestrians Bicyclists	<i>KDOT SHSP Pedestrian and Cyclists Action Plan</i>
4.2. Install street lighting on arterial corridors to improve pedestrian visibility.	0.72 ²³	City	KDOT	High Injury Network	Short	High	Low/ KDOT, FHWA	Intersections Pedestrians	<i>KDOT SHSP Pedestrian and Cyclists Action Plan; FHWA PSC (Lighting).</i>
4.3. Install traffic calming roadway sections, such as curb extensions and refuge islands.	0.53-0.81 ²⁴	City	KDOT	High Injury Network	Short	Medium	Low/ KDOT, FHWA	Intersections Pedestrians	<i>KDOT SHSP Intersections Action Plan; FHWA PSC (Road Diet).</i>
4.4. Install Rectangular Rapid Flashing Beacon (RRFB) and educate the public on their use.	0.53 ²⁵	City	KDOT	High Injury Network	Short	High	Low/ KDOT, FHWA	Intersections Pedestrians	<i>KDOT SHSP Intersections Action Plan; FHWA PSC (Road Diet).</i>
4.5. Install high-visibility crosswalks, lighting, signing and pavement markings.	0.58-0.75 ²⁶	City	KDOT	High Injury Network	Short	High	Low/ KDOT, FHWA	Intersections Pedestrians	<i>KDOT SHSP Intersections Action Plan; FHWA PSC (Crosswalk Visibility Enhancement)</i>
5. Improve Bicycle Facilities									

²³ <https://safety.fhwa.dot.gov/provencountermeasures/lighting.cfm>

²⁴ https://safety.fhwa.dot.gov/provencountermeasures/road_diets.cfm

²⁵ <https://safety.fhwa.dot.gov/provencountermeasures/rrfb.cfm>

²⁶ <https://safety.fhwa.dot.gov/provencountermeasures/crosswalk-visibility.cfm>



Strategy/Action	CMF/NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/Potential Funding Source	Emphasis Area	Source
5.1 Consider bicycle usage and safety for resurfacing and maintenance projects and consider separated bike lanes.	0.51-0.60 ²⁷	City	KDOT	High Injury Network	Short	High	Low/ KDOT, FHWA	Intersections	<i>KDOT SHSP Pedestrian and Cyclists Action Plan</i>

²⁷ <https://safety.fhwa.dot.gov/provencountermeasures/bike-lanes.cfm>

Safe Road Users

This element addresses all users of all modes of travel. Their capabilities are influenced by factors such as age, level of impairment, and other behaviors. System owners and other stakeholders can use strategies such as signing, enforcement, and education campaigns to address these limitations and encourage behavior change.

Safe System Element: Safe Road Users

Strategy/Action	CMF/ NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/ Potential Funding Source	Emphasis Area	Source
1. Strengthen Partnerships									
1.1 Establish a City Safety Committee which will focus on strategies to improve safety of all road users and allow for citizen input.	N/A	City	Montgomery County Public Works and Sheriff, City Public Works and Police, KDOT, FHWA, SAFE program, and other key stakeholders	Citywide	Short	High	Low/ KDOT	All	<i>Best Practice</i>
1.2 Share and discuss findings from Police Department's and Sheriff's Office traffic investigation team for crashes during Safety Committee meetings.	N/A	City Police	Montgomery County Public Works, City Public Works, KDOT, FHWA, and other key stakeholders	Citywide	Short	Ongoing	Low/ KDOT, NHTSA	All	<i>Best Practice</i>



Strategy/Action	CMF/ NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/ Potential Funding Source	Emphasis Area	Source
1.3 Support and sponsor school programs such as Safe Routes to Schools and Seatbelts Are For Everyone (SAFE) program.		City	KDOT, SAFE Program	Citywide	Short	Low	Low/ KDOT, NHTSA	Pedestrians Bicyclists	KDOT SRTS
2. Conduct community outreach to address impairment, restraint use, and older drivers									
2.1 Host informational meetings and press events and provide editorials to local news to inform the public of the city's safety activities.	★★★	City	KDOT, City PD	Citywide	Short	Ongoing	Low/ KDOT, NHTSA	All	NHTSA Countermeasures That Work
2.2 Promote Kansas safety campaigns (e.g., SAFE program) and other similar campaigns on county and other stakeholders' websites.	★★★★ - ★★★★	City	Cities and County stakeholders	Citywide	Short	Ongoing	Low/ KDOT, NHTSA	Older Drivers; Pedestrians; Bicyclists	Kansas SHSP; Kansas HSP; NHTSA Countermeasures That Work
2.3 Connect older drivers to skill training programs such as CarFIT.		KDOT TSRO	City Public Works, City PD	Citywide	Short	High	Low/ KDOT, NHTSA	Older Drivers	Kansas SHSP Older Drivers Action Plan; NHTSA Countermeasures That Work



Strategy/Action	CMF/ NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/ Potential Funding Source	Emphasis Area	Source
2.4 Provide and promote safe ride alternative transportation for impaired road users and older drivers.	★★★	KDOT TSRO	City Public Works, City PD, LEL, Connections Transportation, Southeast Kansas Community Action Program (paratransit)	Citywide	Short	Low	Low/ KDOT, NHTSA	All	<i>KDOT SHSP Impaired Driving Action Plan</i>
3. Enforce the Rules of the Road									
3.1 Conduct High Visibility saturation patrols for impaired driving including participating in National <i>Drive Sober or Get Pulled Over</i> Impaired Driving campaigns.	★★★★	City Police	KDOT, LEL	High Injury Network	Short	Medium	Medium/ KDOT, NHTSA	All	<i>KDOT SHSP Impaired Driving Action Plan; KDOT HSP; NHTSA Countermeasures That Work</i>
3.2 Participate in the Click It or Ticket National Enforcement Mobilization and BUCKLUP campaigns.	★★★- ★★★★	City Police	KDOT, LEL	High Injury Network	Short	Medium	Medium/ KDOT, NHTSA	All	<i>KDOT SHSP OP Action Plan; KDOT HSP OP Strategy; NHTSA Countermeasures That Work</i>
3.3 Perform integrated enforcement of impaired driving, speed, and occupant protection.	★★★	City Police	KDOT, LEL	High Injury Network	Short	Medium	Medium/ KDOT, NHTSA	All	<i>KDOT HSP; NHTSA Countermeasures That Work</i>



Strategy/Action	CMF/ NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/ Potential Funding Source	Emphasis Area	Source
3.4 Engage LEL for training, grant assistance, and coordination of enforcement activities and initiatives.	N/A	City Police	KDOT, LEL	Citywide	Short	Medium	Low/ KDOT, NHTSA	All	<i>KDOT SHSP; KDOT HSP; NHTSA Countermeasures That Work</i>
3.5 Conduct well publicized compliance check of alcohol retailers to reduce sales to underage persons and participation of retailers in sober ride programs.	★★★	Kansas Alcoholic Beverage Control	KDOT, LEL	Citywide	Short	Ongoing	Medium/ Kansas ABC	All	<i>KDOT SHSP Impaired Driving Action Plan; KDOT HSP; NHTSA Countermeasures That Work</i>
4. Improved Data Collection									
4.1 Improve crash data quality, automation, and availability of reports.	N/A	City Police, City Public Works	KDOT	Citywide	Short	High	Low/ KDOT, FHWA, NHTSA	All	<i>KDOT SHSP</i>
4.2 Collect pedestrian volume/exposure data to better understand pedestrian travel patterns.	N/A	City Public Works	KDOT	High Injury Network	Short	High	Low/ KDOT, FHWA, NHTSA	Pedestrians	<i>NHTSA Countermeasures That Work</i>

Safe Speeds

While the LRSP data analysis and stakeholder input did not lead to including speed as an emphasis area, addressing the various concerns of the adopted emphasis areas will result in actions that align with the Safe System element, Safe Speeds. Crashes involving speed, include those where the vehicle operator is driving too fast for conditions or exceeding the posted speed limit. As speeds increase, the risk of death and serious injury dramatically increase, especially when pedestrians and bicyclists are involved. Higher speeds require longer stopping distances and influence the ability of drivers to control their vehicle, quickly react and avoid a crash. Safe speeds increase the likelihood of an individual surviving a crash and can be accomplished through implementation of strategies such as speed management, enforcement, and outreach efforts. Designing roadways with all users in mind and establishing appropriate speed limits help reduce the speed of users. This is further enhanced using proper signing including radar speed feedback signs. These can be reinforced with enforcement and education campaigns.

Safe System Element: Safe Speeds

Strategy/Action	CMF/ NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/ Potential Funding Source	Emphasis Area	Source
1. Conduct Speed Management									
1.1 Set speed limits based on the use of appropriate engineering practices.	★★★★★	City	KDOT, FHWA	Citywide	Short, Ongoing	Medium	Low/ KDOT, FHWA	Roadway Departure; Intersections	KDOT SHSP
1.2 Implement Complete Streets and Road Diets to provide context-sensitive street design.	0.53-0.81	City	KDOT, FHWA	High Injury Network	Medium	Medium	Medium/ KDOT, FHWA	Roadway Departure; Intersections	FHWA PSC (Road Diets)
1.3 Use radar speed feedback signs to notify drivers of reduced speed limits, especially at rural/urban transition areas.	0.95 (CMF ID: 6885)	City	KDOT, FHWA	High Injury Network	Short	High	Low/ KDOT, FHWA	Roadway Departure; Intersections	
2. Conduct Speed Enforcement									
2.1 Conduct high visibility speed enforcement.	★★★	City Police	KDOT, LEL	High Injury Network	Short, Ongoing	High	Medium/ KDOT, NHTSA	All	KDOT SHSP Lane Departure Action Plan; NHTSA Countermeasures That Work
3. Conduct Outreach Efforts									
3.1 Conduct educational campaigns to reinforce safe speeds.	★★★	KDOT	City Police	Citywide	Short	Medium	Low/ NHTSA	All	NHTSA Countermeasures That Work

Post-Crash Care

Post-crash care is one of the five Safe System elements and is critical to the survivability of a crash victim. The ability of emergency responders to quickly locate and respond to a crash and stabilize and transport an individual injured in a crash influences the chances of survivability. The crash location is a major factor related to the response time. The distance away from the necessary emergency care plays a significant role in whether an injured person survives a crash. For these reasons, accurate and complete data collection and sharing of the data is important to facilitate improved decision-making and investments specific to safety. Communication and collaboration between all stakeholders are necessary to improve post-crash care and reduce the potential of crashes resulting in fatalities and injuries.

Safe System Element 4: Post Crash Care

Strategy/Action	CMF/ NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/Potential Funding Source	Emphasis Area	Source
1. Coordinate Post Crash Efforts									
1.1. Coordinate with EMS officials to determine roadway issues related to getting crash victims medical care and determine strategies for improvement and training opportunities.	N/A	City Police	Montgomery County EMS, Labette Health	Citywide	Short	Ongoing	Low/KDHE	All	<i>FHWA Highway Safety and EMS Connection²⁸</i>
1.2. Partner with EMS on incident/scene management.	N/A	City Police	Montgomery County EMS	Citywide	Short	High	Low/KDHE	All	<i>FHWA Highway Safety and EMS Connection²⁹</i>
1.3. Improve data collection and analysis capabilities to link EMS data with crash data.	N/A	City Police	Montgomery County EMS	Citywide	Medium	Ongoing	Low/Medium/ KDHE	All	<i>Kansas Traffic Records Coordinating Committee</i>

²⁸ https://safety.fhwa.dot.gov/shsp/ems/connection/start_collaborating.html

²⁹ https://safety.fhwa.dot.gov/shsp/ems/connection/why_highway_safety.html



Strategy/Action	CMF/ NHTSA Star Rating	Lead Agency	Partners	Application/ Location	Timeline	Priority Level	Cost/Potential Funding Source	Emphasis Area	Source
									Strategic Plan ³⁰

³⁰ <https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burTrafficSaf/trcc/TRCCstrategicplan2021.pdf>



Safe Vehicles

Safe vehicles incorporate new technology and other features to prevent crashes from occurring, and if they do, reduce the severity of a crash.

Safe System Element 5: Safe Vehicles

Strategy/Action	CMF/ NHTSA Star Rating	Lead Agency	Partners	Application / Location	Timeline	Priority Level	Cost/ Potential Funding Source	Emphasis Area	Source
1. Coordinate efforts to address Safe Vehicles									
1.1. Establish policies to prohibit use of electronic devices in agency vehicles.	N/A	City	N/A	Citywide	Medium	Ongoing	Medium/ City	All	N/A



Implementation and Evaluation

For a Safe System to be fostered and for fatalities and serious injuries from crashes to reduce, the LRSP must be implemented. Implementation of the strategies and countermeasures identified within it must take place. To continue to keep the LRSP relevant and addressing newest safety concerns in the City, it should be updated periodically. Evaluation using a data-driven approach will allow monitoring of the effects of transportation safety policies and guide future changes within the plan.

A key benefit of the LRSP is aligning the emphasis areas and strategies with those in the Kansas SHSP. This enhances their eligibility for Federal and state safety funds. These include State funds from KDOT as well as Federal funding from sources such as HSIP and HSP administered by FHWA and NHTSA, respectively. In addition, the BIL establishes the SS4A Grant Program which may support implementation of the LRSP. This discretionary program provides \$5-6 billion over the next five years of funding to support regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. KDOT uses the SHSP and its emphasis areas to guide spending HSIP funds. Federal funding from the HSIP to support infrastructure projects is predicated on this linkage to emphasis areas in the SHSP; therefore, the City's alignment with the State's safety efforts is critical. Accessing these Federal funds helps to supplement local funding for projects identified in this LRSP. Additionally, Federal behavioral safety grant funding from NHTSA and managed in the Kansas Bureau of Transportation Safety is available on an annual basis.

The timing of the LRSP update can mirror the five-year-update-cycle required for the Kansas SHSP. This would give enough time for data collection to reflect changes in safety trends prompted by the LRSP, while still being a relatively short enough time frame to ensure the document is being frequently improved upon. It is also important to contribute to meeting the target goals set by the SHSP to stay on track with safety goals and continue following State guidance to be a strong applicant for potential funding.

A stakeholder group was created for this LRSP to guide the formulation of the plan, ensuring that the goals set were appropriate and could be balanced with potential changes in the city's growth. The committee is composed of members from across City agencies as well as KDOT, Kansas Local Technical Assistance Program (LTAP) and FHWA. The group should continue to convene periodically to support the implementation of the plan and ensure that the LRSP remains actionable and relevant. The LTAP program is a potential resource for assisting with the implementation, evaluation, and update of the LRSP.

Evaluation of the LRSP will be in the form of process and outcomes. Process evaluation involves reviewing each numbered action under the strategies in the LRSP and determining if progress has been made. Outcome evaluation looks at the impact of activities. For some projects, such as site-specific projects, it is relatively straightforward to determine safety impact based on pre-construction and post-construction crash statistics. For other projects, it may be a combination of several activities that lead to a change in crash frequency. For example, a change in the frequency of impaired driving crashes may be a result of a



combination of educational and enforcement initiatives. Therefore, because of the interrelationship between different safety activities, the City will use fatalities and injuries as the metric for annual progress in each of the emphasis areas. The City will consider other metrics, if data allow. Changes in traffic volumes, crash severity, and characteristics of crashes also provide meaningful insight into the effect of safety countermeasures. Part B of the Highway Safety Manual (HSM) is a useful resource that provides further information on different performance measures and evaluation methods.

Funding Sources

Funding is critical to implement the strategies and action items in this LRSP and may come from a variety of sources: Federal, State, local, and the private sector. These include standard funding program mechanisms and grants as well as new initiative grants. Some potential sources of funding may include the following:

- **City Funding.** The City has various funding sources that can be used to improve and maintain roadways and perform other safety activities. Consideration of the LRSP strategies during the allocation of funding, especially for maintenance activities or other roadway improvement projects can support implementation of the LRSP.
- **Highway Safety Improvement Program (HSIP).** KDOT manages the HSIP program. This core Federal-aid highway program funds projects and strategies that are data-driven, align with the State SHSP, and through implementation, help reduce traffic-related fatalities and serious injuries on all public roads, including locally owned public roads and roads on Tribal lands. The HSIP supports advancing implementation of the Safe System Approach and LRSPs.
- **Safe Streets and Roads for All (SS4A).** The Bipartisan Infrastructure Law established the new SS4A discretionary program that will provide \$5-6 billion in grants over the next 5 years. Funding supports regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries.
- **Federal NHTSA Grant Funding.** The Kansas Bureau of Transportation Safety manages NHTSA grant funding that the State receives to support enforcement, education, and emergency response activities to improve driver behavior and reduce deaths and injuries from motor vehicle-related crashes. The office receives grant applications annually in early spring and approval by NHTSA, typically in July.
- **Technology Transfer (T2).** These Federal funds are managed by the FHWA Division office and are used for research development, technology and innovation transfer, outreach, and communication activities (e.g., peer exchanges, scan tours). They are completely reimbursable for travel.
- **FHWA Grants and Technical Assistance.** FHWA may make other funding available through grants to advance various safety activities. Other initiatives through FHWA that can provide resources to assist locals with LRSP activities include technical assistance.
- **Transportation Alternatives.** This KDOT program provides funding for a variety of alternative transportation projects, including pedestrian and bicycle facilities; infrastructure for non-driver access to public transportation; projects that enhance safety and mobility; improve the scenic or environmental, or archaeological assets; Safe Routes to School projects; and others. All selected projects are required to meet a minimum 20 percent local cash match.
- **Traffic Engineering Assistance Program.** KDOT has funds available to cities and counties for safety-related activities such as traffic studies and safety training.
- **State Cost Share.** The KDOT Cost Share Program provides financial assistance to local entities for construction projects that improve safety, leverage state funds to increase total transportation investment, and help both rural and urban areas of the



state improve the transportation system. A 15 percent minimum local match is required.

- **State Innovation Funding.** KDOT administers the Innovative Technology Program that provides financial assistance to partners for innovative technology projects that improve safety, leverage state funds to increase total technology investment and help both rural and urban areas of the state improve the transportation system.

Implementation of Strategies and Action Items

Each of the strategies and action items in the tables for each Safe System element addresses the emphasis areas identified within the LRSP using the Safe System Approach. Agency leads, priority locations, potential funding sources and timeframe for implementation have been provided for each emphasis area strategy and action item. The implementation time frame identified as “Short” is for a period of now to three years; “Medium” covers three to ten years; “Long” covers a period over ten years.

The strategies and actions in the LRSP can also link to the current and future updates of City-led programs. Bringing together the LRSP with these other plans and programs has the potential to reduce administrative burden, encourages the use of consistent data and analysis methods, and allocates resources to identified locations and programs that address the greatest safety needs in the City.

City Safety Priorities

Based on analysis of the High Injury Network, field reviews, and input from stakeholders, Table 7 presents priority projects for implementation.

Legend:  = Equity Area  = Short Time Frame  = Medium Time Frame  = Long Time Frame

Table 7: Safety Priority Projects

Project Type and Potential Locations	Lead Agency	Cost (Low, Medium, High)	Safe System Element	Emphasis Area	Equity	Time Frame
Road Diet (reduction of lanes and repurposing lanes for bike lanes and curb extensions for pedestrian crossings) - West Main Street (25th Street to 10th Street) - North Pennsylvania Avenue (Locust Street to Taylor Road) - North 10th Street - West Maple Avenue - West Laurel Street	City Public Works	Medium/High	Safe Roads	Roadway Departure, Intersections		
Curb extensions and High Visibility Crosswalks on High Injury Network Streets with priority at intersections where marked pedestrian crossings are to be added - Main Street intersections (25th Street to Burns Street) - North Pennsylvania Avenue (Locust Street to Taylor Road) - North 10th Street (with priority at intersections near schools)	City Public Works	Medium	Safe Roads	Intersections, Pedestrians, Bicyclists		
Signal timing modifications on High Injury Network - Main Street - North Pennsylvania Avenue	City Public Works	Low	Safe Roads	Intersections		

Project Type and Potential Locations	Lead Agency	Cost (Low, Medium, High)	Safe System Element	Emphasis Area	Equity	Time Frame
North 10th Street						
Street lighting enhancements at intersections on High Injury Network corridors - West Laurel Street - West Maple Street - Oak Street	City Public Works	Low	Safe Roads	All		
Reflectors, delineators, and updated retroreflective signage on High Injury Network 10th Street - West Laurel Street - West Maple Street - Oak Street	City Public Works	Low	Safe Roads	Intersections, Roadway Departure		
Completing sidewalk network - North 10th Street (west side) adjacent to and north of high school - Willow Street - West Oak Street	City Public Works	High	Safe Roads	Pedestrians		
Speed feedback signs on High Injury Network - Main Street entering City - South 10th Street entering City - North Pennsylvania Avenue entering City - North 10th Street approaching school	City Public Works	Low	Safe Roads Safe Speeds	Roadway Departure		
Connect older drivers to resources on skill training	KDOT	Low	Safe Roads Safe Road Users	Older Drivers		
Complete on-street and off-street bicycle path network - Maple Street 10th Street	City Public Works	Medium	Safe Roads	Bicyclists		
High visibility enforcement saturation patrols	City Police	Medium	Safe Roads Safe Road Users Safe Speeds	All		



Project Type and Potential Locations	Lead Agency	Cost (Low, Medium, High)	Safe System Element	Emphasis Area	Equity	Time Frame
Traffic calming and/or roundabouts on unofficial truck diversion routes Taylor Road (roundabouts at intersections with 10th Street, Majestic Drive, and Peter Pan Road)	City Public Works	High	Safe Roads Safe Speeds	All		





**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023**

Department Riverside Park

Director Approval Scott Patton

AGENDA ITEM Consider authorizing Rural Connections to build a trail on City owned property.

SUMMARY RECOMMENDATION I recommend authorizing Rural Connections to build a trail on city-owned property.

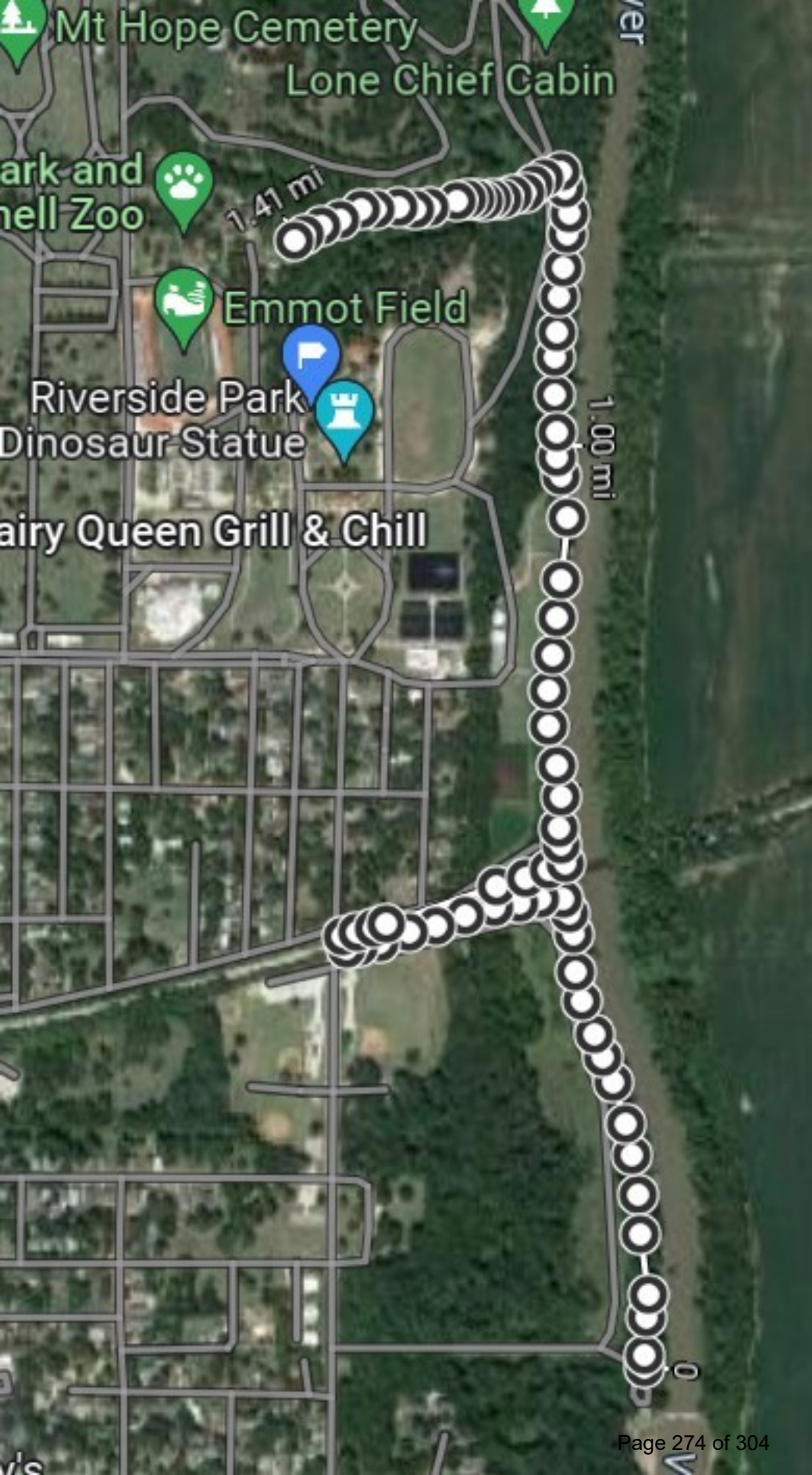
BACKGROUND Rural Connections has requested permission to build a recreational walking trail on city-owned property along part of the Verdigris River. The south trail head would be located at West Pine Street, south of the existing dog park. The trail would follow the Verdigris River north to Riverside Park, where it would intersect with Wells Drive, and turn west to continue along an existing path on the south side of the vacant Audad enclosure. The trail would let out at the north trail head, which would be located on the east side of the parking lot of Miss Able's Snack Shack at Ralph Mitchell Zoo. Rural Connections has funding for the entire project, and does not require any financial contribution from the city. Rural Connections will also take responsibility for maintenance of the trail for three years after the project is complete.

FINANCIAL INFORMATION No financial impact.

SUGGESTED MOTION I move to authorize Rural Connections to build a trail on City owned property.

SUPPORTING DOCUMENTS

1. RC Verdigris River Trail



Mt Hope Cemetery

Lone Chief Cabin

ark and
nell Zoo

1.41 mi

Emmot Field

Riverside Park
Dinosaur Statue

1.00 mi

airy Queen Grill & Chill



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider the scope for the renovation of the parking lot north of City Hall, and consider authorizing participating in a grant for two Level 2 electric charging stations within the parking lot.

SUMMARY RECOMMENDATION Select a scope, preferably the large parking lot, and participate in the EV charging station grant.

BACKGROUND The City is in the process of renovating City Hall. As such, the parking configuration has changed around the building. The lot due north of City Hall, which is part of the Consent Decree with the DOJ, does not have sufficient numbers of ADA spaces to support the new building.

Information on two solutions was requested by the Commission.

Southern Row Only

The first suggested solution was to replace only the southern portion (the first two rows) of the existing lot. This would allow space for sufficient ADA space to meet DOJ requirements. This would result in a parking lot with 78 spaces, and is estimated to cost \$175,000 due to the extensive grading and rework required to meet ADA requirements. This does not include any funding for repair or maintenance of the existing lot surface that will not be replaced.

Large, Plain Footprint

The other suggested solution was to replace the entire existing parking lot, and expand on the vacant City-owned lot to the north of the current lot. This would result in a parking lot with the required number of ADA spaces, and a total number of 85 spaces. The estimated cost would be \$510,000 for this solution. One note is that the new number of spaces would be more usable than the existing numbers, since the size of cars has increased and often the lot can be difficult to navigate.

These options are graphically depicted on the attached document.

In addition, we have received a request from Economic Development Advisory Board members to participate in a grant for two Level 2 electric charging stations within the parking lot (see attached June 6, 2023 request to EDAB).

FINANCIAL INFORMATION PARKING LOT IMPROVEMENTS -- This would be paid for from a combination of ADA Funds (\$175,000) with remaining funds from the recent Street bond, which authorized parking lot projects as an appropriate use.

EV CHARGING STATIONS -- The \$50,000 match would be funded from the City's Economic Development Fund, which is funded through franchise fees. These funds would be used to provide the 60% required matching funds for an Evergy Grant.

SUGGESTED MOTION

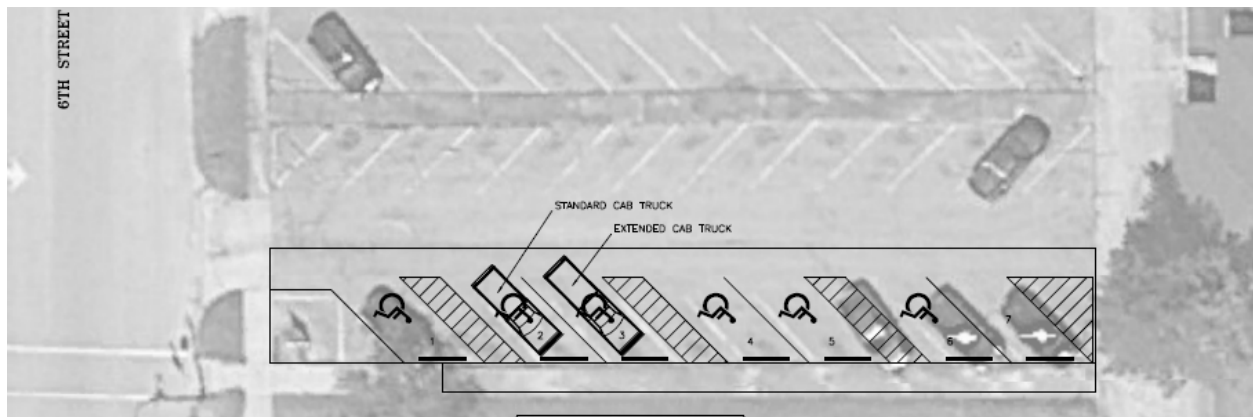
1. I move to authorize the City to proceed with the design on the Southern Row Only parking project, to be funded by ADA funds; or
2. I move to authorize the City to proceed with the Large, Plain Footprint parking project, with \$175,000 of the project being funded with ADA funds, and the remaining portion being funded from other sources; or
3. I move to authorize the City to proceed with the Large, Plain Footprint parking project, with \$175,000 of the project being funded with ADA funds, and the remaining portion being funded from other sources; and authorize funding \$50,000 from Economic Development funds along with grant funds for the purchase and installation of two Level 2 electric charging stations within the parking lot.

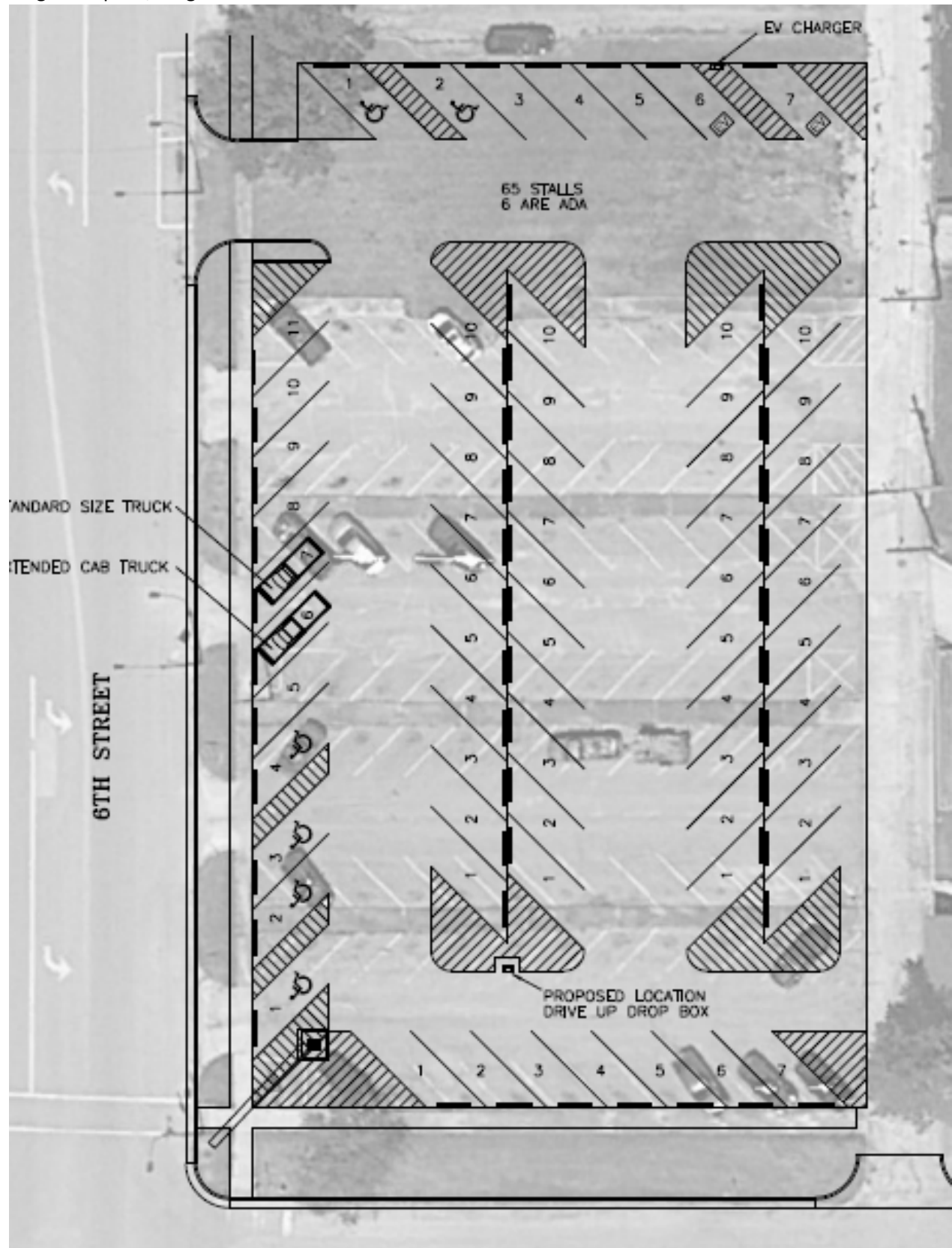
SUPPORTING DOCUMENTS

1. City Hall Lot Alternatives V5
2. EV-Charging Stations

	Existing	Southern Row Only	Plain, Large Footprint
Estimate	N/A	\$ 175,000	\$ 510,000
Number of Spaces	82	78	85
Number of ADA	N/A	6	6

Southern Row







**REQUEST FOR ECONOMIC DEVELOPMENT
ADVISORY BOARD ACTION
CITY OF INDEPENDENCE
JUNE 6, 2023**

Department Finance

Prepared By Lacey Lies

AGENDA ITEM Request for EV Charging Stations

SUMMARY RECOMMENDATION Recommend to the Commission to fund \$50,000 toward the purchase and installation of two Level 2 electric charging stations at the Municipal Parking Lot located at the corner of 6th and Myrtle.

BACKGROUND This request is to recommend to the Commission to fund \$50,000 toward the purchase and installation of two Level 2 electric charging stations at the Municipal Parking Lot located at the corner of 6th and Myrtle. These funds would be used to provide the 60% required matching funds for an Evergy Grant. Funds would come from the City's Economic Development Fund, which is funded through franchise fees.

Benefits of EV Charging

- It will be a city expectation for economic development per the Main Street seminar.
- Meet sustainability goals by reducing our carbon footprint.
- Attract new customers. People will pass through and stop to shop and dine or simply bypass our community and stop at a city with chargers and activities.
- Increase the duration of a visit while users charge their vehicle.
- Reduce the cost of installation with rebates and grants.
 - Grants and rebates are available now and may not be in the future.
 - Application #00000977209 was approved May 23, 2023 for 2 Level 2 chargers with dual plugs, which will deliver approximately 24 miles range per hour.
 - Evergy Grant is 40% of project costs associated with EV charging equipment and customer-side wiring. With a maximum of \$45,000 along a highway corridor and \$55,000 not along a highway corridor. Each entity incentive is capped at \$150,000.
 - Evergy will not charge us to get service to the site since it is a new revenue source.
 - We have nine months from the pre-approval date or 18 months if the charger infrastructure acquisition caused a delay, and Evergy is notified by month 8.
 - Additional funding is available through the Federal & State Off-corridor & community project grants at ksdotike.org, due Tuesday, June 13th.
- Save on bills by enrolling in a new EV rate plan.

Estimated Cost: \$76,100 for an installed/turn-key system with 2 level 2 chargers

Estimated Annual Costs: \$2,854

- Cloud plan - \$1,380 (\$690/dual port station)
- Maintenance warranty plans (parts & labor)- \$1,474 (\$737/charger)

- Note: multi-year plans are a bit less expensive
- These costs are included in year 1 in the estimate above.

Estimated Net out of pocket cost after Evergy's 40% Grant: \$45,660

The cost of electricity per kWh at peak hours is \$.22 in summer or \$.14 in winter, which is 2 pm - 8 pm Monday-Friday, excluding holidays. Off-peak rates are \$.078 in summer or \$.047 in winter, which are all other times: 6 am - 2 pm & 8 pm - 12 am. Super off-peak rates are summer \$.0155 or winter \$.0118 12 am- 6 am daily.

Revenue is Minimal: \$.25-.30 per kWh

SUGGESTED MOTION I move to recommend the Commission fund \$50,000 toward the purchase and installation of two Level 2 electric charging stations at the Municipal Parking Lot located at the corner of 6th and Myrtle.

SUPPORTING DOCUMENTS



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 22, 2023

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider extending the contract with ReeceNichols for listing Building D; and/or consider receiving proposals for marketing Building D.

SUMMARY RECOMMENDATION If the Commission wishes to consider a local Realtor as a contact, then it is recommended to reissue the RFP.

BACKGROUND The listing has expired with ReeceNichols for Building D. They have submitted the attached documentation to extend it for 90 days.

We have received interest from a local Realtor whose corporate company is also interested in listing Building D. The Commission may recall that no local realtors responded when the RFP was previously sent out to market this facility. If the Commission wishes to receive proposals, it is recommended that the RFP be posted on the website on June 23rd, with responses due by July 6th.

Please note, since the listing has expired, this would mean that we will have no Realtor between now and when a proposal is awarded on July 13th unless an extension with ReeceNichols is approved. If the 30 day extension is approved it would end on July 22, 2023. At the July 13th meeting, if the listing is awarded to another Realtor, it would be effective on July 23rd. If the listing is not awarded to another Realtor, then the listing can be further extended with ReeceNichols at that time.

FINANCIAL INFORMATION

SUGGESTED MOTION

1. I move to extend the contract with ReeceNichols for 90 days for listing Building D; or
2. I move to receive proposals for listing Building D; or
3. I move to extend the contract with ReeceNichols for 30 days for listing Building D and also receive proposals for listing Building D due by 2 PM on July 6, 2023.

SUPPORTING DOCUMENTS

1. Listing Extension - 90 Days
2. Listing Extension - 30 Days
3. Revised RFP for Marketing-Bldg-D---811-W-Laurel--Due By 2 PM on July 6, 2023

COMMERCIAL EXCLUSIVE RIGHT TO REPRESENT SELLER CONTRACT
EXTENSION

THIS EXTENSION TO EXCLUSIVE RIGHT TO REPRESENT SELLER CONTRACT ("the Extension"), is made and entered into this _____ day of June, 2023, by and between City of Independence, Seller and ReeceNichols South Central Kansas, Broker.

WITNESSETH:

WHEREAS, Seller and Broker entered into a certain Exclusive Right to Represent Seller Contract (the "Agreement") regarding the property legally described as:

Lot 1 as shown in the attached "Exhibit A" consisting of 2.440 acres as more particularly described by a legal description to be provided, more commonly known as 811 W. Laurel Street, Independence, Kansas. Excludes: Lot 2 consisting of 1.068 acres; and the southeast corner of the property consisting of .394 acres also shown on the attached "Exhibit A".

Lots 10, 11, and 12; Block 14; York & Wilson's Addition, Section 25, Township 32, Range 15, more commonly known as 900 and 908 West Laurel Street, Independence, Kansas (off-street parking lot to serve 811 W. Laurel).

WHEREAS, Seller and Broker hereby extend said listing expiration date of the Agreement;

NOW THEREFORE, in consideration of the mutual promises covenant and payments hereinafter set out, the parties do hereby agree as follows:

Buyer and Seller hereby agree that Paragraph 2 of the above referenced Agreement shall be extended in such a manner that said listing term shall now expire ninety (90) days from the date above.

All other terms and conditions of the above referenced Agreement remain in full force and effect.

IN WITNESS WHEREOF, each of the parties has executed this Extension as of the day and year first above written.

BROKER:

ReeceNichols South Central Kansas

By: _____
Tim Kerr, Designated Agent

By: _____
Ryan Kerr, Designated Agent

SELLER:

City of Independence

By: _____
Louis Ysusi, Mayor

By: _____
Kelly Passauer, City Manager

INDEPENDENCE FIRE STATION/EMS

LOT SPLIT EXHIBIT

LOT SPLIT EXHIBIT

[illegible]

COMMERCIAL EXCLUSIVE RIGHT TO REPRESENT SELLER CONTRACT
EXTENSION

THIS EXTENSION TO EXCLUSIVE RIGHT TO REPRESENT SELLER CONTRACT ("the Extension"), is made and entered into this _____ day of June, 2023, by and between City of Independence, Seller and ReeceNichols South Central Kansas, Broker.

WITNESSETH:

WHEREAS, Seller and Broker entered into a certain Exclusive Right to Represent Seller Contract (the "Agreement") regarding the property legally described as:

Lot 1 as shown in the attached "Exhibit A" consisting of 2.440 acres as more particularly described by a legal description to be provided, more commonly known as 811 W. Laurel Street, Independence, Kansas. Excludes: Lot 2 consisting of 1.068 acres; and the southeast corner of the property consisting of .394 acres also shown on the attached "Exhibit A".

Lots 10, 11, and 12; Block 14; York & Wilson's Addition, Section 25, Township 32, Range 15, more commonly known as 900 and 908 West Laurel Street, Independence, Kansas (off-street parking lot to serve 811 W. Laurel).

WHEREAS, Seller and Broker hereby extend said listing expiration date of the Agreement;

NOW THEREFORE, in consideration of the mutual promises covenant and payments hereinafter set out, the parties do hereby agree as follows:

Buyer and Seller hereby agree that Paragraph 2 of the above referenced Agreement shall be extended in such a manner that said listing term shall now expire thirty (30) days from the date above.

All other terms and conditions of the above referenced Agreement remain in full force and effect.

IN WITNESS WHEREOF, each of the parties has executed this Extension as of the day and year first above written.

BROKER:

ReeceNichols South Central Kansas

By: _____
Tim Kerr, Designated Agent

By: _____
Ryan Kerr, Designated Agent

SELLER:

City of Independence

By: _____
Louis Ysusi, Mayor

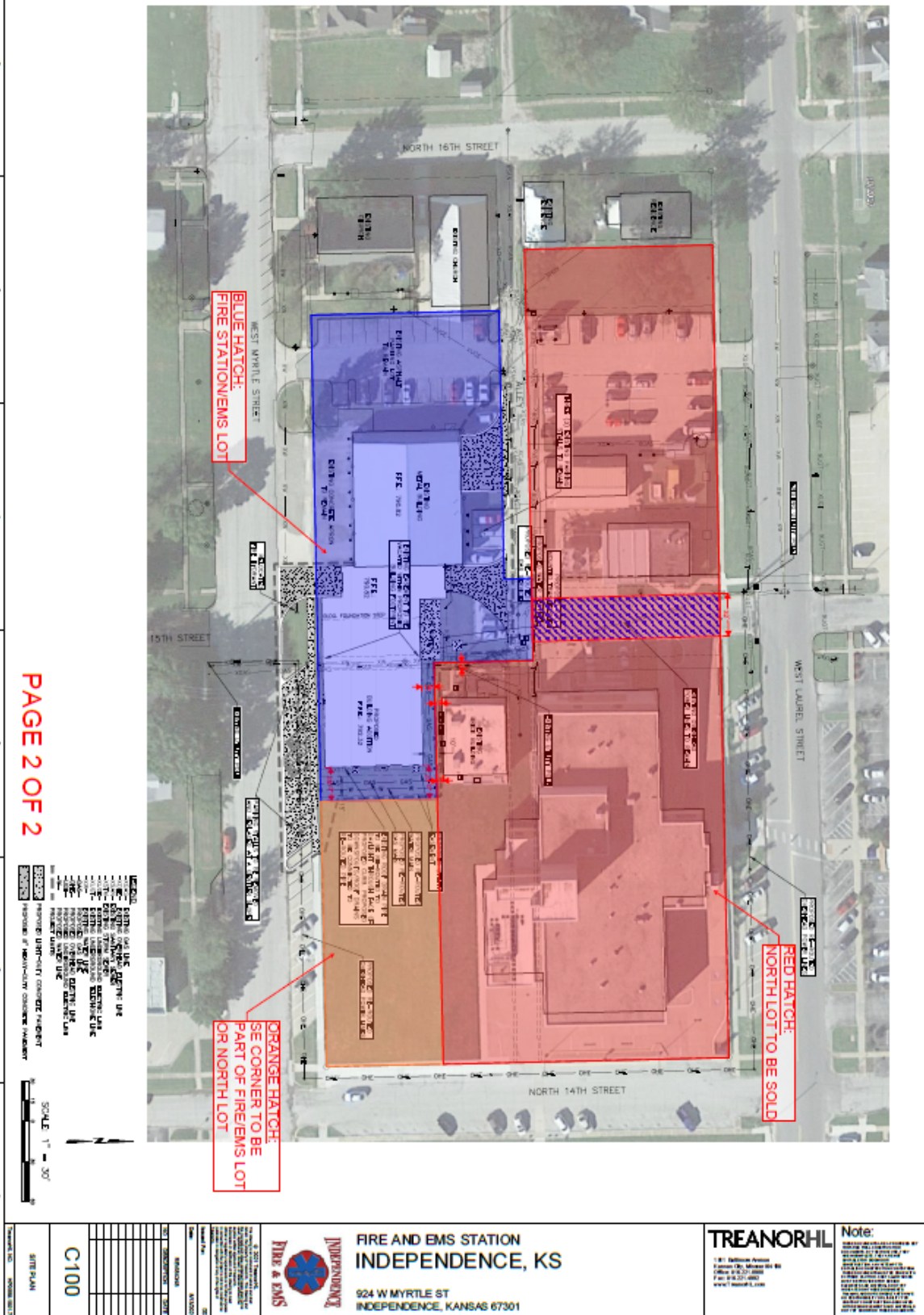
By: _____
Kelly Passauer, City Manager

INDEPENDENCE FIRE STATION/EMS

LOT SPLIT EXHIBIT

LOT SPLIT EXHIBIT

INDEPENDENCE FIRE STATION/EMS LOT SPLIT EXHIBIT





Request for Proposal {RFP}

Professional Real Estate Services

For the

Marketing and Sale of

BUILDING "D," ENERGY BUILDING AND SHOP
811 WEST LAUREL STREET

Issued by:

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

Mailing Address:

City of Independence
Attn: David Cowan, Assistant City Manager
811 W. Laurel Street
Independence, Kansas 67301

Proposals must be submitted

No later than 2:00 p.m. on July 6, 2023

There will not be a public opening for this RFP

Further information regarding this RFP Contact

David Cowan, Assistant City Manager

620.332.2528

davidc@independenceks.gov

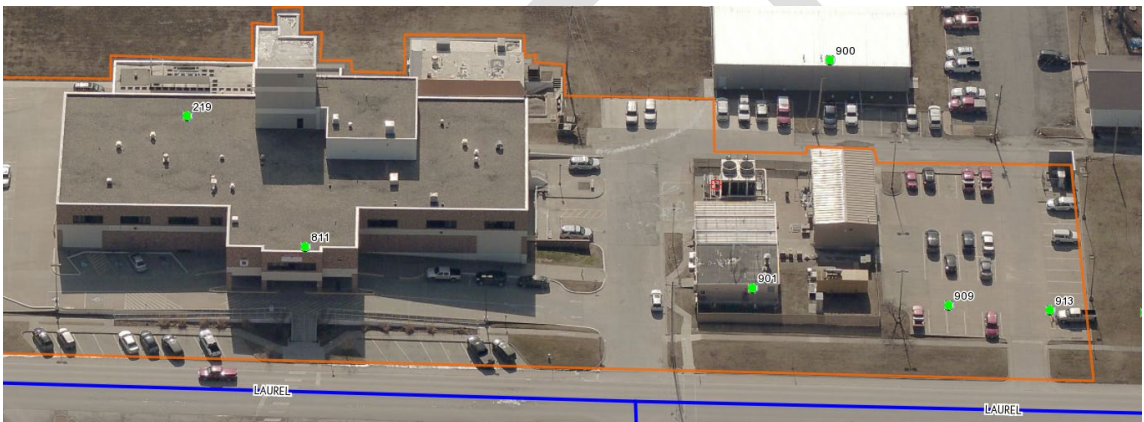
Issued: Friday, June 23, 2023

CITY OF INDEPENDENCE REQUEST FOR PROPOSALS

The City of Independence is soliciting proposals from real estate agents/firms for the provision of professional services, advice, and technical assistance in the marketing and selling of property owned by the City of Independence.

I. BACKGROUND ON LAND OWNED BY THE CITY OF INDEPENDENCE

The City of Independence owns the building at 811 W. Laurel, previously Mercy Hospital. The City of Independence received the property in 2016 after the closing of the hospital. The building is currently being utilized as a temporary City Hall while 1916 City Hall is remodeled.



II. SCOPE OF SERVICES

The responsibilities of the selected entity will include, but not limited to, providing the professional services, advice and technical assistance for the marketing and possible sale of the City owned property.

III. INFORMATION REQUIRED FROM INTERESTED FIRMS

The City is pleased to invite your firm to submit a written proposal for the activities outlined above. Attached hereto is Form PSQ-Real Estate Services, "Professional Service Questionnaire," for use in preparing your Proposal. All information should be included solely on the attached forms.

IV. COMPENSATION

The City intends to negotiate either a percentage or flat fee for service with the responsible offer or whose proposal and qualifications are determined to be the most advantageous to the City, based upon the evaluation of information received from applicants.



"Delivering Excellence"

V. TIME OF PERFORMANCE

The services of the firm will be for one (1) year from the award date. The City reserves the right to review listing on an annual basis.

VI. GENERAL INFORMATION

- a. The RFP is not be construed as creating a contractual relationship between the City and any firm submitting a response to this RFP
- b. The City shall have no obligation or liability to any firm responding to this RFP. All costs associated with responding to this RFP are borne solely by the respondent.
- c. The City may require follow-up oral interviews with the selected respondents and may require the respondents to participate in negotiations.
- d. The City reserves the right to reject any/or all responses, modify the scope with one or more of the respondents, and waive any/all requirements that the City deems to be in its best interest.
- e. By submitting this information, the firm has examined and understood this RFP and has become fully informed of all the RFP requirements. All terms and conditions set forth in this document are accepted and must be incorporated in the submission unless an explicit exception is made to individual items and accepted by the City.
- f. By submitting a response, the firm represents that it has the ability to meet the requirements outlined herein.
- g. Firms should contact the City of Independence for further information or questions concerning this RFP.

After evaluating the responses, the City will make a selection based on the responses that best meet the City's needs, at the sole discretion of the City.

VII. SUBMISSION REQUIREMENTS

Proposals will be received until July 6, 2023, at the City of Independence, 811 West Laurel Street, Independence, Kansas, 67301, until 2:00 p.m.

Please submit proposals in a sealed envelope clearly marked "Professional Real Estate Services" to the attention of David Cowan, Assistant City Manager.



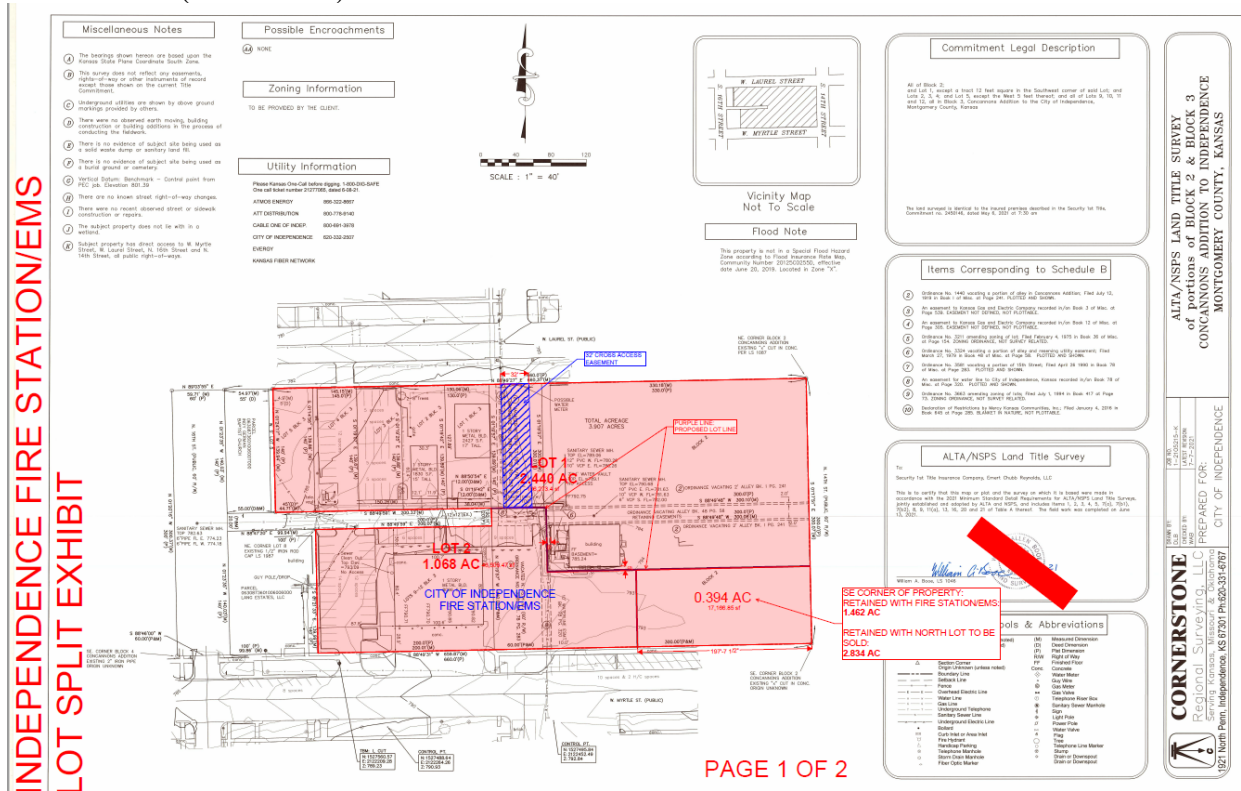
"Delivering Excellence"

PROPERTY LOCATION INFORMATION

Address:

811 West Laurel Street

Lot 1 (2.440 acres) as shown below:



The City retains the Fire/EMS apparatus bay at 900 West Myrtle Street shown as Lot 2, and the .394 acre lot on the southeast corner of the building.



"Delivering Excellence"

PROFESSIONAL SERVICES QUESTIONNAIRE

The purpose of this form is to provide information regarding the qualifications of firms interested in serving as Realtor to the City of Independence.

1. FIRM NAME AND ADDRESS

INTERNET ADDRESS:

YEAR FIRM ESTABLISHED:

2. NAME OF PRINCIPAL TO CONTACT: ---

TITLE:

EMAIL:

TELEPHONE:

3. ADDRESS OF OFFICE TO PERFORM WORK, IF DIFFERENT FROM ITEM 1:

4. LIST ANY OUTSIDE KEY CONSULTANTS/ASSOCIATES ANTICIPATED FOR THE PROJECT:



"Delivering Excellence"

QUALIFICATIONS/EXPERIENCE

5. PROVIDE THE FOLLOWING INFORMATION FOR KEY PERSONS, SPECIALISTS, AND INDIVIDUAL CONSULTANTS WHO WILL BE INVOLVED IN PROVISION OF CONSULTING SERVICES FOR THIS PROPOSAL. COPY AND COMPLETE A SEPARATE FOR EACH PERSON INVOLVED.

a. Name and Title: _____

b. Project Assignment/Role in Provision of services requested (i.e. marketing of land, appraisals of land and improvements, project management, etc.):

c. Name of firm with which associated:

d. Years of experience with this firm: _____, with other firm(s): _____

e. Other experience or qualifications relevant to the proposed project:

QUALIFICATIONS/EXPERIENCE (continued)



"Delivering Excellence"

6. PROVIDE BELOW ANY ADDITIONAL INFORMATION THAT WOULD SUPPORT YOUR QUALIFICATIONS FOR THE PROPOSED PROJECT, INCLUDING HOW YOU INTEND TO MARKET THE PROPERTIES AND ANY INNOVATIVE OR UNIQUE PROJECTS/PROGRAMS RESULTING FROM YOUR SERVICES:

BASIS OF COMPENSATION

7. USE THIS SPACE TO PROVIDE A LUMP SUM RANGE OF FEES, ON A NOT TO EXCEED BASIS, FOR SERVICES REQUESTED IN THIS RFP. ALL ADDITIONAL ITEMS OF COMPENSATION SHOULD ALSO BE IDENTIFIED. PLEASE NOTE THIS IS NOT A BID; IT IS MERELY AN INDICATOR OF YOUR COMPENSATORY EXPECTATIONS. COMPENSATION FOR PERFORMANCE OF SERVICES WILL BE NEGOTIATED UPON SELECTION OF THE MOST ADVANTAGEOUS PROPOSAL.

- a. Percentage of compensation/property _____

- b. Flat fee compensation/property _____

The preceding information provided in the Professional Advice Questionnaire is true and correct, to the best of my knowledge.

DATE: _____

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____



Report
CITY OF INDEPENDENCE
June 22, 2023

Department Finance

Director Approval John Garris

AGENDA ITEM Monthly Public Works and Project Report

BACKGROUND

SUPPORTING DOCUMENTS

1. Project Status 6-2023
2. Big Straw Commission Update 6-15-23

June 2023 Public Works Project Status										
	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	Precision Rail	Rail work to be paid for by KDOT grant and precision, contract with City.	\$1,100	\$1,100	(Precision)	Pre-bid.	New.	Pre-bid.	3Q23	2Q24
2	Big Straw	Water pipeline to Bartlett.	\$10,000	All (via Bartlett)	EBH	Preliminary engineering.	Start engineering, understand long leads.	Material Selection, Pipe Bid, Draft Construction Documents	4Q23	2Q24
3	KDOT KAIP	New Beacon	\$120	\$108	Lochner	Pre-Acceptance.	Accept grant (July start).	Lochner Contract (July start).	3Q23	1Q24
4	Parking Lot N. of City Hall	Design and construct new parking lot north of historic City Hall	TBD	TBD	TranSystems	Alternative review.	Creating alternative designs and estimates per Commission input.	Review alternative designs and estimates per Commission input.	3Q23	2Q24
5	Water Plant Next Phase	Water Plant Capital Work Per Master Plan	\$6,000		PEC	Alternative review.	Working through dechlorination options.	Review final alternatives, get recommendation from PEC.	3Q23	4Q26
6	SPCC - Airport	Containment upgrades for fueling	\$150	n/a	TranSystems	Design.	Get survey data.	Preliminary design, layout started.	3Q23	1Q24
7	CCLIP Grant - Main	Main Street - 8th to 2nd, mill and overlay	\$1,000	\$800	TranSystems	Design.	Engineering started. Field check plans in by end of month.	Engineering started. Field check meeting.	4Q23	3Q24
8	Transp. Alt. Grant	8' sidewalk to Wal-Mart and Labette	\$1,350	\$980	TranSystems	Design.	Engineering, survey started.	Survey completed, working on preliminary plans.	1Q24	2Q24
9	CCLIP Grant - Penn	Reconstruct Penn from Morningside to City Limits	\$500	\$370	TranSystems	Pre-bid.	Design complete. 8/2023 bid.	Design complete. 9/2023 bid.	3Q23	2Q24
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). Preparing condemnation.	3Q23	1Q24
11	Central Park - Phase I	New soccer fields, revamp existing ball fields.	\$8,600	\$2,100	Indigo	Pre-bid.	Working through scope, working on grant opportunities.	Rebidding with reduced Phase I scope, bid July 11.	3Q23	3Q24
12	CCLIP Grant - Chestnut	Mill and overlay Chestnut from 9th to Penn	\$250	\$150	TranSystems	Post-bid.	Prepare bid documents.	6/13/2023 bid.	3Q23	4Q23
13	Myrtle Street Overlay	Mill and overlay 10th to 17th	\$200			Post-bid.	Prepare bid documents.	6/13/2023 bid.	3Q23	4Q23
14	Waterline/Meter Project	New Water Meters, Replace Some Water Main	\$3,600		PEC	Post-Bid	Receive bids.	Receive engineer's recommendation, award (mid-June).	1Q23	3Q23
15	Water Tower Maint.	Maintain and Coat North Water Tower	\$250		N/A	Pre-construction.	Wait for construction.	June construction.	1Q23	3Q23
16	City Hall/Fire/EMS	Refinish City Hall, construct new Fire/EMS personnel spaces	\$10,400		Treanor	In construction.	Construction in progress.	Construction in progress.	1Q22	3Q23
17	Enterprise Drive	Buildout of street, utilities	\$1,700	\$1,300	TranSystems	In construction.	Survey complete, finalizing last easements.	Start remaining intersection work (mid July, earliest).	1Q22	3Q23
18	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	\$3,780	\$1,600	TranSystems	In construction.	Planning storm sewer work.	Planning storm sewer work. Scheduling work with RR.	1Q22	3Q23
19	CDBG	Lakeview lift station, I and I abatement	\$2,000	\$700	TranSystems	Substantially complete.	Continue lift station.	Complete in May, 2023.	3Q22	3Q23
A	Whiskey Creek	Artificial lake for runoff water impoundment	TBD		TranSystems	Hold.	Fifth meeting in July.	Sixth meeting TBD.	TBD	TBD
B	Public Works Building	New building for Water, Street, and Sanitation	\$4,000		Echelon	Hold.	Hold.	Hold.	TBD	TBD
C	Airport	Paving at airport to support business.	\$434	\$349	TranSystems	Developing.	Revised scope, proposal from VSE.	Planning revised scope execution.	2024	2024
D	CCLIP 2025, 2026	Paving at various locations.	TBD	TBD	TranSystems		Grant applied for, wait.	Grant applied for, wait.	2025	2027
E	KDOT Bridge Grant	Replace Cherry Street bridge with box culvert.	\$400	TBD	TranSystems		Grant applied for, wait.	Grant applied for, wait.	TBD	TBD
F	SS4A	Safe Streets for All grant application.	TBD	TBD	TranSystems	New.	New.	Pre-grant application entered.	TBD	TBD
	Green shade denotes changed/new information from last month.									

Big Straw Weekly Project Update/Discussion Agenda

6/15/23

1. Previous Week Activities
 - a. Regular KDHE Meeting
 - b. Preliminary Construction Schedule
 - c. Obtain Geotechnical Pricing, Boring at HDDs
 - d. Obtain Approval for Geotech
2. Current Week Activities
 - a. Regular KDHE Meeting
 - b. Generate Survey/Boring Permission Forms
 - c. Review of Pump Station, (Mid-Line Alternative Review)
 - d. Second ROW Meeting, Bartlett, RW6, Independence
 - e. Early Draft, Engineering Report
 - f. Starting Permissions (KDOT, County) for Geotech Bores
 - g. Start Preliminary Bid Package for Construction
 - h. Review Scope for Continuation of Engineering Activities (Amendment)
 - i. Start Preliminary Pipe Bid Package
3. Next Week Activities
 - a. Regular KDHE Meeting
 - b. Start Field Survey – (If Route Consensus)
 - c. Preliminary Environmental Assessment (Hold for Path)
 - d. Preliminary Construction Observation Inspection Scope
 - e. Continue with KDOT, WATCO on Route
 - f. Get Contract Amendment for Continuing Engineering Services
4. Budget and Financial Issues
 - a. Main Budget – TBD
 - b. FEL 1 - \$79,500 (Lump Sum)
 - c. Geotech: \$13,500 + Staking
5. Expended/Committed
 - a. First Billing Received



Report
CITY OF INDEPENDENCE
June 22, 2023

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Update on Woodriver Energy Base Agreement to acquire natural gas.

BACKGROUND On May 11, 2023 the Commission authorized the City Manager to sign a Greenbush Energy Group Participation Agreement & Hedging Authorization and a Woodriver Energy Transaction Confirmation Agreement to acquire natural gas. Given a communication misunderstanding between City staff and Greenbush Energy Group, natural gas purchases and future hedges for the winter of 2023/24 may not have been accurately reported. Please note two future hedges for the period from November 2023 through March 2024 have been enacted and are under contract with WoodRiver Energy LLC. The first hedge was enacted in October of 2022 for 2,522 Dth of gas delivered November 2023 through March 2024 at a price of \$8.055/Mmbtu. The second hedge was enacted in April, 2023 for an additional 2,522 Dth of natural gas at a price of \$6.265/Mmbtu. These costs cover the commodity's price, all upstream pipeline costs, and the charges imposed by Woodriver Energy LLC for completing the transaction. The \$4.63 previously reported represents the future NYMEX price of the natural gas plus the NYMEX basis, while the \$6.265 includes the upstream pipeline costs and the WoodRiver charges.

Please note a Dth and Mmbtu are both ways of measuring the quantity of natural gas and are, for the purposes of the transaction, equal to each other. One is how the gas is purchased, and the other represents how the gas is accounted for on the upstream pipeline.

SUPPORTING DOCUMENTS

1. 05/11/2023 RCA



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 11, 2023

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider authorizing a Greenbush Energy Group Participation Agreement & Hedging Authorization, and Woodriver Energy Base Agreement to acquire natural gas.

SUMMARY RECOMMENDATION Authorize the City Manager to sign a Greenbush Energy Group Participation Agreement & Hedging Authorization, and Woodriver Energy Transaction Confirmation Agreement to acquire natural gas

BACKGROUND City Administrative staff has been working with Greenbush Energy Group for approximately seven years on the acquisition of Natural Gas for Building D and Memorial Hall. This agreement kept the price volatility of February 2021's unprecedented winter storm from significantly impacting the budget. It is time to renew these agreements.

As indicated in the attached letter, the Greenbush Advisory Committee has followed the three-year supply agreement with Woodriver Energy, with two hedging recommendations that place approximately 70% of the 2023-24 anticipated winter usage under contract. These hedges represent a more than 25% savings year over year on the price of natural gas. They recommend the City execute the participation agreement and hedging authorization to continue participation in the group.

FINANCIAL INFORMATION For the Greenbush Energy Group Participation Agreement, there is a participation fee of \$450 annually plus a service cost fee of five cents per Mcf per year based on the previous year's usage. Woodriver Energy's transaction agreement for the second hedge is priced at \$4.63/MMBtu. The previous transaction confirmation sent to the City last month was for \$6.265 per Mmbtu. As of the date of this RCA, the second hedge transaction confirmation had not yet been received from Woodriver Energy.

Greenbush recommends that the cost of the commodity (NYMEX plus basis), LDC delivery services, and supplier margins for budget purposes be \$8.00/Mcf. This represents a significant decrease from the recommended \$11.00 in 2022/2023 due to decreases in the market price of natural gas. Natural gas budgets should be reduced by 25% for the 2023-24 school year (please note the school year budget is from July 1 through June 30 while the City's budget is a calendar year).

SUGGESTED MOTION I move to authorize the City Manager to sign a Greenbush Energy Group Participation Agreement & Hedging Authorization and a Woodriver Energy Transaction Confirmation Agreement to acquire natural gas.

SUPPORTING DOCUMENTS

1. GBEnergy_Participation_Letter_City_County_2023-2024
2. GBEnergy_Participation_Agreement_City_County

3. Woodriver Energy April 2024 transaction confirmation for the first hedge (waiting for the second hedge priced at \$4.63/MMBtu)

May 5, 2023

It is that time of year to renew the Greenbush Energy Group Participation Agreement.

The Advisory Committee has followed the three-year supply agreement with Woodriver Energy, with two hedging recommendations which place approximately 70% of the 2023-24 anticipated winter usage under contract. These hedges represent a more than 25% savings year over year on the price of natural gas.

It is recommended the participation agreement and hedging authorization be signed and returned to continue participation in the group.

Woodriver Energy should have recently sent a transaction confirmation for the second hedge priced at \$4.63/MMBtu.

We recommend signing and returning the document to Woodriver Energy as soon as possible.

By participating in the Greenbush Energy Group, your City/County received the following services:

- **Cooperative Buying**
 1. Vendor qualifications
 2. Volumetric discounts
 3. Contract standardization & risk indemnification
 4. Error rectification
- **Market Analysis**
 1. Trending
 2. Hedging advice
 3. Budget projections
- **Regulatory Advocacy**
 1. KCC interventions
 2. Legislative updates

Cost is billed to members at a rate of \$450.00/year, \$0.05/Mcf of consumption for the previous twelve months. **Attached is the renewal agreement.** If your City/County would like to continue participation in this program, or if you would like to join the Greenbush Energy Group, **please return a signed agreement to:**

Southeast Kansas Education Service Center
Attn: Morgan Harris morgan.harris@greenbush.org
PO Box 189 Girard, KS 66743

Girard
947 W. 47 Highway
Girard, KS 66743

P: 620.724.6281
F: 620.724.6284

Lawrence
1104 E. 1000 Road
Lawrence, KS 66047

P: 785.690.7081
F: 785.542.3825

Topeka
6822 SE Ross Street
Topeka, KS 66619

P: 785.862.7840
F: 785.862.8688

Budget Recommendations

- Budget Projections:

Natural Gas: I recommend the cost of commodity (NYMEX plus basis) plus LDC delivery services, plus supplier margins for 2023/2024 budget purposes be \$8.00/Mcf. This represents a significant decrease from the recommended \$11.00 in 2022/2023 due to decreases in the market price of natural gas. Natural gas budgets should be reduced by 25% for the 2023-24 school year.

Electricity: I recommend City/County increase their electricity budgets by 6% plus any anticipated load growth. This reflects anticipated increases due to the recent rate case request filed by Evergy with the Kansas Corporation Commission. The filing asks for an increase of greater the 25% to the school's class of customer on base rates(base rates represent slightly more than 50% of the average bill). A rate case takes approximately 180 days to complete. It is anticipated any increase will go into effect around January 1, 2024.

If you have questions concerning the natural gas renewal or budget projections included in this Utility Update, please email, or call:

David Banks
Flint Hills Energy Consultants
david@fheconsultants.net
(316) 990-8385

Girard
947 W. 47 Highway
Girard, KS 66743

P: 620.724.6281
F: 620.724.6284

Lawrence
1104 E. 1000 Road
Lawrence, KS 66047

P: 785.690.7081
F: 785.542.3825

Topeka
6822 SE Ross Street
Topeka, KS 66619

P: 785.862.7840
F: 785.862.8688



**Greenbush Energy Group
Participation Agreement
&
Hedging Authorization
2023-2024**

Our City/County agrees to participate in the Greenbush Energy Group to acquire natural gas. The costs associated with this program are as follows:

Participation fee: \$450 annually per City/County, provides for training personnel, bid quotes from qualified vendors, purchasing recommendation, initial savings analysis, and the establishment of account services. Fee cannot be prorated.

Service cost fee: Five cents (\$0.05) per Mcf per year based on previous year's usage. Charges cover the following services: email updates, market analysis, strategic buying, legislative and regulatory activity updates, invoices reconciliation of bills, and contract oversight. Natural Gas product supplier will provide start dates.

The above fees will be billed separately by Greenbush.

Please mark one of the following:

_____ I authorize the Greenbush Energy Group to make a decision on my behalf for the fiscal year dated July 1, 2023 thru June 30, 2024, to move from an index-based price to a fixed price under the existing price agreement with the approved supplier. In addition, the Greenbush Energy Group may determine the month(s) and percentage of historic usage volumes for which said fixed price(s) are to be in effect. This authorization allows for the length of my current supply contract, and includes any extensions.

_____ Our City/County will contact the approved supplier directly to lock in our 2023-2024 natural gas prices.

(Authorized Signature) (Title) (Date)

(City/County Name, Address)

(City/County contact) (Phone number) (Fax number) (E-mail address)

(City/County contact) (Phone number) (Fax number) (E-mail address)

**Please complete and return to Morgan Harris, Southeast Kansas Education Service Center, P.O. Box 189, Girard KS. 66743.
Email: morgan.harris@greenbush.org Fax: 620.724.6284.**

Girard
947 W. 47 Highway
Girard, KS 66743

P: 620.724.6281
F: 620.724.6284

Lawrence
1104 E. 1000 Road
Lawrence, KS 66047

P: 785.690.7081
F: 785.542.3825

Topeka
6822 SE Ross Street
Topeka, KS 66619

P: 785.862.7840
F: 785.862.8688



Transaction Confirmation

Deal # 35276: 427965
Seller: WoodRiver Energy
633 17th St, Suite 1410
Denver, CO 80202

Attn: Alan Pederson
Phone: 402-915-8378
Email: alan.pederson@woodriverenergy.com

Cust #: 13025
Buyer: City of Independence, KS
811 W. Laurel St.
Independence, KS 67301

Kelly Passauer
620-332-2506
kellyp@independenceks.gov

Pipeline:	SoStar MKT	Trans. Type	Trigger
Utility:	Atmos	Price Type	FixedPrice
Term:	2023-11-01 -- 2024-03-31	Price:	\$6.265 per Mmbtu

Account #s:	0600524658,765664
Premises #s:	931185C,6448966C

Term	Dth	Term	Dth	Term	Dth
2023-11	286	2024-01	643	2024-03	339
2023-12	401	2024-02	853		
Total Dth:		2,522			

Parties agree that the fixed prices are exclusive of any charges to deliver gas to LDC, Fuel, LDC Transportation charges and fees. Any such fees are the responsibility of the Buyer and shall be charged pursuant to the Natural Gas Sales Agreement. NOTE: In the event this hedge exceeds the term on this contract, contract shall be automatically extended per the evergreen term of the base agreement. If Buyer fails to return confirmation within 48 hours, the above transaction shall be deemed accurate and accepted by Buyer.

Service Provider: WoodRiver Energy LLC	Customer: City of Independence, KS
DocuSigned by:	DocuSigned by:
By: Jo Nanette Moak	By: Kelly Passauer
Title: Administrative Manager	Title: City Manager
Date: 4/10/2023	Date: 4/10/2023