

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

April 25, 2024

5:30 PM

Commission Room, City Hall

To participate by conference call:
1 785-289-4727 Conference ID: 569 533 576#

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. PROCLAMATION

- A. Consider proclaiming May 5-11, 2024 as Public Service Recognition Week.

III. CONSENT AGENDA

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

- A. Consider approving City Commission minutes from January 11th, 25th, February 8th, 21st, 22nd, March 14th, 20th and 28th, 2024
- B. Consider closing Maple Street in front of the Library.
- C. Consider approving Central Park Sports Complex Change Order.
- D. Consider an agreement with Montgomery County for the use of Pictometry.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider adopting an ordinance rezoning a tract of land at 1621 North Pennsylvania Avenue from C-2, commercial services district to R-2, single-family dwelling district.
- B. Consider adopting an ordinance for a text amendment to Appendix B - Zoning related to dwellings.
- C. Consider supporting the nomination of the Prairie Oil and Gas (also known as Sinclair Oil or ARCO) building on the National Register of Historic Places.

V. REPORTS

- A. Projects and Public Works Report

VI. CITY BOARD MINUTES

- A. City Board Minutes

VII. CITY MANAGER'S COMMENTS

VIII. COMMISSIONERS' COMMENTS

IX. PUBLIC CONCERNS

X. ADJOURNMENT



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 25, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider proclaiming May 5-11, 2024 as Public Service Recognition Week.

SUMMARY RECOMMENDATION City staff recommends the Commission adopt the attached proclamation.

BACKGROUND Introduced in 1985 by President Reagan, Public Service Week honors the people in the public sector and acknowledges their efforts to provide services to the citizens. The City of Independence would like to honor our employees who provide services to the citizens of Independence.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to authorize May 5-11, 2024, as Public Service Recognition Week in Independence, Kansas.

SUPPORTING DOCUMENTS

1. PROCLAMATION - PUBLIC SERVICE RECOGNITION WEEK MAY 5-11 2024



PUBLIC SERVICE RECOGNITION WEEK

In honor of the millions of public employees at the federal, state, county, and city levels:

Whereas:

Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working;

Whereas:

Public employees take not only jobs, but oaths;

Whereas:

Many public servants, including military personnel, police officers, firefighters, EMT/paramedics, health care professionals and others, risk their lives each day in service to the people of the City of Independence, Montgomery County, State of Kansas, the United States and around the world;

Whereas:

Public servants include teachers, doctors and scientists ... ride operators and ticket sellers ... nurses, building and safety inspectors ... computer technicians, housing and social workers .. cemetery, park, and zoo workers ... public works and utility workers ... dispatchers, court and clerical workers and countless other occupations. Day in and day out they provide the diverse services demanded by the citizens of Independence of their government with efficiency and integrity; and

Whereas:

Without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials;

Therefore:

I, Tim Emert, Mayor of Independence, Kansas do hereby announce and proclaim to all citizens and set seal hereto, that May 5-11, 2024, is Public Service Recognition Week in independence, Kansas. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels serving the citizens of Independence, Kansas.



Mayor Tim Emert



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 25, 2024

Department City Clerk

Director Approval David Schwenker

AGENDA ITEM Consider approving City Commission minutes from January 11th, 25th, February 8th, 21st, 22nd, March 14th, 20th and 28th, 2024

SUMMARY RECOMMENDATION Approve the minutes.

BACKGROUND N/A

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to approve the minutes from January 11th, 25th, February 8th, 21st, 22nd, March 14th, 20th and 28th, 2024

SUPPORTING DOCUMENTS

1. January 11 2024 - Minutes
2. January 25 2024 - Minutes
3. February 8 2024 - Minutes
4. February 21 2024 Special Meeting Minutes
5. February 22 2024 Minutes
6. March 14 2024 - Minutes
7. March 20 2024 - Special Meeting Minutes
8. March 28 2024 - Minutes

Minutes of the City Commission's January 11, 2024 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Louis Ysusi, Vice-Mayor Dean Hayse, Commissioner Tim Emert and Commissioner-Elect Scott Smith

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; April Nutt, Director of Housing Authority and John Garris, City Engineer/Director of Public Works and Utilities

Visitors Present: Larry McHugh, Brea Sanford, Andy Taylor, Betty Singhurst and Kathy Shepard.

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. OLD BUSINESS

A. Consider approving City Commission minutes from December 28, 2023

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved the minutes from December 28, 2023.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Consider modification of traffic control devices at the intersection of Penn and Laurel and the intersection of Penn and Myrtle.

Since early November, 2023, at the request of the Commission, the City has

placed the traffic control lights at the intersections of Penn and Laurel and Penn and Myrtle in “flashing red” mode. This is equivalent to a four-way stop. According to Chief Harrison, there have been no accidents attributable to this change, and only one accident in the area, and that was related to improper backing out of a parking stall. Given that, there would appear to be four primary options at this point:

1. Turn the traffic lights back on to green-yellow-red operation.
2. Keep the traffic lights in their flashing red mode. This is not a recommended option.
3. Remove the traffic lights, truncate and cap the support arms (keeping the street signs in place), install stop signs, and convert the intersection to a four-way stop. If this were the chosen option, the City would install flashing red lights atop the signs to draw attention to them, similar to what has been done at the intersection of Oak Street and Park Boulevard. The poles and streetlights would remain.
4. Operate lights until they fail and replace them with signs at that time. This is not a recommended option.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved replacing the stop lights with stop signs at the intersections of Penn and Laurel and Penn and Myrtle.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider affirmation of the no parking zone on 13th between Railroad and Oak.

In mid-2023, a citizen contacted the City about a missing sign on 13th Street between Beech and Hickory. Upon investigation, there were no parking signs on the eastern side of 13th between Railroad and Oak on every block except Beech and Hickory, and the citizen provided photographic evidence that there had been a no parking sign there in the past. City systems show the sign in evidence in 2016.

Given the preponderance of evidence, the City replaced the no parking signs on the east side of 13th (they were badly faded due to exposure over time), set them so they were more visible, and replaced the missing sign at Beech and Hickory. This no parking zone is consistent with safety practices and City Ordinance as noted below as 13th meets the width requirement

(approximately 25' wide).

Sec. 102-116. - Parking restrictions on narrow streets.

In order to ensure that all city streets and highways will have a minimum of 12 feet of clearance which is required for emergency vehicle use for public safety reasons, the governing body of the city shall have authority to restrict parking on streets and highways in the city pursuant to the guidelines set forth:

- 1. On streets or highways that are 26 feet in width or less, measured curb to curb, the governing body may impose a parking restriction designating no parking on one side of the road or highway.*
- 2. On streets or highways that are less than 24 feet in width or less, measured curb to curb, the governing body may impose a parking restriction designating no parking on one side of the road or highway, or no parking on both sides of the street or highway.*

The governing body of the city shall have authority to adopt parking restrictions on a case-by-case basis consistent with this ordinance.

As there are no easily accessible records dealing with this specific no parking restriction, it is requested that the Commission affirm this no parking restriction along the east side of 13th Street. This still allows parking along the west side.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission affirmed the no parking zone on the east side of 13th Street between Railroad and Oak.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. APPOINTMENTS

- A. IHPRC -- Three reappointments and one vacancy, an unexpired position

We currently have one opening on the Independence Historic Preservation and Research Commission (IHPRC). Applications were due by Noon on January 5, 2024. One application was received.

Below is information regarding the IHPRC:

The Independence Historic Preservation and Resource Commission shall

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

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

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission reappointed Tim White to a first term on the IHPRC ending January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission reappointed Bill Gour and Darin Axthelm to second terms on the IHPRC ending January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission appointed Brett Richards to an unexpired term on the IHPRC ending January

1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Planning Commission -- Two members eligible for reappointment plus four vacancies: two unexpired positions (Inside City), and one expired position and one unexpired position (Outside City within 3 miles)

There are two positions eligible to be reappointed to the Independence Planning Commission and Board of Zoning Appeals whose terms have expired, Michelle Avery and Tim Haynes.

We currently have four openings for new members on the Independence Planning Commission and Board of Zoning Appeals, two inside the City and two outside the City within 3 miles. Four applications were received for the two inside City positions, and two applications were received for the outside City positions.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission reappointed Michelle Avery to a second term on the Planning Commission/Board of Zoning Appeals ending January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission reappointed Tim Haynes for a first term on the Planning Commission/Board of Zoning Appeals ending January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Wayne "Butch" Holum to an unexpired term (inside City) on the Planning Commission/Board of Zoning Appeals ending on January 1, 2026.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Rita Ortolani to an unexpired term (inside City) on the Planning Commission/Board of Zoning Appeals ending on January 1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Kym Kays to an unexpired term (outside City within 3 miles) on the Planning Commission ending on January 1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Gary Hogsett to an expired term (outside City within 3 miles) on the Planning Commission ending on January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

IV. NEW BUSINESS

A. Reorganization of the Commission

1. Oath of Office
 - a. Scott Smith -- 2 Year Term
 - b. Dean Hayse -- 4 Year Term
2. Election of Mayor
3. Election of Vice Mayor
4. Designation of Official City Newspaper
5. Designation of Official City Depository
6. Consider changing the day of week and time for Commission meetings

Each year, the Commission reorganizes. Following an election, the City Clerk administers the Oath of office for the newly elected/re-elected Commissioners before the election of the Mayor and Vice Mayor. Regarding the election of Mayor, in election years, typically, the Commissioner, who is starting the third year of their four-year term, serves as Mayor. For 2024, that

is Commissioner Tim Emert. The following year, the Commissioner, starting the second year of their two-year term, serves as Mayor. The purpose of this is to allow every elected Commissioner, whether elected to a two-year term or four-year term, to have the opportunity to serve as Mayor once per term. However, the Commission may choose anyone they wish, and they do not have to follow this tradition.

Each year, the Official City Newspaper and Official City Depository are named. Staff recommends that the Independence Daily Reporter and the Community National Bank continue to serve in these two roles respectfully.

Staff recommends that the 2024 City Commission schedule be approved, generally consisting of the 2nd and 4th Thursdays at 5:30 PM and the 3rd Wednesday at 9 AM for work sessions, with the exceptions noted in green. Please note there are no scheduled Special Meetings in the following months:

- June due to the third Wednesday falling on June 19th (Juneteenth),
- November due to moving up the Commission meeting one week to avoid Thanksgiving week.
- December due to moving up the Commission meeting one week to avoid Christmas week.

City Clerk Schwenker gave the oath of office to newly elected Commissioner William Scott Smith and re-elected Commissioner Dean A. Hayes.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission nominated Tim Emert as Mayor.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission nominated William Scott Smith as Vice Mayor.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission designated the Independence Daily Reporter as the Official City Newspaper.

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Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission designated Community National Bank as the Official City Depository.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission adopted the 2024 City Commission Meeting schedule as presented.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

B. Orientation by the City Attorney.

The City Attorney will provide a brief orientation. It is anticipated that some topics covered will include Open Meetings, Conflicts of Interest, Roles and Responsibilities of the Commission, and other subjects the City Attorney wishes to cover.

City Attorney Chubb provided a brief orientation to the Commission.

V. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

A. Consider a lease agreement with Labcorp.

The City Attorney has been working with Labcorp regarding their lease of 2,582.22 square feet of Building D at 811 W. Laurel Street. The lease is an extension for four months, ending on April 30, 2024. This will provide some time to determine the next steps in regard to Building D.

Suggested Motion:

I move to approve the First Amendment to the Lease Agreement with Labcorp.

- B. Consider accepting the award of a Tenant Based Rental Assistance Grant from Kansas Housing Resources Corporation.

The Independence Housing Authority has applied and received a Tenant Based Rental Assistance Grant from the Kansas Housing Resources Corporation since 1998. The Tenant Based Rental Assistance Grant helps low-income qualifying families with their rent within the city limits of Independence. The 2023 grant received is \$120,000 which will assist approximately 35 to 45 families over the next two years. This program is managed by the Independence Housing Authority. Due to changes in the program, Kansas Housing Resources Corporation will not release documents for signature until the current 2022 grant funds are 75% expended.

Suggested Motion:

I move to accept the \$120,000 Tenant Based Rental Assistance Grant and authorize the Mayor to sign documents when Kansas Housing Resources Corporation releases documents for signature.

VI. ITEMS FOR COMMISSION ACTION

- A. Consider proclaiming January 14, 2024 as Dr. Martin Luther King, Jr. Commemoration Day, and consider funding the recording and live-streaming of the program.

Kathy Shepard, representing the Diversity Taskforce, is requesting that the City authorize a proclamation in honor of Dr. Martin Luther King, Jr. Commemoration Day and urge that every citizen of Independence join me in extending recognition and honor to the memory of this great leader of humankind by attending the local celebration "It Starts With Me: Shifting The Cultural Climate Through The Study and Practice of Kingian Nonviolence" on Sunday, January 14, 2024 at 3 PM at the Independence High School Performing Arts Center. A free soup luncheon will be held at 2:00 pm in the community room before the event.

In addition, Kathy asked if the City would fund the recording and live-streaming of the program on the City's Facebook page by Larry McHugh.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission proclaimed January 14, 2024, as Dr. Martin Luther King, Jr. Commemoration

Day and authorize funding the recording and live-streaming of this community event.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Consider authorizing the issuance, sale, and delivery of the City's General Obligation Temporary Notes, Series 2024-1.

This resolution is to authorize the issuance, sale, and delivery of the \$4.5MM General Obligation Temporary Notes, which will be used to fund the construction and related costs of the Central Park Sports Complex.

Bond Principal & Interest would generally be paid from the renewed 1% Special Use Sales Tax. 31% was specifically allocated toward debt repayment, 27% for street projects, and 12% for buildings and facilities; additionally, 25% for General Fund support, and 5% for Economic Development.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission affirmed the award of the sale of the Temporary Notes to the best bidder and to adopt Resolution 2024-001 authorizing and directing the issuance, sale, and delivery of the City's General Obligation Temporary Notes, Series 2024-1.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Consider adopting a resolution implementing the 2024 Pay Plan.

The City's pay plan is updated each year in an attempt to keep pace with inflation and the competitive labor market. For 2022 the pay plan was adjusted by 2%, although the rate of inflation at that time, according to the Urban Wage Earners CPI index (November 2021) was 6.8%. For 2023 the pay plan was adjusted 4%, although the rate of inflation at that time, according to the Urban Wage Earners CPI index for all items (October 2022) was 7.7%. We did, however, provide additional small bonus amounts last year for those employees who scored above average on their evaluations. We also implemented market rate adjustments for certain public safety positions last Fall due to the critical need to retain those positions.

The 2024 budget included 6% for Cost of Living Adjustments (COLA) and Merit Raises combined. According to the Urban Wage Earners CPI index (November 2023), the latest available inflation rate is 3.1%. Therefore, we recommend

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modifying the 2024 Pay Plan effective January 14, 2024 by 3%. In addition, we have reviewed those positions that did not receive a market rate adjustment last Fall and calculated a market rate/merit adjustment equal to a minimum of \$1,300 annually based on scheduled work hours, resulting in an additional 1 - 5% increase to their base wage depending on their current wage and any additional considerations for their position. This provides a total base rate increase, including both COLA and the market rate/merit adjustment, between 4 - 8%, excluding those that already received adjustments last Fall. Those who did receive market rate adjustments last Fall will receive the 3% COLA applied to their previous wage before their market rate adjustments, consistent with how the COLA percentage will be applied to the remaining employees.

This approach is two-fold. One, the COLA adjustment maintains our Pay Plan with the current CPI; and two, the market rate/merit adjustment moves the employees up within the pay plan, providing a greater percentage increase to those at the lower end of the pay scale.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith the Commission adopted a resolution authorizing the 2024 pay plan.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

VII. REPORTS

A. City Board Minutes

1. December 20, 2023 – Independence Recreation Commission.
2. December 20, 2023 - IPL Board of Trustees

B. November 2023 Sales Tax Report

C. December 2023 Sales Tax Report

VIII. CITY MANAGER'S COMMENTS

Minutes of the City Commission's January 11, 2024 Meeting

City Manager Passauer reminded the Commission that there is a planning retreat on January 17, 2024, at 8 am, and upcoming Commission meetings on January 25 and February 8, 2024 and City offices will be closed on Monday, January 15, 2024, to celebrate Martin Luther King Jr. Day and sanitation services will be shifted by one day.

Assistant City Manager Cowan provided a winter storm update for the weekend.

IX. COMMISSIONERS' COMMENTS

Commissioner Emert commended Louis Ysusi for his time on the Commission.

X. PUBLIC CONCERNS

None

XI. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of possible acquisition of real estate pursuant to the preliminary discussion on acquisition of real estate exception, KSA 75-4319(b)(6). The open meeting will resume at 6:35 p.m .

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:35 p.m. with no action taken.

B. Personnel matters of non-elected personnel.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of an employee performance pursuant to the non-elected personnel exception, KSA 75-4319(b)(1). The open meeting will resume at 6:40 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

The open meeting resumed at 6:40 p.m.

Motion:

On the motion of Tim Emert, seconded by Scott Smith the Commission authorized to increase the City Manager's salary by \$50 per pay period or \$1,300 annually.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

XII. ADJOURNMENT

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's January 25, 2024 Meeting

I. REGULAR SESSION

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

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police; Matthew Wright, Police Officer; Jordan Bagley, and John Garriss, City Engineer/Director of Public Works and Utilities

Visitors Present: Breanne Sanford, Scott Mills and Mike McCambridge.

A. Call to Order

Mayor Emert 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 Scott Smith the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. APPOINTMENTS

A. Consider appointing Justin Wren as the Atmos Representative to the Board of Examiners - Plumbers.

Chris Fry was the previous Atmos representative on the Board of Examiners - Plumbers. He has moved and Atmos has been sending Laramie Ruark to the latest meetings.

BOARD OF EXAMINERS - PLUMBERS (3 year terms -- 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Paul Lemon Phone: 332-9010	4th term*	August 15, 2025	
Doug Rinck Phone: 331-6621	8th term	August 15, 2025	
Wayne Sundquist 400 South 9th	9th term	August 15, 2025	
Chris Fry/Atmos	1st term*	August 15, 2023	5/9/2019 Yes
Pat Howe Phone: 331-1829	9th term	August 15, 2025	
Meeting Place: City Commission Room Meeting Date: As Needed Meeting Time: TBD			

Motion:

On the motion of Tim Emert, seconded by Dean Hayse the Commission appointed Justin Wren as the Atmos Representative to the Board of Examiners - Plumbers. This term will expire on August 15, 2026.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Consider reappointing Rick Kiister, Travis Blankinship and Daniel Johnston to the Electrical Board.

Rick Kiister, Travis Blankinship and Daniel Johnston have all completed a first full term on the electrical board. All are eligible to serve a second full term.

ELECTRICAL BOARD (3 year terms -- 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Rick Kiister Phone:	1st term*	1-Oct-23	
Travis Blankinship Phone: 330-2527	1st term*	1-Oct-23	
Kenneth Evans	Unexpired	1-Apr-24	Appointed 10/13/2022
Daniel Johnston	1st term	1-Oct-23	14-Jan-21
Dennis Royer/Everygy Phone: 331-	1st term*	1-Apr-24	
Meeting Place: City Commission Room, City Hall Meeting Time: As Needed Meeting Date: TBD			

Motion:

On the motion of Tim Emert, seconded by Scott Smith the Commission reappointed Rick Kiister, Travis Blankinship, and Daniel Johnston to the Electrical Board. Their second term will end on October 1, 2026.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

III. PRESENTATIONS

- A. Introduction and swearing-in of Independence Police Department's newest officer, Officer Matthew Wright

Matthew Wright was selected to serve the citizens of Independence as a police officer in July 2023. He graduated from the Kansas Law Enforcement Training Center's Basic Training Course on January 12th, 2023.

Matt is 25 years old and has wanted to be in law enforcement since he was a child. He is a second-generation officer and hopes to serve the people of Independence well, and for a long time to come.

City Clerk Schwenker swore in Officer Wright.

IV. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved the consent agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

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

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

Suggested Motion:

I move to adopt Resolution No. 2024-003, waiving the requirements of K.S.A. 75-1120a(a) as they apply to the City of Independence, Kansas for the year ended December 31, 2024.

- B. Consider a request from Independence Rotary to authorize an agreement with Rainbow Fireworks for the annual 4th of July Fireworks Display.

Each year the City contracts for the annual 4th of July Fireworks display. Until last year, Jim Kelly previously raised funds to reimburse the City. Jim retired from this fundraising activity after 31 years in 2022. The Independence Rotary Club volunteered to take on this fundraising effort for the community display last year and was able to raise enough funds to fully reimburse the City. However, there is no guarantee the funds raised in future years will cover the total cost. Any deficit is covered by the City. In addition, the City also acquires additional insurance for this community event. The Rotary Club Board met last week, and they recommended approving the attached contract which provides for a \$20,500 show which provides for the same shell count as last year.

Suggested Motion:

I move to authorize the Mayor to sign a contract with Rainbow Fireworks for the 2024 4th of July Fireworks display.

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- C. Consider accepting the annual submission of the Independence Land Bank 2023 Year-End Report.

The Independence Land Bank is required to present a year-end report annually.

Suggested Motion:

I move to accept the Independence Land Bank's 2023 year-end report as presented.

- D. Consider adopting an ordinance approving the appropriations for 2024 authorized expenditures.

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

Suggested Motion:

I move to adopt Ordinance 4445, approving appropriations for 2024 authorized and budgeted expenditures.

- E. Consider a three-year contract for mowing services.

The City of Independence has been utilizing a mowing service for the past three years to maintain flood lots, handle nuisance mowing, and care for City-owned properties. Recently, the City initiated a rebidding process for both mowing and snow removal services, aiming for another three-year contract. Following this call for proposals, three submissions were received.

Over the past two years, the City has faced a drought, resulting in a mowing expense of \$47,757.00 in 2023, paid to J&S Enterprise. It is crucial to acknowledge that if the rainfall in 2024 returns to normal levels, the demand for nuisance mowing is expected to rise. There is a potential for a significant increase, possibly doubling the number of yards mowed.

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Furthermore, it's important to highlight that the City has specific requirements for flood lots and vacant lots to be mowed on a monthly basis. This involves approximately 83 properties scattered along the floodplain. Additionally, the City has requirements for ten properties to be mowed bi-weekly and weekly as needed, especially during wet periods. The weekly estimate represents a worst-case scenario, assuming that these 10 yards have to be mowed weekly throughout the 2024 mowing season. The estimates below are based on services starting in April and ending in November or eight months of mowing.

J&S	8	Simpso	8	TLC	8
Enterpr	months	n Lawn	months		months
ise					
\$4,895.5	\$39,164.	\$6,672.0	\$53,376.	\$3,931.7	\$31,454.
0	00	0	00	7	16
Weekly	\$10,904.	n/a	n/a	Weekly	\$14,160.
Mowing	00			Mowing	00
Nuisanc	\$12,425.	Nuisanc	\$19,525.	Nuisanc	\$106,50
e - 355	00	e - 355	00	e - 355	0.00
Total	\$62,493.	Total	\$66,229.	Total	\$152,11
	00		00		4.16

It is the staff's recommendation to award the mowing to J&S Enterprise.

The City also asked for bids for snow removal at the Independence Library, City Hall and Memorial Hall. The City received two proposals for this service. The low bid was TLC at \$415.00 - Library, \$302.50 for City Hall and \$310.00 for Memorial Hall.

It is staff recommendation to award TLC a 3-year contract for snow pre-treatment and removal at these locations.

Suggested Motion:

I move to authorize the Mayor to sign three (3) year agreements with J&S Enterprise for mowing and TLC for snow removal.

F. Consider authorizing award of the annual concrete patching bid.

The City requires concrete patching work to be completed at various locations due to utility repair activity and required pavement maintenance (including pavement flowline repair). Additionally, pricing for sidewalk work is required for incidental repairs. Adding in ADA ramps and curb and gutter replacement complete the work items that we would generally need to do for small repairs around the City.

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The City requested bids for these four categories of work, and received two responses, one from J. Graham Construction, Inc., and one from Recrete Design Concrete + Construction. Other competent contractors were contacted, but declined to bid.

J. Graham Construction, Inc. was not the low bid on the aggregate quantities used for comparison purposes, as compared to Recrete, as shown in the comparison (below), and is approximately 3% higher in cost on the mix of quantities used for comparison. Although it is certain that the actual quantities used during the year will vary from these quantities, the ultimate total used cannot be predicted.

J Graham	Unit Price	Unit	Street	Water/Sewer	Total Quantity	Total
Pavement	\$ 190.00	per square yard	0	220	220	\$ 41,800
Curb and Gutter	\$ 100.00	per linear foot	40	20	60	\$ 6,000
Sidewalk	\$ 120.00	per square yard	40	20	60	\$ 7,200
ADA Ramp	\$ 235.00	per square yard	80	0	80	\$ 18,800
					Total	\$ 73,800

Recrete	Unit Price	Unit	Street	Water/Sewer	Total Quantity	Total
Pavement	\$ 180.00	per square yard	0	220	220	\$ 39,600
Curb and Gutter	\$ 121.00	per linear foot	40	20	60	\$ 7,260
Sidewalk	\$ 112.00	per square yard	40	20	60	\$ 6,720
ADA Ramp	\$ 228.00	per square yard	80	0	80	\$ 18,240
					Total	\$ 71,820

Difference	\$ 1,980
Difference (%)	3%

Generally, the low competent bidder is recommended for award. In this case, recent history with Recrete (they were awarded the work in 2022) shows that they were unable to complete the initial work assigned to them at the start of the contract, let alone the additional work that showed up later in the year. There were several “rush” projects that they were assigned that they did complete, but the overall schedule performance was unsatisfactory.

J. Graham Construction, Inc. was the low bidder in 2023, and performed adequately. For that reason, it is suggested that the 2024 bid be awarded to J. Graham Construction, Inc., since the cost difference is minimal, but the public perception that is created through unrepaired roads is extremely negative.

The work will be awarded in multiple contracts for work via the Street Department as well as Water/Sewer work (and to other departments as required).

Suggested Motion:

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I move to authorize award of the 2024 concrete patching bid contracts to J. Graham Construction, Inc., at the unit costs as specified on the bid documents.

G. Consider awarding disposal of the Water Treatment Plant residuals.

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

A bid opening for this work was held January 18, 2024. The sole bid was from MEGA, LLC for \$122,000. This contractor has done this type of work before and is familiar with our basins, and was the low of three bids last year. It is recommended that we award to this contractor. A contract will be drawn up for this work with the City Attorney.

Suggested Motion:

I move to approve award of the Water Treatment Plant residual disposal for \$122,000 to MEGA, LLC.

V. ITEMS FOR COMMISSION ACTION

A. Consider a request to waive or modify Section 705.1 relating to surface material in the Off-Street Parking and Loading Regulations for construction of a gravel parking lot at 1920 W. Main Street.

Mr. Scott Mills, the owner of Quality Paint and Body, is requesting a waiver from the surface material required in the Off-Street Parking regulations for his business located at 1920 W. Main Street. Quality Paint and Body has recently applied for a building permit to add a 5,500-square-foot new building behind their current location at 1920 W. Main. Upon reviewing the building applications, it was identified that the two parking areas associated with the building did not meet the C-2 requirement for a hard surface. According to the regulations, hard surfaces can include concrete, asphalt concrete, or asphalt double-sealed surfaces *[Also Known As Chip and Seal]*, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.

Upon discussion with Koehn Construction and Mr. Scott, it was clarified that the additional space would be utilized for storing vehicles and equipment undergoing preparation for paint in the new building. The proposed surface for this area would consist of 5-6" of compacted stone with a sturdy sub-base, ensuring that it

does not create any dust-related issues for the neighborhood.

In consideration of the zoning code, Mr. Mills is eligible to seek a waiver from the Commission per Section 701.0 if "*the City Commission deems it in the public interest to waive or modify this requirement.*" The applicant could also request the Planning Commission rezone the property industrial, or they could request a variance from the Board of Zoning Appeals if the Commission does not wish to consider this request. However, all the surrounding property is either commercial or residential. Because the Off-Street Parking and Loading Regulations are in the zoning code, it is odd that the Commission has the authority to waive these requirements rather than referring it through the normal variance process with a hearing before the Board of Zoning Appeals. This is another area that should be reviewed when the zoning regulations are updated, as it is inconsistent with how requests to vary from the zoning code are handled in the remainder of the zoning regulations.

Mr. Mills states the reason for their request is due to the substantial cost associated with meeting the surface material requirement coupled with the investment in the new building. Therefore, Mr. Mills is requesting the Commission waive this requirement. Mr. Mills' request is attached.

It should be noted that when the off-street parking regulations were modified last year, the modifications that allowed gravel were specifically for parking areas in industrial zones or off alleys in residential areas. There is already an exemption to the surface material requirement for parking of vehicles under one ownership that applies to all zones; however, it is unknown to current staff why this exemption was initially allowed. However, the vehicles that will be parked in these parking areas are not under one ownership, so this exemption does not apply. If the Commission wishes to grant this request, this would be the first time staff recalls that this waiver was granted for a parking lot in a commercial zone. It should also be noted that if the plan is to park wrecked or damaged vehicles, some screening should be required to obstruct them from public view or from the adjoining neighborhood.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission approved the request to waive the surface material in the Off-Street Parking and Loading Regulations with the condition that the off-street parking surface be maintained with an all-weather, dustless material that is contained in such a manner as to not allow surface material to wash off during heavy rains, that the area must be contained at the rear of the building, and the area be screened from public view or from the view of the adjoining neighborhood.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Consider approving award of the contract for renovation of the parking lot north of City Hall to Heck & Wicker, Inc.

The City has completed 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.

The Commission selected a large, plain footprint replacement of the lot. Bids were received on January 18th, 2024 from two firms and a bid tabulation is attached. The low bid was \$593,351.20, by Heck & Wicker, Inc., versus the second bid of \$621,588.25 by Muller Construction, Inc. The engineer's estimate was \$550,000.

The total incremental cost of this decision would include the construction engineering and inspection, which has previously been contracted to TranSystems, Inc at a maximum fee of \$68,000. This \$68,000 is not included in the bid amount, but is an expense that would not be incurred if the parking lot were not renovated.

It is anticipated that construction will take place in the second or early third quarter of 2024.

Motion:

On the motion of Scott Smith, seconded by Tim Emert, the Commission authorized award of the renovation of the parking lot north of City Hall to Heck & Wicker, Inc. for the unit price bid of \$593,351.20.

Aye: Tim Emert, Scott Smith

Nay: Dean Hayse

- C. Consider initiating a text amendment relating to "Restaurants, drive-in" in the C-3 Central Business District.

The Zoning Code defines "*Drive-in establishment*" as follows: "*Any restaurant, financial institution or product-vending enterprise where the patron does not enter and remain within a building during the transaction of his [their] business. Food vending establishments, where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.*"

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In addition, "Restaurants, drive-in" is defined as: "An establishment whose primary purpose is the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria."

We have had a request for a drive-through and possibly a walk-up counter beverage business in the C-3 district. Customers would not enter the building. Since "refreshments or beverages" are included in the definition of "Restaurants, drive-in", we have used that definition to review this proposed use.

The Permitted and Conditional Use table provides the following for "Restaurants, drive-in":

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
Restaurants	SR10								C	P	P	P	P
Restaurants, drive-in	SR10									P		P	

"Restaurants, drive-in" are currently not permitted in the C-3, Central Business District.

It should also be noted that because this proposed project is located in the Downtown Historic District it will also require a Certificate of Appropriateness from the Independence Historic Preservation and Resource Commission before a building permit can be issued.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission initiated a public hearing before the Planning Commission to consider modifying the permitted and conditional use table to allow "Restaurants, drive-in" as a conditional use in the C-3 District.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

D. Consider termination of the Stage 2 Water Warning.

The City declared a Stage 2 Water Warning on September 28, 2023 when the water level at Elk City Reservoir dropped to below its normal level by over 5.0 feet in accordance with our Municipal Water Conservation Plan, as approved by the Division of Water Resources.

The level in Elk City is now above the level where a Stage 2 Water Warning is required. As such it is recommended that we terminate the Stage 2 Water Warning at this time. The State Water Office was contacted, and they concurred

that this is prudent, since there is more than adequate natural flow in the Verdigris to support anticipated City water use without restriction.

The Stage 1 Water Watch would remain in effect, which requests that the public make efficient use of water.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission approved Resolution 2024-004, terminating the Stage 2 Water Warning.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- E. Consider the execution of a document releasing the right of first refusal on Lot #10 in the West Laurel Industrial Park.

Last September the City sold a 2.2 acre Lot in the West Laurel Industrial Park to Phillip Fienen and Wendy Fienen, husband and wife, also known as "BUYER." Since then the BUYER has determined that they no longer need the property and has located another buyer. The original agreement included a right of first refusal. In order for the sale of the property to go through to the next buyer, the City needs to execute a document releasing the first right of refusal. The City Attorney will be preparing the document for the Mayor's signature.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission authorized the execution of a document releasing the right of first refusal on Lot #10 in the West Laurel Industrial Park.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

VI. REPORTS

- A. CRS 2023 Year End Report

Assistant City Manager Cowan presented the report.

- B. January Public Works Projects Report

City Engineer Garris presented the report.

Minutes of the City Commission's January 25, 2024 Meeting

VII. CITY MANAGER'S COMMENTS

Chief Harrison reported on the police force.

City Manager Passauer reported on upcoming meetings.

VIII. COMMISSIONERS' COMMENTS

None

IX. PUBLIC CONCERNS

X. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel.

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission recessed for an executive session for discussion of an employee performance pursuant to the non-elected personnel exception, KSA 75-4319(b)(1). The open meeting will resume at 6:20 pm.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:20 pm with no action taken.

XI. ADJOURNMENT

Motion:

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

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Minutes of the City Commission's January 25, 2024 Meeting

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's February 8, 2024 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Tim Emert and Commissioner Dean Hayse

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; April Nutt, Director of Housing Authority; Jerry Harrison, Chief of Police and Lacey Lies, Director of Finance.

Visitors Present: Larry McHugh and Breanne Sanford.

A. Call to Order

Mayor Emert 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

Nay: None

II. APPOINTMENTS

A. Reappoint three members to the Economic Development Advisory Board.

Three members' terms of the Economic Development Advisory Board have expired and are eligible for reappointment.

Minutes of the City Commission's February 8, 2024 Meeting

ECONOMIC DEVELOPMENT ADVISORY BOARD (3 year terms – 7 members)			
Members	Term	Expires	Appointed
Keith Stone CPA	Unexpired	January 1, 2025	January 26, 2023 Replaced Paul Yaroslaski
Chuck Goad, Chair	1st term*	January 1, 2025	October 10, 2019
Wayne Stephany, Vice Chair	1st term*	January 1, 2025	October 10, 2019
Rod Zinn	1st term	January 1, 2025	January 13, 2022 Replaced Brian Hight
Lori Kelley	1st term*	January 1, 2024	October 10, 2019
Jason Curtis, Secretary	1st term*	January 1, 2024	October 10, 2019
Jim Kelly	Unexpired	January 1, 2024	June 23, 2022
Ex-Officio:			
Lisa Wilson, Director Independence Chamber of Commerce		Melissa Johnson, Director Montgomery County Action Council	
Tabatha Snodgrass, Director Independence Main Street		April Nutt, Director Housing Authority	
Meeting Place: Memorial Hall Meeting Date: First Tuesday Meeting Time: 3:30 PM			

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission reappointed Lori Kelley, Jason Curtis and Jim Kelly to the Economic Development Advisory Board.

Aye: Tim Emert, Dean Hayse

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

Nay: None

- A. Consider authorizing contract term changes and additional work scope with Professional Engineering Consultants, P.A. (PEC).

PEC has been working through the engineering design and KDHE approval associated with Water Treatment Plant Master Plan items. PEC has requested Supplemental Agreement No. 7 for additional work and KDHE-

required contract modifications.

The additional fee in the supplemental covers the updates to the Preliminary Engineering Report, Anti-Degradation Study, and Waste Stream Summary Report (WSSR) documents required by KDHE after the change in design to the project. These documents must be updated to reflect the dechlorination system design as where we ended up was different than where we were when these documents were originally prepared. The fee also covers filing of the discharge permit application for the changes required by KDHE, and the additional survey needed for the area not included in the previous survey.

The KDHE required contract modifications are due to the project being funded by a KDHE loan.

Suggested Motion:

I move to authorize execution of Supplemental Agreement No. 7 with Professional Engineering Consultants, P.A., in the amount of \$6,400.00.

- B. Consider authorizing street closures for the annual Run4Fun 5K in Riverside Park on May 4, 2024.

The Run4Fun 5K is an annual event that takes place in Riverside Park. Run4Fun is a non-profit organization whose goal is to promote a healthy lifestyle. The event is specifically intended for children ages K-6th. This will be the second year of the event, which was well attended last year. The event requires that streets along the race route be closed to traffic from 7:00 a.m. to 11:30 a.m. The date of the event is May 4, 2024.

Suggested Motion:

I move to authorize the request for street closures in Riverside Park on May 4th from 7:00 a.m. to 11:30 a.m. for the annual Run4Fun 5K.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider adopting an ordinance amending the length of terms on the Tree Board.

The Tree Board is the only City Board with two-year terms. The other boards have three- and four-year terms. The two-year terms cause members to term out with two full terms after serving only four years. Many times, current applicants want to serve additional terms, and because we do not have enough new applicants, they end up being reappointed beyond the recommended two terms. City staff recommends modifying the term length

Minutes of the City Commission's February 8, 2024 Meeting

for members of the Tree Board from two years to four years. The new term length will start as the current two-year terms expire.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted an ordinance increasing the length of terms on the Tree Board from two years to four years.

Aye: Tim Emert, Dean Hayse

Nay: None

B. Consider termination of the Stage 1 Water Watch.

The City declared a Stage 1 Water Watch on August 1, 2023 when the water level at Elk City Reservoir dropped to below its normal level by over 3.0 feet in accordance with our Municipal Water Conservation Plan, as approved by the Division of Water Resources.

The level in Elk City is now above the level where a Stage 1 Water Watch is required. As such it is recommended that we terminate the Stage 1 Water Watch at this time.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved Resolution 2024-005, terminating the Stage 1 Water Watch.

Aye: Tim Emert, Dean Hayse

Nay: None

V. REPORTS

A. City Board Minutes

1. January 17, 2024 City Recreation Board Minutes

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reviewed the upcoming meeting dates.

VII. COMMISSIONERS' COMMENTS

None

Minutes of the City Commission's February 8, 2024 Meeting

VIII. PUBLIC CONCERNS

None

IX. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of possible acquisition of real estate pursuant to the preliminary discussion on acquisition of real estate exception, KSA 75-4319(b)(6). The open meeting will resume at 5:45 p.m.

Aye: Tim Emert, Dean Hayse

Nay: None

The open meeting resumed at 5:45 p.m. with no action taken.

X. ADJOURNMENT

Motion:

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

Aye: Tim Emert, Dean Hayse

Nay: None

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Minutes of the City Commission's February 8, 2024 Meeting

Attest:

City Clerk/Treasurer

Minutes of the City Commission's February 21, 2024 Meeting

I. SPECIAL SESSION

Commissioners Present: Mayor Tim Emert, Vice-Mayor Scott Smith, Commissioner Dean Hayse

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

Visitors Present: Chuck Goad and Fred Meier

A. Call to Order

Mayor Emert called the meeting to order.

III. EXECUTIVE SESSION

Motion:

On the motion of Tim Emert, seconded by Scott Smith the Commission moved the executive session to the first item on the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of possible acquisition of real estate pursuant to the preliminary discussion on acquisition of real estate exception, KSA 75-4319(b)(6). The open meeting will resume at 9:10 a.m.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 9:10 a.m. with no action taken.

II. ITEMS FOR DISCUSSION

Minutes of the City Commission's February 21, 2024 Meeting

A. Discuss 2024-2025 Acton Plan of Commission Goals.

The Commission discussed their goals for the 2024-2025 years.

IV. ADJOURNMENT

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's February 22, 2024 Meeting

I. REGULAR SESSION

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

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; Scott Patton, Park and Zoo Director and Lacey Lies, Director of Finance

Visitors Present: Larry McHugh and Brea Sanford

A. Call to Order

Mayor Emert 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 Scott Smith, the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

A. Consider approving Change Order 3 for Chestnut Mill and Overlay Project to Bettis Asphalt and Construction, Inc.

This Change Order is to finalize the cost of the project based on the units actually used. This quantity adds a net \$5,411.00 to the final contract, or an increase of 2.1% of the initial amount.

Suggested Motion:

I move to approve Change Order number 3 in the amount of \$5,411.00 for the Chestnut Mill and Overlay Project to Bettis Asphalt and Construction, Inc.

III. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 919 E. Birch Street as dangerous and unsafe.

The City Building and Code Enforcement Office received complaints from the neighbors regarding the condition of two houses on East Birch Street, and the City notified the owner in November that we were starting condemnation proceedings on the structure. The structure has had no utilities since March 2019. The City staff notified the owner, and the last communication we received was about attempting to sell the property. The City Staff recommends condemnation as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 919 E. Birch as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Public Hearing to consider condemnation of 1005 E. Birch Street as dangerous and unsafe.

The neighbors contacted the City of Independence Building and Code Department regarding the condition and illegal activity occurring at 1005 E. Birch Street. The City staff met with the neighbors and inspected the property. We found that transient people were occupying the property, which was in disrepair. The City has sent notifications to the property owner but has not had any response regarding the property. The property last had utility service in March 2020. The City Staff recommendation is condemnation as dangerous and unsafe.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted a resolution condemning 1005 E. Birch St. as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Minutes of the City Commission's February 22, 2024 Meeting

Nay: None

IV. ITEMS FOR COMMISSION ACTION

- A. Consider authorizing contracting for cemetery software as budgeted.

Over the years, cemetery records have been maintained using several different methods. A combination of written records, cross-referenced with records kept using Microsoft Excel in addition to legacy software that is no longer supported has created a situation that is very time-consuming and difficult for staff to follow. It was determined that new cemetery management software is required to manage records and serve the public efficiently. CemSites is a cemetery management software system that will allow staff to keep records in a single centralized database accessible everywhere rather than in multiple formats and only accessible in the Cemetery Office. This will modernize and streamline the record-keeping process. With this purchase, another service is integrating all existing cemetery records into the new database.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized a contract pending City Attorney approval with Site Industries for purchase and implementation of the CemSites cemetery management software.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

V. REPORTS

- A. City Board Minutes
- B. 2023 Year End Report

City Manager Passauer reviewed the report.

- C. Monthly Project Report

Assistant City Manager Cowan and Finance Director Lies reviewed the report.

Minutes of the City Commission's February 22, 2024 Meeting

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reviewed the upcoming holiday and meeting schedules.

VII. COMMISSIONERS' COMMENTS

None.

VIII. PUBLIC CONCERNS

None.

IX. ADJOURNMENT

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's March 14, 2024 Meeting

I. REGULAR SESSION

Commissioners Present: Vice-Mayor Scott Smith and Commissioner Dean Hayse

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; April Nutt, Director of Housing Authority; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police and John Garriss, City Engineer/Director of Public Works and Utilities

Visitors Present: Larry McHugh, Brea Sanford, Cassidy Sanford, Tony Votaw and Andrew Benugh.

A. Call to Order

Vice-Mayor Smith 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 Scott Smith, the Commission adopted the agenda.

Aye: Dean Hayse, Scott Smith

Nay: None

II. APPOINTMENTS

A. Consider appointing a replacement for Doug Rinck on the Board of Examiners - Plumbers.

Doug Rinck has served on the Plumbing Board for several years. He has recently retired, moved, and resigned from the board. Applications were received for a replacement, and only one application was received. Applicants were required to be licensed plumbers in the City.

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BOARD OF EXAMINERS - PLUMBERS (3 year terms -- 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Paul Lemon	4th term*	August 15, 2025	
Doug Rinck	8th term	August 15, 2025	
Wayne Sundquist	9th term	August 15, 2025	
Justin Wren/Atmos	Unexpired term	August 15, 2026	1/25/2024
Pat Howe	9th term	August 15, 2025	
Meeting Place: City Commission Room Meeting Date: As Needed Meeting Time: TBD			

Motion:

On the motion of Scott Smith, seconded by Dean Hayse the Commission appointed Darrin Wood to an unexpired term on the Board of Examiners - Plumbers ending on August 15, 2025.

Aye: Dean Hayse, Scott Smith

Nay: None

III. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted the consent agenda.

Aye: Dean Hayse, Scott Smith

Nay: None

- A. Consider waiving the ordinance prohibiting food trucks in the Park on April 13, 2024 for the Annual Park Opening.

Park staff is working on the Park Opening sponsored by FORPAZ on April 13, 2024, and would like to allow Food Trucks in the Park during the opening. 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 13, 2024 for the FORPAZ Park Opening event.

Suggested Motion:

I move to waive the Ordinance prohibiting food trucks in the Park on April 13, 2024 for the FORPAZ Park Opening.

- B. Consider initiating a public hearing before the Planning Commission to consider a text amendment to Appendix B - Zoning regarding dwellings.

City staff has been approached by a property owner that owns a house in the C-2 zone which adjoins the highway. They would like to demolish the house and rebuild another house at this location. The zoning code does not allow single-family detached dwellings in a C-2 zone, so the current house is a non-conforming use. The property owner would like to start constructing this new house as soon as possible. With the need for additional housing being so great, City staff has prepared the following options, all of which would need to be first considered by the Planning Commission:

1. Rezone one lot adjoining the highway in the middle of a block that is bordered by C-2, commercial services to R-2, single-family. This would be a spot rezoning, and it is unknown if it will be approved, although across the alley there are R-2 zoned properties. Typically, a street or alley serves as a buffer between zones. The owner has completed an application for this option.
2. Consider a text amendment to allow single-family detached dwellings in a C-2 district with a conditional use permit, which could be considered at the same meeting as the rezoning. If this option is taken, the use limitations for the C-2 district would also have to be amended, as currently they state: "No structure shall be used for residential purposes except by the owner, owner's agent or the operator of the business located on the premises, except that accommodations may be offered to the transient public by motels and hotels." If the text amendment is approved, the owner would need to apply for a conditional use permit which could be heard the following month.
3. Consider a text amendment to allow single-family detached dwellings in a C-1 or O/P zone as a conditional use, which might be more appropriate for this area than R-2, which could also be considered at the same meeting as the rezoning. If the text amendment is approved, the owner would need to apply for rezoning with a conditional use permit which could be heard the following month. This would also be a spot rezoning.

Minutes of the City Commission's March 14, 2024 Meeting

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
Dwelling, elderly	1100				P	P					C		
Dwelling, in nonresidential structure	1190							C	C		C		
Dwelling, mobile home not on permanent foundation	1151					C	C						
Dwelling, mobile home on permanent foundation	1152					C	C						
Dwelling, multifamily	1130			P		P	P	P			C		
Dwelling, single-family attached	1113				P	P	P	P			C		
Dwelling, single-family detached	1111	C	P	P	P	P	P				C		
Dwelling, two-family	1120				P	P	P				C		

Initiating the text amendment would allow the Planning Commission to consider all the options above at the same meeting.

Suggested Motion:

I move to initiate a Public Hearing before the Planning Commission regarding dwellings.

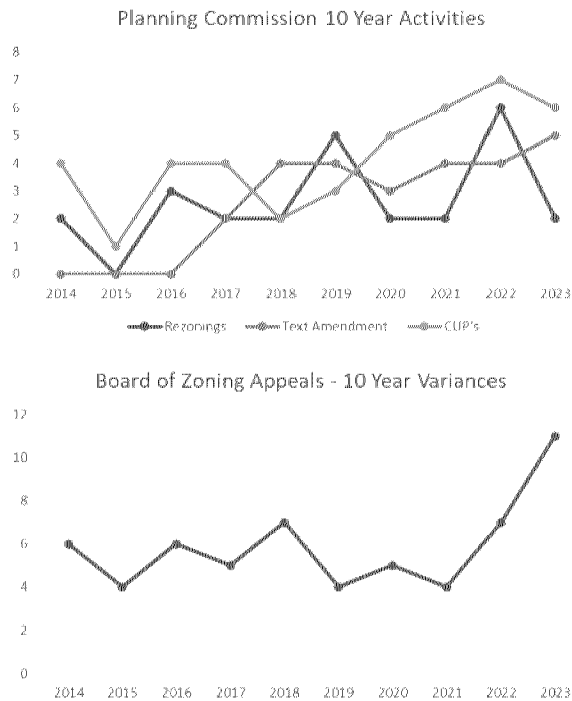
IV. ITEMS FOR COMMISSION ACTION

A. Consider contracting with Confluence, Inc. to update the zoning regulations.

Confluence, Inc. is preparing a new Community Development/Comprehensive Plan. This important document provides a guide to the future development and growth of the City. The last update was in 1982. For the new Community Development/Comprehensive Plan to be effective, our zoning regulations must align with the new plan, which is scheduled to be completed by July 1, 2024.

While several text amendments have been made to the zoning regulations over the years (Example: 26 in the last ten years), these are generally dealt with as an issue arises. In addition, the fact that 59 variances have been requested in the last ten years is another indication that the zoning code needs a thorough review. City Staff is unaware of a detailed review of the entire zoning code in the past 30 years.

Minutes of the City Commission's March 14, 2024 Meeting



In addition, zoning regulation updates need to be reviewed to ensure compliance with current State Law and incorporate modern planning practices. The City Manager has been a member of the APA (American Planning Association) for several years. Confluence, Inc. has several staff members who are not only members of the APA but are also A.I.C.P. (American Institute of Certified Planners) certified. The mission of the APA is to create great communities for all. APA provides resources regarding modern planning practices, which include effectively managing change by anticipating and adapting to the needs of a changing world. This also includes practicing deregulation where practical to encourage future development, such as enabling the expansion of housing choices. The specifications in the contract also include that a special emphasis will be placed on pinpointing barriers to new housing and adjusting regulations to facilitate increased housing development, which was a recommendation from the 2023 Tanner Citizen Satisfaction Survey included in the Commission's 2024 goals.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission authorized the Mayor to sign a contract with Confluence, Inc. to update the zoning regulations.

Aye: Dean Hayse, Scott Smith

Nay: None

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- B. Consider awarding a bid from TLC Groundskeeping, Inc. for the grassing package for the Central Park Sports Complex project.

On February 13, 2024, the City received bids for the Grassing Package for the Central Park Sports Complex. This package was prepared for various types of sod, sprigging or plugging, or seeding of areas within the complex, as well as fine grading, fertilizing, and grow-in requirements of the areas below:

- **4-Plex Ball Fields**
- **Soccer Pitch**
- **Multi-Use Field**
- **Sinclair West Ball Field**
- **Sinclair East Ball Field**
- **General Park Areas**

Two bids were received with the low base bid of \$596,170.10 bid from TLC Groundskeeping, LLC. The team then negotiated with TLC for value engineering revisions to reach a total base bid of \$374,702.14.

The final scope reached with VE reductions is summarized below:

- **4-Plex Ball Fields - Bermuda sodding & grow-in and maintenance until May 31, 2024**
- **Soccer Pitch - Bermuda plugging & grow-in and maintenance until July 31, 2024**
- **Multi-Use Field - Bermuda plugging & grow-in and maintenance until July 31, 2024**
- **Sinclair West Ball Field - Bermuda plugging & grow-in and maintenance until July 31, 2024**
- **Sinclair East Ball Field - cool season seeding, hydro-mulching, & grow-in and maintenance until July 31, 2024**
- **General Park Areas - cool season seeding, hydro-mulching, & grow-in and maintenance until July 31, 2024**
- **2 Water-Reels**

This represents grassing, grow-in, and maintenance services for approximately 23 acres.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith the Commission approved a contract with TLC Groundskeeping, LLC for the grassing package at the Central Park Sports Complex and for city staff to execute the contract after attorney review.

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Aye: Dean Hayse, Scott Smith

Nay: None

- C. Consider a recommendation from the Economic Development Advisory Board to increase the budget and modify the requirements for the Neighborhood Exterior Grant Program.

On January 17, 2024 the City Commission held their annual retreat to develop action plans for their 2024 goals. The biggest overall theme of the session was housing. One of the action steps was to look at modifying the Neighborhood Exterior Grant Program to assist low-income families with their 50% match through a loan (similar to what the City is already doing with the Sewer Cost Share program which consists of an agreement to repay the loan over ten years at a specified interest rate) and to prioritize primary dwellings over accessory structures.

This direction from the City Commission retreat was taken to the Economic Development Advisory Board (EDAB) February 15, 2024 and March 5, 2024 meetings. Based on their discussion, they did not recommend loans for low-income individuals, as they felt there were other organizations that could assist those individuals and they felt the program was already underfunded. They discussed garages and carports as being eligible at the same level as the main structure, as the EDAB committee felt they were an important value-added attribute of the primary dwelling. They also discussed excluding hobby or shop-type structures, and indicated they did not think those types of structures should be eligible. They voted to recommend doubling the budget for 2024 and recommended the modified language as outlined below.

- Language was clarified regarding non-apartment residential properties to make the policy consistent with what is allowed in a low-density multi-family zoning district.
- Language was added to address separate dwellings on one parcel, if they have their own 911 address and separate utilities.
- Garages, carports and Accessory Dwelling Units (ADU's) were added as eligible. However, they wanted to ensure that the A.D.U.s were occupied as active rental dwellings in compliance with City Code and not as recreation areas for a five-year compliance period.
- Additional accessory structures were excluded, such as a Playhouse; Workshop; Storage Shed; Pool House; Greenhouse; or Detached Rec Room, Den, Craft/Hobby Room, Office, or any other detached structure not specifically listed as being eligible.

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A copy of the changes are highlighted on the attached program guidelines and application.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a Resolution modifying the Neighborhood Exterior Grant Program and increasing the budget for 2024 from \$50,000 to \$100,000, as recommended by the Economic Development Advisory Board.

Aye: Dean Hayse, Scott Smith

Nay: None

D. Consider a variance request to increase the driveway width at 301 South 6th Street.

Bob Miller has submitted a request for a driveway width variance at 301 S. 6th Street. According to Sec. 94-140 (3), no driveway entrance in a residential district shall exceed 24 feet. Mr. Miller seeks a width of 26 feet to align with the size of his garage. Upon reviewing the request, the building department finds that approval of the request will not affect adjacent property owners' rights or create undue hardship for Mr. Miller or the tenant. Approving the variance enhances the aesthetics of Mr. Miller's property and the neighborhood. Therefore, City staff recommends approving the variance for Mr. Miller.



Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved a variance request increasing the driveway width to 26 feet at 301 S. 6th Street.

Aye: Dean Hayse, Scott Smith

Nay: None

E. Consider approval of demolition bids.

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The City advertised the demolition of ten houses and received five bids. The three individual low bids are shown below. Montgomery County held a Sheriff's sale of property, and Brett Hein contacted the building department this week. Mr. Hein has purchased property at 501 S. 15th and 600 S. 15th and is requesting that the City hold demolition of those properties and allow him to rehabilitate the structures. The County is still processing the deeds for the property, which should be sent to the new owner in April 2024. The City Staff recommendation is to hold the demolition for 90 days, reevaluate the condition of the houses, and determine if we need to proceed with demolition or continue with a timeline for repairing them. G&G had the low bid of \$5,500 for 501 S. 15th and JRB had the low bid of \$6,000 for 600 S. 15th, and both agreed to honor those bids until a review at the June 13, 2024, Commission meeting.

The recommendation is to award:

- MEGA with 601 S. 15th and 919 E. Birch for \$11,200.00
- G&G with 427 S. 15th, 201 S. 14th, 700 E. Edison, 408 S. 8th (House Only), 217 S. 2nd (House Only) and 1005 E. Birch for \$33,000.00

Demo Bids

MEGA		
	Individual	Combined
427 S. 15th	\$6,600.00	
501 S. 15th	\$6,600.00	
600 S. 15th	\$7,200.00	
601 S. 15th	\$6,600.00	
201 S. 14th	\$6,900.00	
700 E. Edison	\$5,900.00	
408 S. 8th	\$7,800.00	
217 S. 2nd	\$7,700.00	
919 E. Birch	\$4,600.00	
1005 E. Birch	\$8,100.00	
Total	\$68,000.00	\$66,600.00
Award	\$11,200.00	

G&G		
	Individual	Combined
427 S. 15th	\$6,500.00	
501 S. 15th	\$5,500.00	
600 S. 15th	\$7,500.00	
601 S. 15th	\$8,500.00	
201 S. 14th	\$5,500.00	
700 E. Edison	\$5,500.00	
408 S. 8th	\$4,500.00	
217 S. 2nd	\$4,500.00	
919 E. Birch	\$5,500.00	
1005 E. Birch	\$6,500.00	
Total	\$60,000.00	
Award	\$33,000.00	

JRB		
	Individual	Combined
427 S. 15th	\$8,500.00	\$8,000
501 S. 15th	\$6,500.00	\$6,000
600 S. 15th	\$6,000.00	\$6,000
601 S. 15th	\$7,000.00	\$7,000
201 S. 14th	\$6,500.00	\$6,000
700 E. Edison	\$8,500.00	\$8,000
408 S. 8th	\$9,500.00	\$9,000
217 S. 2nd	\$8,000.00	\$8,000
919 E. Birch	\$7,000.00	\$7,000
1005 E. Birch	\$8,500.00	\$8,000
Total	\$76,000.00	\$73,000
Award	\$0.00	

Yellow = low bid
 Green = Request to stop demolition
 Blue = Total

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission awarded the following bids:

- a. G & G Dozer for a total of \$33,000 for the structures located at 427 S. 15th, 201 S. 14th, 700 E. Edison, 408 S. 8th (House Only), 217 S. 2nd (House Only), and 1005

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E. Birch; and

b. MEGA for a total of \$11,200 for the structures located at 919 E. Birch and 601 S. 15th.

Aye: Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission tabled action on the demolition of 501 S. 15th and 600 S. 15th until June 13, 2024.

Aye: Dean Hayse, Scott Smith

Nay: None

- F. Consider authorizing TranSystems to prepare and submit a KDOT Cost Share Program grant application for: Sycamore, 10th to 21st.

Kansas Department of Transportation (KDOT) Cost Share applications are due on March 21, 2024.

4" mill, 2" overlay, new sidewalk ramps, addition of a 10'x5' box culvert at Sycamore.

Estimated Cost	Estimated City Match – (15%)	Non-Participating Costs	Total City Cost
\$1,086,567	\$134,485	\$190,000	\$324,485

Staff believes we should resubmit this application for state fiscal year 2025, (July 1, 2024 – June 30, 2025).

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized TranSystems to prepare an application for KDOT's Cost Share Program for Sycamore from 10th Street to 21st Street and to submit the application to KDOT.

Aye: Dean Hayse, Scott Smith

Nay: None

Minutes of the City Commission's March 14, 2024 Meeting

- G. Consider authorizing application for KDOT City Connecting Link Improvement Program (CCLIP) grants for two projects: 1) FY 2026 Geometric Improvements – Main Street, 2nd Street to City Limits and 2) FY 2027 – Pavement Restoration, 10th Street, Main to Laurel.

Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications are due in March for FY 2026 (July 1, 2025 – June 30, 2025) and FY 2027 (July 1, 2026 – June 30, 2027). If approved, the attached applications will be updated with the new fiscal year information above.

The following projects are suggested:

- 1. CCLIP Application, Geometric Improvements – Main Street, 2nd to City Limits – mill and overlay pavement, add and replace minor segments of sidewalk.**

	Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
	\$560,000	\$56,000	\$0	\$56,000

- 2. CCLIP Application, Pavement Restoration, 10th Street from Main to Laurel, full depth replacement of curb, gutter, pavement, and storm sewer.**

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$1,445,000	\$144,500	\$0	\$144,500

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved an application for KDOT's CCLIP Program for Main Street, from 2nd to City Limits, and for execution of any necessary documents required by KDOT.

Aye: Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved an application for KDOT's CCLIP Program for 10th Street from Main to Laurel, and for execution of any necessary documents required by KDOT.

Aye: Dean Hayse, Scott Smith

Nay: None

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- H. Consider authorizing an agreement with the Sports Car Club of America, Inc. (SCCA) to hold a racing event at Independence Municipal Airport on May 3-5 and July 2-5, 2024.

SCCA has requested use of the southern apron area of Independence Municipal Airport on May 3-5 and July 2-5, 2024 for the purpose of holding a racing event. These racing events differ from the Airstrip Attack in that they would not require closure of any runway and are generally not a spectator event.

It is felt that these events bring exposure to the City as well as provide a revenue opportunity for local businesses via food, shopping, and lodging sales.

These events will require FAA approval.

Textron Aviation has indicated that they find the events acceptable from a business standpoint and that they will not interrupt their planned operations.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized Sports Car Club of America, Inc. to hold the events as described, pending FAA approval, and authorize the execution of any necessary documents, pending City Attorney approval.

Aye: Dean Hayse, Scott Smith

Nay: None

- I. Consider partnering with the School District to replace a City main water line adjoining the Early Learning Center.

A portion of the City water main needs to be replaced as part of the school district's construction of the Early Learning Center. This is due to the construction of a drop off lane that will require the water main to be relocated deeper into the ground. Normally, this type of expense would be on the property owner as the relocation of the line is due to their construction. However, the school district has requested that the City partner with them on this project as we have in the past with other taxing entities when making improvements that benefit the community.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse the Commission authorized to reimburse the School District up to \$15,894.32 for the relocation of a City main water line as part of the Early Learning Center project.

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Aye: Dean Hayse, Scott Smith

Nay: None

V. REPORTS

A. City Board Minutes

1. October 2, 2023 Electrical Board Minutes

2. February 1, 2024 Historic Preservation Resource Commission Minutes

3. February 21, 2024 Public Library Board of Trustees Minutes

4. February 21, 2024 Recreation Commission Minutes

VI. CITY MANAGER'S COMMENTS

City Manager Passauer noted that City Hall will be closed on Friday March 29th for Good Friday and May 27th for Memorial Day.

The City will have a reception for Chief Harrison on March 28th and he appreciates the support the Commission has given him during his time here.

VII. COMMISSIONERS' COMMENTS

Commissioner Smith commended the contractor for their work on the cemetery wall.

VIII. PUBLIC CONCERNS

Willard Blankenship addressed the City's policies on the repair of water lines and street repairs.

IX. ADJOURNMENT

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission

Minutes of the City Commission's March 14, 2024 Meeting

adjourned the meeting.

Aye: Dean Hayse, Scott Smith

Nay: None

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's March 20, 2024 Meeting

I. SPECIAL SESSION

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

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

Visitors Present: None

A. Call to Order

Mayor Emert called the meeting to order.

II. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of an employee performance pursuant to the non-elected personnel exception, KSA 75-4319(b)(1). The open meeting will resume at 9:35 A.M.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 9:35 A.M. with no action taken.

III. ADJOURNMENT

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Minutes of the City Commission's March 20, 2024 Meeting

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's March 28, 2024 Meeting

I. REGULAR SESSION

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

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

Visitors Present: Larry McHugh, Brea Sanford, Cassidy Sanford, Charlet Pemberton, Lisa Wilson, Mike Passauer, Tabatha Snodgrass and Ned Stichman.

A. Call to Order

Mayor Emert 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 Scott Smith, the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. CONSENT AGENDA

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

A. Consider authorizing the purchase of roller shades for City Hall.

The City of Independence issued an RFP for roller shade purchase and installation in City Hall. Three responses were received, and the City selected Schammerhorn's low bid of \$25,505.12. The roller shades have a lifetime limited warranty and

Minutes of the City Commission's March 28, 2024 Meeting

Schammerhorn provides a 1-year parts and labor warranty from the date of substantial completion.

Suggested Motion:

I move to approve the purchase and installation of Roller Shades for \$25,505.12 from Schammerhorn.

- B. Consider authorizing an agreement with the Sports Car Club of America, Inc. (SCCA) to hold an event at Independence Municipal Airport on May 3-5 and July 5-7, 2024.

SCCA had an error in their previous contract. The dates of the second event have been changed in the contract to reflect the actual requested days: July 5-7, 2024. There are no other changes.

Suggested Motion:

I move to allow signature of the revised agreement with the Sports Car Club of America, Inc. to hold the events as described, pending FAA approval.

- C. Consider approving street closures for Jefferson and Eisenhower School.

The Eisenhower and Jefferson School administration contacted the City regarding a drill on April 10th and an upcoming carnival event and closing streets.

On March 27th, Eisenhower School will be conducting a crisis drill at 12:30 PM - 12:45 PM and returning at 2:00 PM. The streets they need to be closed are:

- 10th and Mulberry to Jefferson School will be one lane. The school will have cones and personnel set up on Mulberry Street directing parents.
- 13th and Mulberry - Southbound blocked
- 13th and Spruce, both directions are blocked to allow kids to walk between schools.

On April 10th, Jefferson School will be conducting a crisis drill and is asking for the following intersections to be blocked at 12:45 PM. The roads will remain blocked until the drill is completed and the kids return to school at 2:00 PM.

- 13th and Mulberry
- 13th and Spruce
- 10th and Spruce

Jefferson and Eisenhower School will have a Carnival on May 10, 2024, from 5:00 PM to 7:30 PM. They will ask families to park at Jefferson and walk down to Eisenhower School. To allow the kids and parents to walk between schools, they

are requesting 13th Street should be blocked at 13th and Mulberry, 13th and Spruce, and 13th and Landon.

Suggested Motion:

I move to allow the street closures requested by USD 446 for the crisis drills and carnival.

- D. Consider approving Change Order No. 1 on the contract for renovation of the parking lot north of City Hall to Heck & Wicker, Inc.

The City has awarded the contract for the new parking lot due north of City Hall. As presented to the Commission, there were several changes in the drawings – changing width of the stalls and addition of two ADA stalls. This changes the quantities of various unit price items, and the net change of pavement marking and other ancillary items is \$1,354.40 per the unit pricing.

Suggested Motion:

I move to authorize Change Order No. 1 for the renovation of the parking lot north of City Hall to Heck & Wicker, Inc. in the amount of \$1,354.40.

- E. Consider approving Change Order No. 1 on the contract for the Jefferson Subdivision infrastructure.

The City of Independence and the Independence Housing Authority have partnered to construct infrastructure for the new Jefferson Subdivision, a new 20 single-family unit subdivision. When the contractor connected the new water line to the existing water line main, the existing line burst and heaved the roadway across 11th Street. The change order is for the purpose to cut and cap the existing 6" water line main at 11th and Catulpa Street.

Suggested Motion:

I move to authorize Change Order No. 1 for installation of infrastructure for the Jefferson Subdivision to J. Graham Construction, Inc. for the amount of \$5,960.00.

- F. Consider authorizing a Greenbush Energy Group Participation Agreement & Hedging Authorization.

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.

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.

G. Consider approving change orders for Central Park Sports Complex.

Two PCO's (potential change orders) have been requested for the Central Park Sports Complex.

PCO-03 for \$8,265.95 will add a junction box near inlet 1-2 to intercept water and drop to flowline elevation before entering the arch brick pipe tie-in.

PCO-04 for \$1,812.58 will install risers and a new ring and lid to bring the existing sanitary sewer elevation per RFI-05 up to finish grade.

Suggested Motion:

I move to approve PCO-03 and PCO-04.

III. PUBLIC HEARINGS

A. Public Hearing to consider condemnation of 404 S. 8th Street as dangerous and unsafe.

The building department initiated the condemnation process for 404 S. 8th Street on July 13, 2023. Since then, our staff has been collaborating with Skylier Desmarais regarding timelines and the repair of the structure. Skylier managed to remove the porch and perform repairs on the roof. However, he faced challenges due to a family health situation involving his daughter, which constrained both his time and financial resources for further repairs on the structure. Consequently, Skylier has sold the property to Chris Wright, who has provided the attached timeline for the rehabilitation of the structure. City Staff recommends postponing the hearing until June 27, 2024, to allow for the completion of the rehabilitation process.

Motion:

Minutes of the City Commission's March 28, 2024 Meeting

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adjourned the public hearing to consider the condemnation of 404 S. 8th Street until June 27, 2024, at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Public Hearing to consider the condemnation of 512 N. 16th Street as dangerous and unsafe.

The City of Independence initiated condemnation proceedings for 512 N. 16th on May 11, 2023, following a structure fire at the residence, deeming it dangerous and unsafe. The previous owner, David Goforth, requested an adjournment of the hearing and submitted a timeline for repairs. Subsequently, David sold the property to Madisyn Fienen, who has since been actively working on the structure and provided her own timeline for repairs, with a focus on the interior. City Staff met with Madisyn on March 19, 2024, and conducted a thorough tour of the structure. Based on their assessment, we recommend adjourning the hearing until June 27, 2024, to allow Madisyn additional time to complete the rehabilitation of the structure.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adjourned the public hearing to consider the condemnation of 512 N. 16th Street until June 27, 2024, at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

IV. PROCLAMATIONS

- A. Consider Proclaiming April 26, 2024 as Arbor Day.

On February 25th, 2016 The City Commission approved Ordinance # 4214 creating a Tree Board to honor the city's rich history of enjoying and preserving local natural resources and to promote and protect public health, safety, and general welfare by providing for the development of a Community Forestry Plan to address the planting, maintenance, and removal of trees located on public property, or which encroach upon public property, and to enhance the natural beauty of the community.

This year the Tree Board plans on celebrating Arbor Day on Friday, April 26th,

Minutes of the City Commission's March 28, 2024 Meeting

2024. This is the first step in renewing our recertification for Tree City USA.

Motion:

On the motion of Scott Smith, seconded by Tim Emert, the Commission proclaimed April 26, 2024, as Arbor Day.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

B. Consider proclaiming April 2024 as Child Abuse Prevention Month.

We received a request from Jordan Lemos representing the Kansas Children's Service League requesting to adopt the attached proclamation declaring April 2024 as Child Abuse Prevention Month.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission proclaimed April 2024 as Child Abuse Prevention Month.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

C. Consider proclaiming April 2024 as Fair Housing Month.

During April 2024, the Independence Housing Authority joins in the national celebration in recognizing April 2024 as Fair Housing Month. During this month of celebration, the City of Independence, Kansas along with the Independence Housing Authority reaffirms its commitment to ending housing discrimination within the City limits of Independence, Kansas.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission proclaimed April 2024 as Fair Housing Month.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider the appeal of a sign request denied by the Independence Historic Preservation and Resource Commission.

The owner of Indy Vapes has submitted an appeal of the IHPRC denial of their sign permit at 223 N. Pennsylvania Ave. The background on the sign request is as follows:

The City of Independence Building Department received a complaint regarding a sign installation at Indy Vapes. Upon receiving the complaint, the City contacted Indy Vapes, who subsequently submitted the attached sign permit application and certificate of appropriateness for review by the IHPRC committee. The IHPRC reviewed the application at their meeting on January 22, 2024, and decided to table a decision pending further review by staff and SHPO. Following this, a review by SHPO provided staff with the following information: Katrina Ringler responded, advising that the IHPRC should ensure the decision is based on the Secretary of the Interior's Standards for Rehabilitation. SHPO believes that standards 2, 5, 6, and 9 are applicable in this case.

Those standards are as follows:

(2) The historical character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) Deteriorated historical features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

SHPO review of photos from 1987 shows a storefront's transom was covered with some solid/opaque material. That same material appears to be in place up to 2021, when there was a change to a new opaque material with vertical dark strips to suggest the look of a glass transom. Does this project "damage or destroy" the historic building? Likely not physically, since there does not appear to be any historic materials existing in that area. Does the sign "damage or destroy" the character of the building or district? Potentially. Please see Standard #9, exterior alterations should be compatible with the historic property. Please refer to the attached Signs and Awning pdf provided by SHPO. We (SHPO) see that it's not

uncommon for signage to be located in the transom area of a storefront when the transom glass is missing, but the signage should be compatible with the overall character of the building and the surrounding district. If the preservation commission does not think that this signage is compatible with the building/district, then they should issue a "damage or destroy" determination.

After reviewing the sign applications, city staff have determined that the proposed sign does not comply with the C-3 regulations. According to the code, signage is permitted up to either 50 square feet or 5% of the total area, whichever is smaller. The frontage of 223 N. Penn is approximately 978 square feet, thus allowing for a maximum sign size of 50 square feet. However, the requested sign exceeds this limit at 84.33 square feet. Additionally, staff believe that the proposed signage is not in harmony with the overall character of the building and the surrounding district. If the IHPRC denies the sign permit request, the owner shall be given 30 days to remove the sign or file an appeal to the City Commission for final determination of their request.

On February 26, 2024, the IHPRC met and held a meeting regarding the sign permit request. A motion was passed and approved to deny the sign application based on the determination that it damages or destroys the character of the building and district. The IHPRC noted four issues regarding their denial of the application.

1. The sign does not comply with the Historic District Sign regulations concerning size and square footage allowances.
2. The sign is incompatible with the historic building and district
3. The sign does not effectively advertise the business, with the actual business name appearing in small letters
4. Failure to obtain a sign permit and IHPRC approval before installing the sign in the Downtown Historic District. These concerns could have been addressed if the proper process had been followed prior to installation.

The owner was given until March 26, 2024 to remove the sign or file an appeal to the City Commission.

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission denied the sign application based on the IHPRC's determination that it damages or destroys the building's and district's character.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

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- B. Consider a recommendation from the Planning Commission to adopt an ordinance for a text amendment relating to "Restaurants, drive-through" in the C-3 Central Business District.

On March 5, 2024 the Planning Commission held a public hearing regarding this item and took the following action:

Based on the statements included in the staff recommendation, I move to recommend the City Commission modify the permitted and conditional use table to add "Restaurants, drive-through" as a conditional use in the C-3 district and a permitted use in the C-2 and C-4 districts, and to add a definition of "Restaurants, drive-through" as *"An establishment whose primary purpose is the sale, dispensing or serving of food, refreshments, ice, or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not include offering or selling food or beverages for consumption on the premises in parked motor vehicles."*

The additional background is included in the attached staff report that was provided to the Planning Commission.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted an ordinance for a text amendment as recommended by the Planning Commission.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Consider a recommendation from the Planning Commission to adopt an ordinance rezoning 408 S. 8th from R-3 to R-5, and adopting a resolution for a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d."

On March 5, 2024 the Planning Commission held public hearings to consider rezoning 408 S. 8th from R-3 to R-5, and a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d." The Planning Commission recommended approval of the rezoning of 408 S. 8th Street from R-3 to R-5 with a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d. with the following additional provisions:

- a. Must be located on an adjacent lot to the principal building or principal use served, excluding public rights- of-way.

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- b. Must be located in the same zone as required for the principal building or principal use it serves.
- c. Must be under the same ownership as the principal building or principal use served.
- d. Must be located at the rear of the adjacent lot if there is access thereto.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted an ordinance rezoning 408 S. 8th from R-3 to R-5, and adopting a resolution for a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d."

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

D. Consider adopting the preliminary and final plats for Jefferson Subdivision.

On March 5, 2024 the Planning Commission reviewed the preliminary and final plats for Jefferson Subdivision. The Planning Commission recommended approval of both the preliminary and final plat in separate motions. It was noted by two of the Planning Commissioners, one at the meeting and one after the meeting, that their vote was contingent on a sidewalk being provided from both the Pearl Avenue and Catalpa Street cul-de-sacs on 11th Street south to the walking path in the Eisenhower Subdivision which leads to Spruce Street. This is being provided and is shown on page 9 of the attachment "Jefferson Subdivision Plans." It should be noted a sidewalk is not included from the cul-de-sac on Pearl Avenue north to Mulberry Street.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted the preliminary plat for Jefferson Subdivision.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted the final plat for Jefferson Subdivision.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Minutes of the City Commission's March 28, 2024 Meeting

E. Consider approval of demolition bids.

The City of Independence awarded demolition bids on March 14, 2024, to the lowest bid per property and tabled action on two others when they approved the following motions:

1. I move to award the following bids:
 - a. G & G Dozer for a total of \$33,000 for the structures located at 427 S. 15th, 201 S. 14th, 700 E. Edison, 408 S. 8th (House Only), 217 S. 2nd (House Only), and 1005 E. Birch; and
 - b. MEGA for a total of \$11,200 for the structures located at 919 E. Birch and 601 S. 15th.
2. I move to table action on the demolition of 501 S. 15th and 600 S. 15th until June 13, 2024.

The City notified the bidders on Friday, March 15, 2024, of the houses awarded to them with a notice to proceed on April 1, 2024. On Friday afternoon, Assistant City Manager David Cowan received a call from G&G Dozer, Gary Gorby, and he indicated he submitted a combined bid of \$60,000.00 and would either do all of them or none. David informed Gary that he had submitted his bid in the "Individual Column" and that the bids had been given to the lowest bidder per property. He indicated that was not his intention and that he either received them all or would withdraw his bid, stating; "I gave you the cost, so you could bill the houses". City Staff reviewed the bid sheet again and confirmed G & G's bids were submitted in the individual column, and were properly awarded to the low bidder. It should be noted that the bid sheet also indicates; "If a bidder improperly withdraws a bid or refuses to honor a bid that has been awarded by the City, the bidder shall not be eligible to bid on any City projects for a period of one (1) year thereafter."

Staff recommends awarding the bids to the next lowest bidder.

- MEGA with 427 S. 15th, 700 E. Edison, 408 S. 8th, 217 S. 2nd & 1005 E. Birch
- JRB with 201 S. 14th

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Demo Bids

MEGA			G&G			JRB			Fast Track Services		Sound Ground
	Individual	Combined		Individual	Combined		Individual	Combined			
427 S. 15th	\$6,600.00		427 S. 15th	\$6,600.00		427 S. 15th	\$8,500.00	\$8,000.00	\$15,950.00		\$23,000.00
501 S. 15th	\$6,600.00		501 S. 15th	\$6,600.00		501 S. 15th	\$6,500.00	\$6,000.00	\$15,550.00		\$23,000.00
600 S. 15th	\$7,200.00		600 S. 15th	\$7,200.00		600 S. 15th	\$6,000.00	\$6,000.00	\$14,050.00		\$23,000.00
601 S. 15th	\$6,600.00		601 S. 15th	\$6,600.00		601 S. 15th	\$7,000.00	\$7,000.00	\$18,750.00		\$23,000.00
201 S. 14th	\$6,900.00		201 S. 14th	\$6,900.00		201 S. 14th	\$6,500.00	\$6,000.00	\$16,250.00		\$23,000.00
700 E. Edison	\$5,900.00		700 E. Edison	\$5,900.00		700 E. Edison	\$8,500.00	\$8,000.00	\$16,650.00		\$23,000.00
408 S. 8th	\$7,800.00		408 S. 8th	\$7,800.00		408 S. 8th	\$9,500.00	\$9,000.00	\$15,470.00		\$23,000.00
217 S. 2nd	\$7,700.00		217 S. 2nd	\$7,700.00		217 S. 2nd	\$8,000.00	\$8,000.00	\$11,550.00		\$23,000.00
919 E. Birch	\$4,600.00		919 E. Birch	\$4,600.00		919 E. Birch	\$7,000.00	\$7,000.00	No Bid		\$23,000.00
1005 E. Birch	\$8,100.00		1005 E. Birch	\$8,100.00		1005 E. Birch	\$8,500.00	\$8,000.00	No Bid		\$23,000.00
Total Low Bid	\$47,300.00	\$66,600.00	Total	\$50,400.00		Total Low Bid	\$0.00	\$73,000.00	\$124,220.00		\$230,000.00
Previous Comm Action	\$11,200.00		Award	\$0.00		Previous Comm Action	\$0.00				
Additional Comm Action	\$36,100.00					Additional Comm Action	\$6,500.00				

Green = Totals
 Blue = Current Low Bid
 Orange = Request to Hold Demo 90 days
 Yellow = Previous Commission Action

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission awarded MEGA the demolition bid for 427 S. 15th, 700 E. Edison, 408 S. 8th, 217 S. 2nd, & 1005 E. Birch in the amount of \$36,100.00, and to award JRB the demolition bid for 201 S. 14th in the amount of \$6,500.00.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- F. Request to amend City Code Section 102-7 (Ordinance No. 4024) an ordinance authorizing operation of golf carts, micro-utility trucks, and work-site utility vehicles.

On 12-11-2008, the City Commission approved Ordinance No. 4024, permitting operation of micro-utility trucks on city streets. Due to citizen requests police department staff are requesting the City Commission repeal 102-7 (Ord. No. 4024) and replace it with an ordinance allowing the operation of golf carts, micro-utility trucks, and work-site utility vehicles on city streets. This ordinance follows state statutes KSA 8-15,106 (Micro Utility trucks); 8-15,108 (golf carts); and 8-15,109 (work-site utility vehicle) by restricting these vehicles from being operated on state and federal highways within the city except to cross state and federal highways.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission amended City Code Section 102-7 (Ordinance 4024) as written to allow operation of golf carts, micro-utility trucks, and work-site utility vehicles on city streets.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Minutes of the City Commission's March 28, 2024 Meeting

VI. REPORTS

A. State of Independence Housing

This item was tabled until April 11, 2024.

B. Projects and Public Works Report

Engineer Garris reviewed the report.

C. Benchmarking the Lexipol Risk and Operational Effectiveness Audit

Chief Harrison reviewed the report.

D. City Board Minutes

1. January 11, 2024 Land Bank Minutes

2. March 20, 2024 Recreation Commission Minutes

3. January 16, 2024 Housing Authority Minutes

VII. CITY MANAGER'S COMMENTS

City Manager Passauer thanked Chief of Police Harrison for his service and noted that a public forum on the City's new comprehensive plan will be on April 9th.

VIII. COMMISSIONERS' COMMENTS

None.

IX. PUBLIC CONCERNS

None.

X. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse the Commission recessed for an executive session to discuss the possible acquisition of real estate pursuant to the preliminary discussion on the acquisition of real estate exception, KSA 75-4319(b)(6). The open meeting will resume at 6:40 p.m.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:40 p.m.

XI. POSSIBLE ACTION AFTER EXECUTIVE SESSION

A. Consider authorizing the acquisition of property pending City Attorney approval.

City staff has been working on a potential project for the purpose of economic development including but not limited to improving infrastructure around certain schools relating to stormwater runoff and the improvement and/or extension of streets; flash flood control to protect downstream residences and businesses; and future housing development. With the assistance of citizens involved with economic development, the purchase of property for this project has been negotiated. If, after an executive session, the Commission wishes to authorize the purchase, additional details will be provided.

authorized the acquisition of the following properties utilizing Economic Development Funds pending City Attorney approval for the purpose of future economic development including improving infrastructure around certain schools, flash flood control, and/or housing development:

1. One parcel totaling approximately 64 acres from Janie L. Hunt in the amount of \$300,000. This property is generally located west of Jefferson School and east of 21st Street.
2. Three parcels totaling approximately 62 acres from William Jack and Lori A. Martin, including two houses and outbuildings in the amount of \$754,000. This property is located generally east of Standard Motor Products and north of West Oak Street.

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission authorized the acquisition of the following properties utilizing Economic Development Funds pending City Attorney approval for the purpose of future economic development

Minutes of the City Commission's March 28, 2024 Meeting

including improving infrastructure around certain schools, flash flood control, and/or housing development:

One parcel totaling approximately 64 acres from Janie L. Hunt in the amount of \$300,000. This property is generally located west of Jefferson School and east of 21st Street.

Three parcels totaling approximately 62 acres from William Jack and Lori A. Martin, including two houses and outbuildings in the amount of \$754,000. This property is located generally east of Standard Motor Products and north of West Oak Street.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

XII. ADJOURNMENT

Motion:

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

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Attest:

City Clerk/Treasurer



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 25, 2024

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider closing Maple Street in front of the Library.

SUMMARY RECOMMENDATION City Staff recommends approval of the closure.

BACKGROUND John Long, Library Director, is requesting permission to close Maple Street in front of the Library from 4th Street to the midblock alley. The closure is for the kick-off of the summer reading program. The closure would be on May 31, 2024, from 4-8 pm.

FINANCIAL INFORMATION N/a

SUGGESTED MOTION I move to approve the closure of Maple Street in front of the Library on May 31st from 4-8 pm.

SUPPORTING DOCUMENTS

1. Re_ Street Closure for Summer Reading Kickoff

From: [David Cowan](#)
To: [John Long](#); [Kelly Passauer](#); [David Cowan](#)
Subject: Re: Street Closure for Summer Reading Kickoff
Date: Wednesday, April 10, 2024 5:29:01 PM

Yes, we can do that.

Thx,
David

Sent from my U.S.Cellular© Smartphone
Get [Outlook for Android](#)

From: John Long <john@iplks.org>
Sent: Wednesday, April 10, 2024 10:04:20 AM
To: Kelly Passauer <kellyp@independences.gov>; David Cowan <davidc@independences.gov>
Subject: Street Closure for Summer Reading Kickoff

Hi Kelly and David,

Not sure if you guys are the right people to ask but we would like to shut down the streets by the library for our summer reading kick off.

It would be May 31st and we would like to shut down the streets from the alley on 5th street next to the library to the alley on maple in front of the library. We would like to have it shut down from 4-8pm on the 31st.

Thank you for your help,

John



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 25, 2024

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider approving Central Park Sports Complex Change Order.

SUMMARY RECOMMENDATION Approve change order #5.

BACKGROUND Change order #5 includes concrete changes for three locations throughout the project area; the playground, curb, and donor plaza.

Per Section 6.2 of the procurement policy, in emergency situations, to prevent a lengthy delay in the project, safety concerns, and the protection of City assets and resources, the City Manager, with notification to the Governing Body, can authorize a change order in an amount not to exceed \$25,000, but not in excess of the overall project budget, whichever is less. The current project budget is \$6,617,750. With a complex opening date of June 1, changes and purchases from the project's budgeted contingencies must be made quickly to ensure the project stays on time. Therefore, we anticipate we may have change orders that will need to be approved prior to the next scheduled Commission meeting. The procurement policy states that after authorizing the change order, the change order will be submitted to the Governing Body for ratification. Therefore, we will submit any change orders approved per this section for such ratification on the next agenda.

FINANCIAL INFORMATION This change order is for \$7,727.50, which will be deducted from the owner's contingency and paid for with budgeted CPSC project funds. These funds are sourced from a combination of bond dollars, private donations, and grant funds.

SUGGESTED MOTION I move to authorize Change Order #5 for the Central Park Sports Complex project.

SUPPORTING DOCUMENTS

1. PCO-05 Misc. Concrete Changes

Central Park Sports Complex - 23KS30DRFD

23KS30DRFD

901 N. Park Boulevard
Independence, KS 67301

Date: 4/9/2024

Number: PCO-05

Subject: Misc. Concrete Changes

Source of Funding: Internal Move

Description

Misc. Concrete Changes/Additions

1. Playground Pipe Add. \$743
2. Curb Elevation Change. \$861
3. Donor Plaza. \$5,421

Days Requested: 0

Change Total: \$0.00

Item Number	Description	Amount
01	Playground Pipe Add	\$743.00
02	Gutter and Curb Change	\$861.00
03	Donor Plaza	\$5,421.00
04	10% Profit and Overhead	\$702.50
05	Owner Contingency Deduct	\$(7,727.50)

Approved By:

By _____

Signature _____

Date _____



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 25, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider an agreement with Montgomery County for the use of Pictometry.

SUMMARY RECOMMENDATION Approve the agreement.

BACKGROUND In 2020, the City Commission authorized a six-year agreement between the City and the County regarding the City's share of payment for aerial imagery and software. Although this agreement was scheduled to run through 2026 at an annual cost to the City of \$3,561.17, we have been advised that the County's cost has increased, and they are requiring all users of the software to pay \$5,000 per year effective January 1, 2025.

The City Attorney has prepared an amendment to the agreement that renews each year rather than running for a specific period of time. Either party may terminate the agreement with 90 days notice before the end of an existing term.

FINANCIAL INFORMATION The \$5,000 annual payment will be paid from the City's operating budget.

SUGGESTED MOTION I move to authorize the Mayor to sign an agreement with Montgomery County for the use of Pictometry software and aerial images.

SUPPORTING DOCUMENTS

1. 2024.4.11 3rd Pictometry Renewal
2. 2020 PICTOMETRY AGREEMENT - FULLY EXECUTED

THIRD PICTOMETRY RENEWAL AGREEMENT

This Agreement is entered into by and between the **Board of County Commissioners of Montgomery County, Kansas**, hereafter County, and the **City of Independence, Kansas**, hereafter City.

Whereas, beginning January 1, 2016, and each year thereafter, the parties have had a contractual relationship to provide for and pay the cost of aerial imagery for the benefit of both parties.

And Whereas, the parties are currently subject to a Second Pictometry Renewal Agreement which became effect January 1, 2021 and extended to December 31, 2026.

And Whereas, County has entered into a new agreement with EagleView for the providing of imagery to County at an increased cost over and above what the current agreement requires.

And Whereas, County wishes to update the current agreement between the parties to increase City's contribution to the cost of the continuing imagery provided to it, and City agrees to this.

Now Therefore, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree to the following:

1. **Prior Agreements:** The prior agreements entered into between the parties on this subject are hereby replaced and superseded by this agreement.
2. **Term:** This agreement shall become effective January 1, 2025, and shall automatically renew on an annual basis for additional one-year periods until such time as either party gives the other party notice of its intent to terminate the agreement. Such notice must be given at least 90 days before the end of an existing term.

3. **Services to be Provided by County:** The County will provide City the following: Pictometry imagery, parcel layers to include property lines, center lines, streets, property ownership information, property values and parcel dimensions; assistance with one layer annually (thereafter a small charge may apply); data layer updates quarterly; online access to aerial imagery by City employees; work with and coordinate the classification of GIS layer information applicable to only the City; provide access to training to City employees on use of the software; and provide the aerial imagery on a removable hard drive for use with any ESRI software program.

4. **City's Status as Administrative User:** City shall be permitted to become or continue to be an administrative user to the Independence subgroup of County's Pictometry system. County shall take all steps reasonably necessary to assure that City has access to the Pictometry system as an administrative user to the Independence subgroup.

5. **Compensation:** City shall pay County an annual fee of \$5,000.00 for the cost of the updated aerial imagery and continued Pictometry system to be paid by City when invoiced by County.

BOARD OF COUNTY COMMISSIONERS

OF MONTGOMERY COUNTY, KANSAS

By: _____
Mike Cordray, Chairman

ATTEST:

Charlotte Scott Schmidt, County Clerk

CITY OF INDEPENDENCE, KANSAS

By: _____
Timothy R. Emert, Mayor

ATTEST:

David W. Schwenker, City Clerk

SECOND PICTOMETRY RENEWAL AGREEMENT

This Agreement is entered into by and between the **Board of County Commissioners of Montgomery County, Kansas**, hereafter County, and the **City of Independence, Kansas**, hereafter City.

Whereas, beginning January 1, 2016, and each year thereafter, the parties have had a contractual relationship to provide for and pay the cost of aerial imagery for the benefit of both parties.

And Whereas, the County has recently contracted with a vendor to provide additional services over the next six (6) years and the parties are desirous of extending their contractual relationship to cover this period of time.

Now Therefore, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree to the following:

1. **Prior Agreements:** The prior agreements entered into between the parties on this subject are hereby replaced and superseded by this agreement.
2. **Effective Date:** This agreement shall be effective January 1, 2021.
3. **Services to be Provided by County:** The County will provide City the following: Pictometry imagery, parcel layers to include property lines, center lines, city limits, streets, property ownership information, property values and parcel dimensions; assistance with one layer annually (thereafter a small charge may apply); reasonable plotter usage consisting of up to four large aerial maps annually (thereafter a small map charge will apply); data layer updates quarterly; online access to aerial imagery by City employees; work with and coordinate the classification of GIS layer information applicable to only the City; provide training to City employees on use of

the software; and provide the aerial imagery on a removable hard drive for use with any ESRI software program.

4. **City's Status as Administrative User:** City shall be permitted to become or continue to be an administrative user to the Independence subgroup of County's Pictometry system. County shall take all steps reasonably necessary to assure that City has access to the Pictometry system as an administrative user to the Independence subgroup.

5. **Compensation:** City shall pay County for the cost of the updated aerial imagery and continued Pictometry system usage to be paid pursuant to the following schedule:

March 1, 2021	\$3,561.17
March 1, 2022	\$3,561.17
March 1, 2023	\$3,561.17
March 1, 2024	\$3,561.17
March 1, 2025	\$3,561.17
March 1, 2026	\$3,561.17

**BOARD OF COUNTY COMMISSIONERS
OF MONTGOMERY COUNTY, KANSAS**

By: Robert E. Bever

Robert Bever, Chairman



Charlotte Scott Schmidt
Charlotte Scott Schmidt, County Clerk

CITY OF INDEPENDENCE, KANSAS

By: Louis Ysusi
Louis Ysusi, Mayor

ATTEST:

David W. Schwenker
David W. Schwenker, City Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 25, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance rezoning a tract of land at 1621 North Pennsylvania Avenue from C-2, commercial services district to R-2, single-family dwelling district.

SUMMARY RECOMMENDATION Staff recommends you adopt an ordinance authorizing the rezoning based on the great need for additional housing, which is a primary goal of the City Commission.

BACKGROUND On April 2, 2024, the Planning Commission recommended the City Commission rezone 1621 N. Penn Avenue from C-2, commercial services district, to R-2, single-family dwelling district, in order to allow the property owner to demolish and reconstruct a single-family detached dwelling. The zoning code does not allow single-family detached dwellings in a C-2 zone as either a permitted or conditional use, so the current house which was constructed in approximately 1945 is a non-conforming use. The property owner would like to start constructing this new house as soon as possible and has already rehabilitated the dwellings on either side of this structure, which are also non-conforming uses. The staff report to the Planning Commission is attached, providing additional background information.

FINANCIAL INFORMATION Over the last five years, the number of new dwellings constructed in the City has averaged less than one per year, while the number of houses removed has averaged more than a dozen per year. Approving the rezoning would authorize the construction of a new dwelling to replace a dilapidated dwelling, which would eventually increase the tax base after any eligible tax rebate programs expire, such as the neighborhood revitalization program.

SUGGESTED MOTION I move to adopt an ordinance rezoning 1621 N. Penn from C-2 To R-2 based on the recommendation of the Planning Commission.

SUPPORTING DOCUMENTS

1. Ordinance 4450 - Rezoning 1621 N Penn Ave C2 to R2
2. Staff Report to Planning Commission for the Rezoning of 1621 N Penn

ORDINANCE NO. 4450

An Ordinance Rezoning Land from C-2, commercial services district to R-2, single-family dwelling district located at 1621 North Pennsylvania Avenue.

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

Section 1. The following described real estate is hereby rezoned from C-2, commercial services district to R-2, single-family dwelling district:

Block 8, Lot 132, ACRES 0.15 Maywood Hghts Add to the City of Independence, Kansas, Montgomery County, Kansas, commonly known as 1621 North Pennsylvania Avenue.

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

Adopted by the Governing Body of the City of Independence, Kansas, on the 25th day of April, 2024.

TIMOTHY R. EMERT, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



REQUEST FOR BOARD OF ZONING APPEALS ACTION REZONING CITY OF INDEPENDENCE APRIL 2, 2024

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to consider rezoning a tract of land at 1621 North Pennsylvania Avenue from C-2, commercial services district to R-2, single-family dwelling district.

SUMMARY RECOMMENDATION Staff recommends you authorize the request to rezone based on the great need for additional housing, which is a primary goal of the City Commission.

BACKGROUND City staff has been approached by a property owner that owns a house in the C-2 zone which adjoins the highway. They would like to demolish the existing house and rebuild another house at this location. The zoning code does not allow single-family detached dwellings in a C-2 zone, so the current house is a non-conforming use. The property owner would like to start constructing this new house as soon as possible. Rezoning one lot adjoining the highway in the middle of a block that is bordered by C-2, commercial services to R-2, single-family would be a spot rezoning, although across the alley there are R-2 zoned properties. Typically, a street or alley serves as a buffer between zones. The owner has completed an application for rezoning.

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
Dwelling, elderly	1100				P	P					C		
Dwelling, in nonresidential structure	1190							C	C		C		
Dwelling, mobile home not on permanent foundation	1151					C	C						
Dwelling, mobile home on permanent foundation	1152					C	C						
Dwelling, multifamily	1130				P	P	P	P			C		
Dwelling, single-family attached	1113				P	P	P	P			C		
Dwelling, single-family detached	1111	C	P	P	P	P	P				C		
Dwelling, two-family	1120				P	P	P				C		

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

LEGAL ADDRESS Lot 132 Block 8 Maywood Hghts Add to the City of Independence, Kansas, Montgomery County.

DESCRIPTION OF TRACT(S) Single family residence (detached).

ZONING AND USES OF PROPERTY NEARBY C-2, commercial services district (residence); North, C-2, commercial services district (business); South, C-2, commercial services district (empty lot); East Highway; West R-2, single-family dwelling district (residences). There are also houses on either side of the house proposed to be reconstructed.

CHARACTER OF THE NEIGHBORHOOD Mix of commercial and residential.

SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED Property was restricted to C-2, commercial services district when the zoning code was approved in 1982. It has had a house (residence) on it since that time.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED The property has been actively used as a residence from 1998 to 2021 according to records of water bills. Water records prior to 1998 are not available. The County records indicate this 958 square foot one-story two-bedroom bungalow was built in 1945 and is currently in fair condition.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY Since it was constructed as a residence in 1945, removal of restrictions would not detrimentally affect nearby property.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS The individual landowners will not be able to build a new house on this property without changing the zoning. In the destruction of the property a business may or may not go in if the owner(s) decide to sell the property or put in a business themselves.

RECOMMENDATION OF CITY'S PERMANENT STAFF There are portions of the Comprehensive Plan that do not recommend this rezoning, such as the Neighborhood Development Map. However, there are other objectives and policies that do support it. Considering the great need for housing in Independence, staff would be inclined to err on the side of authorizing the rezoning.

CONFORMANCE WITH THE COMPREHENSIVE PLAN Changing the zoning to residential would not be in conformance with the comprehensive plan as it now stands. The current zoning was put in place based on the General Development Plan Map from the 1982 Comprehensive Plan which indicates the area on North Penn from Oak Street to Catalpa Street should be highway commercial. This includes the area in question.

AVAILABILITY AND ADEQUACY OF REQUIRED UTILITIES AND SERVICES TO SERVE THE PROPOSED USE The property already has utilities and services.

IMPACT ON STREETS AND PARKING There would be no impact on parking and streets since it has been used as a residence in recent years.

ENVIRONMENTAL IMPACTS Building a new house would not cause any environmental impacts as a house has stood there for nearly 80 years.

ABILITY TO MEET REQUIREMENTS OF APPLICABLE CODES All codes would have to be met if the property is rezoned to residential and a new house is built.

STAFF RECOMMENDATION The 1982 General Development Plan shows this area as highway commercial. However, the property is currently surrounded by residential structures that are to the north and

south that are also nonconforming uses, and to the west across the alley are several single-family residences which are zoned R-2.

The Housing Goal in the 1982 Comprehensive plan states; "To provide ample opportunity for continued community development within an orderly, efficient and environmentally safe planning framework."

- Objective H-1 of the Comprehensive Plan states; "Maintain or upgrade the condition and particular residential character of existing neighborhoods and residential areas."
- Objective H-2 of the Comprehensive Plan states; "Encourage the development of a wide range of housing choices."
 - Policy H12 states; "Rehabilitation and upgrading of houses shall be encouraged in older areas of the City."
 - Policy H14 states; "Vacant areas within predominately developed residential areas should be encouraged to be developed in a manner that is similar in character to surrounding areas; all new development shall meet minimum housing codes."
 - Policy H16 states; "Buffers, either as intermediate land uses or as sufficient landscaped areas, shall be provided between residential and either commercial or industrial uses. Residential or other uses may sometimes be buffered from each other by placing them back-to-back rather than face-to-face."

The General Development Goal in the 1982 Comprehensive Plan states; "To provide ample opportunity for continued community development within an orderly, efficient and environmentally safe planning framework."

- Objective G1 of the Comprehensive Plan states; "Direct the location and subdivision design of new development in order to minimize initial and future public and private costs."
 - Policy G11 states in part; "New development shall be required to locate in areas where municipal services and public facilities are already present or where service extension can be easily accomplished and to expand in a compact and orderly progression."

The Commercial Goal in the 1982 Comprehensive plan states; "To provide sufficient neighborhood and community-wide shopping facilities efficiently distributed through the community and adequate opportunity for commercial expansion."

- Objective C3 of the Comprehensive plan states; "Provide neighborhood convenience shopping adjacent to residential areas but discourage *"spot commercial"* zoning.
- Objective C4 of the Comprehensive Plan states; "Limit strip commercial development along the major streets to businesses directly serving the motoring public."
 - Policy C42 states; "Strip commercial development shall be limited to major highway entrances to the City and shall be permitted only limited access to major streets via frontage roads. Generally, commercial use shall be confined to the west side of Pennsylvania between Oak and Mulberry, west on U.S. 75 as far as 1/2 mile west of Peter Pan Road."

One of the actions (#17) recommended in the Comprehensive Plan states in part; "Target single-family housing developments in the area lying generally between Oak and Taylor and east of 24th Street Road."

POSSIBLE MOTIONS:

1. I move to recommend the City Commission authorize the rezoning of 1621 N. Penn from C-2 To R-2 based on meeting several Goals, Objectives And Policies of the Comprehensive Plan; or

2. I move To recommend the City Commission deny the rezoning of 1621 N. Penn from C-2 To R-2 based on it not meeting the General Development Plan Map.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Rezone 1621 N Penn in C2 to R2
2. 1621 N Penn Application Rezone C2 to R2
3. 1621 N Penn Ave Notification Letter
4. 1621 N Penn Ave Notification
5. 1609, 1617, 1621, 1625 N Penn
6. 1621 N Penn - County Detail Information

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, April 2, 2024 at 5:30 p.m.

To receive comments to consider rezoning a tract of land at 1621 North Pennsylvania Avenue from C-2, commercial services district to R-2, single-family dwelling district.

Legal Description:

Block 8, Lot 132 ACRES 0.15; Maywood Hgts Add to the City of Independence, Montgomery County, Kansas.

Common Address:

1621 North Pennsylvania Avenue

Applicant/Owners:

Travis J & Laura B Blankinship

Case Number:

2024/ZA/05

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
120 N 6th Street
Independence, KS 67301
(620) 332-2506

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

Kelly Passauer, Zoning Administrator

INDEPENDENCE
PLANNING & ZONING
COMMISSION

APPLICATION
FOR
REZONING

1. Case #: _____
2. Date Filed: _____
3. Fee Paid: _____
4. Hearing: _____
5. Published: _____

To be filled out by applicant

1. Applicant's name: Travis & Laura Blankinship
2. Applicant's address: PO Box 1129/1609 N. Penn Indep. KS Phone: 620-330-2524
3. Address of property proposed for rezoning: 1621 N. Penn. Indep. KS 67301
4. Present owner's name: Travis & Laura Blankinship
5. Present zoning: C2 Proposed zoning: Residential
6. Legal description of property proposed for rezoning (if more space is required, use back of form): 1621 N. Penn Ave.
Parcel 108- 29250 Owner: TRAVIS J BLANKINSHIP &
CAMA #. 094-19-0-30-14-015-00-0-01 LAURA B BLANKINSHIP
Subdiv. W30 Blk 8 Lots 132 Parcel: 108- 29250
SEC 19 Twn. 32 Rng. 16 CAMA #. 094-19-0-30-14-015-00-0-01
Subdiv. W30 Blk. 8 Lots 132 Sec. 19 Twn. 32 Rng. 16

7. Present use of property (check one of the following):

(a) Vacant ☐ (b) Residential ☒ (c) Commercial ☐ (d) Industrial ☐

8. Desired use of property: Residential

9. Use and zoning of adjacent property:

North: Use Residential Zoning C2

South: Use Residential Zoning C2

East: Use Highway 75 (N. Penn St.) Zoning _____

West: Use Alleyway → Residential Zoning Residential

10. List reasons for this request:

The zone is C2, but currently has a bad structure / unlivable house that needs to be torn down and removed. We would like to build a new residential home in place of it. So, we are requesting the area to be rezoned to residential instead of the current C2.

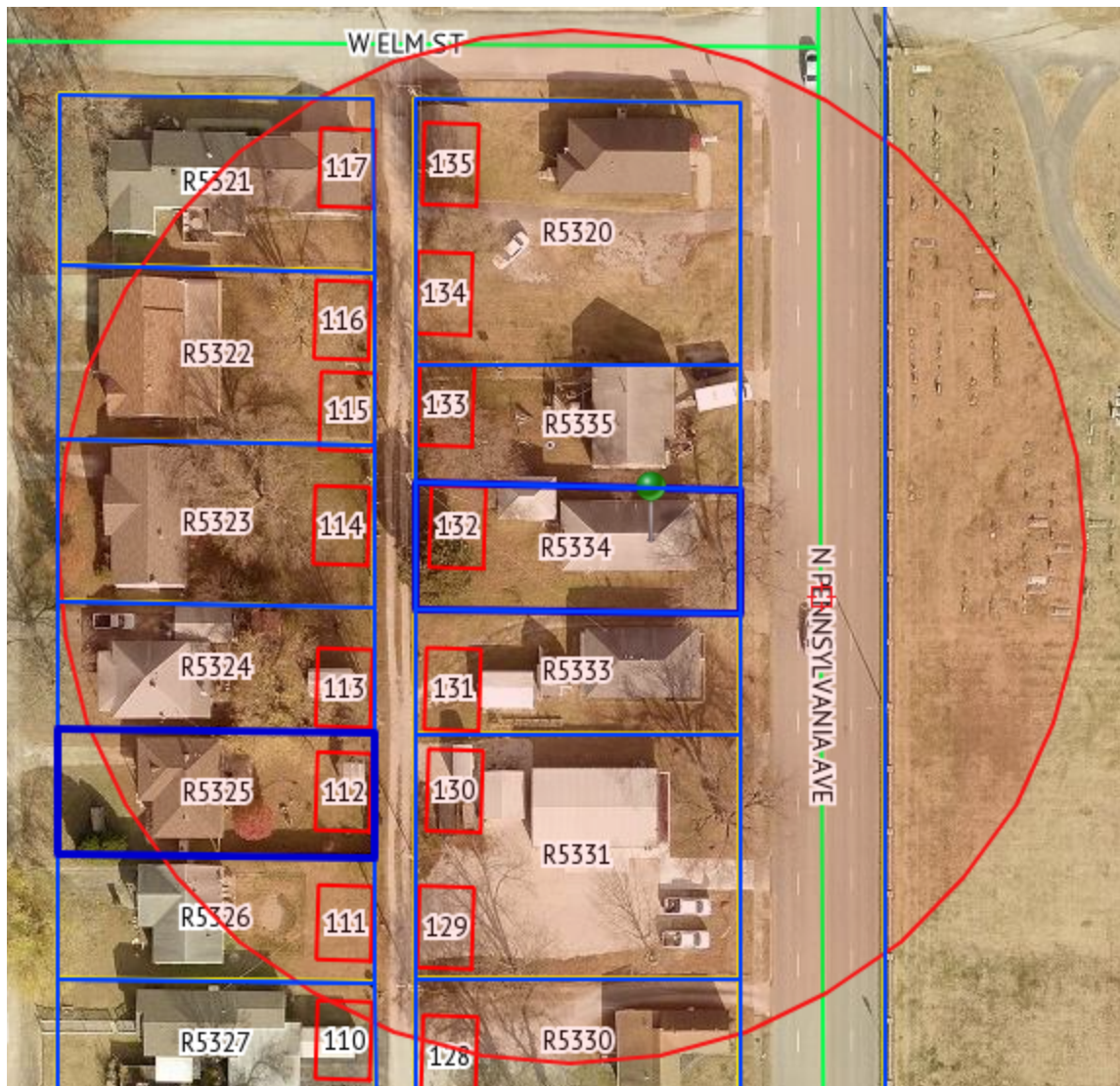
Date: 2-4-24

Signature: [Signature]

Planning Commission Action – do not write in this space

1. Facts found: _____

2. Determination: _____



Quick Ref	II Situs Address	Owner	Mailing Add	Mailing Add 2	Mailing City	Mailing Stat	Mailing Zip
R5152	00000 N PENNSYLVANIA AVE	INDEPENDENCE CITY OF	120 N 6TH ST		INDEPENDENCE	KS	67301
R5325	1612 IRVING ST	DAVIDSON, JEFFREY T	1612 IRVING ST		INDEPENDENCE	KS	67301
R5324	1616 IRVING ST	MELLEN, LOLA & ORA EUGENE	1616 IRVING ST		INDEPENDENCE	KS	67301
R5333	1617 N PENNSYLVANIA AVE	BLANKENSHIP, TRAVIS J & LAURA B	1609 N PENN AVE		INDEPENDENCE	KS	67301
R5335	1625 N PENNSYLVANIA AVE	BLANKINSHIP, TRAVIS J & LAURA B	5148 CR 6000		INDEPENDENCE	KS	67301
R5322	1626 IRVING ST	RODRIGUEZ ORTIZ, VENANCIO	1626 IRVING ST		INDEPENDENCE	KS	67301
R5321	115 W ELM ST	QUAST, KEVIN R. & KAREN	1050 WOODWARD AVE		DETROIT	MI	68226
R5320	1633 N PENNSYLVANIA AVE	BOYLE, KARLA D	4830 CR 3775		INDEPENDENCE	KS	67301
R5327	1604 IRVING ST	READ, LEWIS ALAN & APRIL DIANE	1604 IRVING ST		INDEPENDENCE	KS	67301
R5330	1605 N PENNSYLVANIA AVE	JOHNSON, AMANDA J	1605 N PENN AVE		INDEPENDENCE	KS	67301
R5331	1609 N PENNSYLVANIA AVE	BLANKINSHIP, TRAVIS J & LAURA B	5148 CR 6000		INDEPENDENCE	KS	67301
R5323	1622 IRVING ST	HUFF, GEHRIG L	1622 IRVING ST		INDEPENDENCE	KS	67301
R5334	1621 N PENNSYLVANIA AVE	BLANKENSHIP, TRAVIS J & LAURA B	1609 N PENN AVE		INDEPENDENCE	KS	67301
R5326	1608 IRVING ST	FLIP-N-OUT PROPERTY SOLUTIONS, LLC	536 CENTENNIAL ST		WEBB CITY	MO	64780



1625 N Penn
Residence



1621 N Penn
Residence



1617 N Penn
Residence



1609 N Penn
Blankinship Electric
Business

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The Parcel Number for this Property is 063-094-19-0-30-14-015.00-0
Quick Ref ID: 5334

Owner Information

Owner Name	BLANKENSHIP, TRAVIS J & LAURA B
Address	1609 N PENN AVE INDEPENDENCE, KS 67301

Property Situs Address

Address	1621 N PENNSYLVANIA AVE, Independence, KS 67301
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Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	10,750	34,220	44,970
Total	10,750	34,220	44,970

2023 Appraised Value

Class	Land	Building	Total
Residential - R	10,750	31,670	42,420
Total	10,750	31,670	42,420

Tract Description

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
719	331	717	1158	685	832	666	346

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Acre	Primary Site - 1	0.15										10,750

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR	Bsmt Type	Crawl - 2
Year Built	1945	Total Rooms	5
Eff Year		Bedrooms	2
MS Style	One Story	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	958	Foundation	Block - 3
Main Floor Living Area	958		
Upper Floor Living Area Pct.			
CDU	FR		
Phys/Func/Econ	FR/ /		
Ovr Pct Gd/RCN	/112,710		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Solid Wall	98			
Frame, Siding, Vinyl		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Wall Furnace		100		
Plumbing Fixtures (#)	6			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Wood Deck (SF) with Roof	168			

Building Improvements

Id	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	ClS	RCN	%Gd	Value
33	Tool Shed	D	1.00	1	1945			294	70	8	21 X 14	1	1	1					4,150	2	80

Building Improvement Components

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

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REQUEST FOR COMMISSION ACTION CITY OF INDEPENDENCE April 25, 2024

Department Admin

Director Approval Lydia Collins

AGENDA ITEM Consider adopting an ordinance for a text amendment to Appendix B - Zoning related to dwellings.

SUMMARY RECOMMENDATION Adopt the ordinance as recommended by the Planning Commission to encourage new housing opportunities.

BACKGROUND On April 2, 2024 the Planning Commission recommended modifying the permitted and conditional use table to allow new housing opportunities in the C-1 and O/P zones. Originally this item was added to their agenda in the event the previous item to rezone property from C-2 to R-2 was not approved. However, in discussing this item with the Planning Commission they determined to move forward in the event someone else has a similar issue in the C-1 or O/P zone, which would be more compatible with dwellings than the C-2 zone.

Approving this text amendment would allow for situations where there is a standing house as a non-conforming use to be demolished and allow another house built in its place, or to allow the construction of new dwelling on a vacant lot, but only with a conditional use permit. This would remove one more barrier to new housing development.

This change would modify the permitted and conditional use table as shown by the large "C" below, which would provide for the opportunity to apply for a conditional use permit in these zones for the housing indicated in the chart below. Currently, the code did not allow for this opportunity and those types of houses were simply not allowed with no recourse other than a text amendment.

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
Dwelling, elderly	1100				P	P					C			
Dwelling, in nonresidential structure	1190							C	C		C			
Dwelling, mobile home not on permanent foundation	1151					C	C							
Dwelling, mobile home on permanent foundation	1152					C	C							
Dwelling, multifamily	1130				P	P	P	P	C		C			
Dwelling, single-family attached	1113				P	P	P	P	C		C			
Dwelling, single-family detached	1111	C	P	P	P	P	P	C	C		C			
Dwelling, two-family	1120				P	P	P	C	C		C			

FINANCIAL INFORMATION Over the last five years, the number of new dwellings constructed in the City has averaged less than one per year, while the number of houses removed has averaged more than a dozen per year. Approving the rezoning would authorize the construction of new single-family and two-family dwellings with conditional use permits in the O/P and C-1 zones, which would eventually increase the tax base after any eligible tax rebate programs expire, such as the neighborhood revitalization program.

SUGGESTED MOTION I move to recommend adopting an ordinance for a text amendment to allow for multi-family dwellings, single family attached and detached dwellings, and two family dwellings in the C-1 district with a conditional use permit; and single family detached and two family dwellings with a conditional use in the O/P zone based on the recommendation of the Planning Commission.

SUPPORTING DOCUMENTS

1. ORDINANCE 4451 - TEXT AMENDMENTS - Dwellings allowed in C-1 and OP districts
2. Staff Report to Planning Commission for Text Amendment

ORDINANCE NO. 4451

**An Ordinance Setting Forth Text Amendments to the Zoning Code
To Modify Permitted and Conditional Use Table Relating to New Housing Opportunities in the C-1
and O/P Zones.**

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

Section 1. Appendix B. – Zoning – Appendix A – Listing of Permitted and Conditional
Uses is amended as follows:

To allow multi-family dwellings, single-family attached and detached dwellings, and two-
family dwellings in the C-1 district with a conditional use permit; and single-family detached
and two-family dwellings with a conditional use permit in the O/P district.

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

*Adopted by the Governing Body of the City of Independence, Kansas, on the 25th day of April
2024.*

ATTEST:

TIMOTHY R. EMERT, Mayor

DAVID W. SCHWENKER, City Clerk



REQUEST FOR PLANNING COMMISSION ACTION INITIATE TEXT AMENDMENT. CITY OF INDEPENDENCE APRIL 2, 2024

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to consider a text amendment to Appendix B - Zoning related to dwellings.

SUMMARY RECOMMENDATION If the rezoning for 1621 N. Penn is approved, then this item is not necessary.

BACKGROUND City staff has been approached by a property owner that owns a house in the C-2 zone which adjoins the highway. They would like to demolish the house and rebuild another house at this location. The zoning code does not allow single-family detached dwellings in a C-2 zone, so the current house is a non-conforming use. The property owner would like to start constructing this new house as soon as possible. You have before you in a previous agenda item a request to consider rezoning the property to R-2. If that rezoning is ultimately approved by the City Commission, then a text amendment will not be needed for this particular project. However, you might wish to go ahead and consider this action in the event the rezoning does not go through or another similar request comes up.

In April of 2022 the Planning Commission added a text amendment to allow dwellings in a C-3, commercial business district, with a conditional use permit, so that apartments for families could be renovated in the upper stories of the downtown.

Approving a text amendment could allow for situations where there is a standing house in a non-conforming use to be demolished and allow another house built in its place to help with the housing situation, but only with a conditional use permit.

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
Dwelling, elderly	1100				P	P					C		
Dwelling, in nonresidential structure	1190							C	C		C		
Dwelling, mobile home not on permanent foundation	1151					C	C						
Dwelling, mobile home on permanent foundation	1152					C	C						
Dwelling, multifamily	1130				P	P	P	P			C		
Dwelling, single-family attached	1113				P	P	P	P			C		
Dwelling, single-family detached	1111	C	P	P	P	P	P				C		
Dwelling, two-family	1120				P	P	P				C		

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

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

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items: a. Whether such change is consistent with the intent and purpose of these regulations; b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social economic conditions in the areas and zoning districts affected.

STAFF RECOMMENDATION City staff is recommending a text amendment be considered that would allow for multi-family dwellings, single family attached and detached dwellings, and two family dwellings in the C-1 district with a conditional use permit; and single family detached and two family dwellings with a conditional use in the O/P zone. C-1 and O/P zones are more compatible adjoining commercial zones than residential zones are. However, C-1 and O/P zones are also often found adjacent to residential districts. This would create housing opportunities that are supported by the objectives and goals mentioned in the previous agenda item. If the text amendment is approved, the owner would have to reapply for rezoning with a conditional use permit, which would delay their project at least an additional month.

The Planning Commission may also wish to consider allowing dwellings in the C-2 and C-4 zones with a conditional use as well. However, the use limitations for the C-2 district would also have to be amended, as currently they state: "No structure shall be used for residential purposes except by the owner, owner's agent or the operator of the business located on the premises, except that accommodations may be offered to the transient public by motels and hotels." This option would also require the owner to apply for a conditional use permit, which would also delay their project at least an additional month.

If the rezoning to R-2 is approved by the City Commission at their April 25, 2024 meeting, then the project can be pursued after that date with no text amendments required.

SUGGESTED MOTION I move to recommend the City Commission approve a text amendment to allow for multi-family dwellings, single family attached and detached dwellings, and two family dwellings in the C-1 district with a conditional use permit; and single family detached and two family dwellings with a conditional use in the O/P zone. The change would affect the O/P and C-1 zones, and is made necessary by new planning concepts to encourage additional housing choices throughout the City.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Text Amendment Dwellings

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, April 2, 2024 at 5:30 p.m.

To consider a text amendment to Appendix B – Zoning relating to dwellings.

Case Number:

2024/ZA/04

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+17852894727) Conference ID: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
120 N 6th Street
Independence, KS 67301
(620) 332-2506

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

Kelly Passauer, Zoning Administrator



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 25, 2024

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider supporting the nomination of the Prairie Oil and Gas (also known as Sinclair Oil or ARCO) building on the National Register of Historic Places.

SUMMARY RECOMMENDATION Support the nomination.

BACKGROUND The Independence Historic Preservation and Resource Commission (IHPRC) met on April 22, 2024 and considered supporting the nomination of the Prairie Oil and Gas (also known as Sinclair Oil or ARCO) building located at 200 ARCO Place on the National Register of Historic Places. They voted to support this nomination unanimously. The form provided by the State also includes a check box for the Chief Elected Official Recommendation. Since this would be the Mayor, we are requesting the Governing Body authorize supporting this nomination.

FINANCIAL INFORMATION Placing this building on the National Register would make it eligible for Federal and State Tax Credits, which would provide an incentive to rehabilitate it rather than allow it to further deteriorate. Repurposing this building for a functional use would add to the community's economic vitality.

SUGGESTED MOTION I move to support the nomination of the Prairie Oil and Gas (also known as Sinclair Oil or ARCO) building on the National Register of Historic Places.

SUPPORTING DOCUMENTS

1. National Register of Historic Places Nomination Form - 200 ARCO Place
2. 04222024-IHPRC-Prairie Oil and Gas National Register

Certified Local Government (CLG) Program Response Sheet for National Register of Historic Places (NRHP) Nominations

CLG: City of Independence

National Register Nomination(s): Sindler Oil Bldg 125-2670-00159

Please review the enclosed nomination materials for the above referenced resource(s) within your jurisdiction. On a separate sheet, please provide any comments your board/commission has regarding the: significance of the resources, its relationship to the proposed criteria or areas of significance, the merits of listing this resource in the NRHP, and any other issues that the State Historic Preservation Officer, Kansas Historic Sites Board of Review (HSBR), or National Park Service (NPS) should consider in their review of the nomination.

Following your board's review of the nomination, including any public meetings, please indicate whether the board/commission and chief elected official support or oppose the nomination. Return this form, along with any comments, to KS-SHPO National Register Coordinator before the HSBR meeting where this nomination is scheduled.

1. CLG Board/Commission Recommendation:

- ☒ Support the nomination of this property for listing in the National Register of Historic Places.
☐ Do not support the nomination of this property for listing in the National Register of Historic Places.

2. Chief Elected Official Recommendation:

- ☐ Support the nomination of this property for listing in the National Register of Historic Places.
☐ Do not support the nomination of this property for listing in the National Register of Historic Places.

3. Other recommendations: No

4. Has any public comment been included with this form? Yes ☐ No ☒ Explain:

CLG Board/Commission Contact:


Name:

4-22-2024
Date:

Return the form, additional report, and public comment to the National Register Coordinator within 60 days. If the SHPO does not receive this report and recommendation within 60 calendar days, the SHPO will continue the nomination process. Questions can be submitted to the National Register Coordinator: Jamee Fiore Krivenko at Jamee.Fiore.Krivenko@ks.gov.



**REQUEST FOR HISTORIC PRESERVATION RESOURCE
COMMISSION (CERTIFIED LOCAL GOVERNMENT)
ACTION
CITY OF INDEPENDENCE
APRIL 22, 2024**

Department Admin

Prepared By David Cowan

AGENDA ITEM Consider the nomination of Prairie Oil and Gas Company Building at 200 Arco Place for the National Register of Historic Places.

SUMMARY RECOMMENDATION City Staff recommends approval of the nomination.

BACKGROUND The owner of Prairie Oil and Gas Company Building at 200 Arco Place has requested the building be placed on the National Register of Historic Places. SHPO is requesting the local CLG review the nomination and the significance of the building, its relationship to the proposed criteria or areas of significance, the merits of listing this resource in the NRHP, and any other issues that the SHPO Officer should consider in their review of the nomination.

SUGGESTED MOTION I move to approve the nomination of Prairie Oil and Gas Company Building at 200 Arco Place for the National Register of Historic Places.

SUPPORTING DOCUMENTS

1. KS_MontgomeryCo_PrairieOilandGas_clg_draft
2. CLGresponse_report_for_nominations_fillable
3. ks_montgomeryco_prairieoilandgas_clg_notice
4. KS_MontgomeryCounty_PrairieOilandGasBuilding_001
5. KS_MontgomeryCounty_PrairieOilandGasBuilding_002
6. KS_MontgomeryCounty_PrairieOilandGasBuilding_003
7. KS_MontgomeryCounty_PrairieOilandGasBuilding_004
8. KS_MontgomeryCounty_PrairieOilandGasBuilding_005
9. KS_MontgomeryCounty_PrairieOilandGasBuilding_006
10. KS_MontgomeryCounty_PrairieOilandGasBuilding_007
11. KS_MontgomeryCounty_PrairieOilandGasBuilding_008
12. KS_MontgomeryCounty_PrairieOilandGasBuilding_009
13. KS_MontgomeryCounty_PrairieOilandGasBuilding_010
14. KS_MontgomeryCounty_PrairieOilandGasBuilding_011
15. KS_MontgomeryCounty_PrairieOilandGasBuilding_012
16. KS_MontgomeryCounty_PrairieOilandGasBuilding_013
17. KS_MontgomeryCounty_PrairieOilandGasBuilding_014
18. KS_MontgomeryCounty_PrairieOilandGasBuilding_015
19. KS_MontgomeryCounty_PrairieOilandGasBuilding_016
20. KS_MontgomeryCounty_PrairieOilandGasBuilding_017
21. KS_MontgomeryCounty_PrairieOilandGasBuilding_018

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. **Place additional certification comments, entries, and narrative items on continuation sheets if needed (NPS Form 10-900a).**

Historic name	<u>Prairie Oil & Gas Building</u>
Other names/site number	<u>Sinclair Oil Building, ARCO Building, KHRI # 125-2670-00159</u>
Name of related Multiple Property Listing	<u>N/A</u>

Street & number						200 Arco Place (300 West Myrtle Street)			not for publication										
City or town						Independence			vicinity										
State		Kansas		Code		KS		County		Montgomery		Code		125		Zip code		67301	

As the designated authority under the National Historic Preservation Act, as amended,
I hereby certify that this x nomination request for determination of eligibility meets the documentation standards
for registering properties in the National Register of Historic Places and meets the procedural and professional
requirements set forth in 36 CFR Part 60.

In my opinion, the property x meets does not meet the National Register Criteria. I recommend that this
property be considered significant at the following level(s) of significance:

 national statewide X local Applicable National Register Criteria: X A B C D

Kansas State Historical Society
State or Federal agency/bureau or Tribal Government

Title	State or Federal agency/bureau or Tribal Government
-------	---

Signature of the Keeper _____ Date of Action _____

Prairie Oil and Gas Company
Name of Property

Montgomery County, Kansas
County and State

5. Classification

Ownership of Property (Check as many boxes as apply.)

☒	private
☐	public - Local
☐	public - State
☐	public - Federal

Category of Property (Check only **one** box.)

☒	building(s)
☐	district
☐	site
☐	structure
☐	object

Number of Resources within Property (Do not include previously listed resources in the count.)

Contributing	Noncontributing	
1	0	buildings
		sites
		structures
		objects
1	0	Total

Number of contributing resources previously listed in the National Register

6. Function or Use

Historic Functions (Enter categories from instructions.)

COMMERCE/ TRADE: business

Current Functions (Enter categories from instructions.)

VACANT/ NOT IN USE

7. Description

Architectural Classification (Enter categories from instructions.)

LATE 19TH AND 20TH CENTURY REVIVALS:

Beaux Arts Classicism

MODERN MOVEMENT: Moderne

Materials (Enter categories from instructions.)

foundation: CONCRETE/STONE: Limestone

walls: BRICK

roof: SYNTHETIC

other: METAL: Structural Steel

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Narrative Description

Summary

The Prairie Oil & Gas Building is in Independence, Kansas, at the west end of the downtown business district at 200 Arco Place (formerly 300 W. Myrtle Street). Kansas City Architects Madorie and Birdsall designed the original H-shaped five-story building in the Beaux Arts style in 1916. The 1916 block faces south on Myrtle Street between N. Ninth (now Arco Place) and N. Tenth Street. Prairie Oil & Gas Company constructed an addition on the north side of the original east wing in 1928, extending the building north along N. Ninth Street (Arco Place) to Laurel Street to give the building its current L-shaped plan. Historic photos and press accounts of the building's construction indicate that the building is structural-steel and reinforced concrete resting on a concrete foundation, faced with limestone. At the time of construction, the upper stories were faced with light-colored brick and each story of each bay featured an arched triple window unit. An elaborate buff terra cotta cornice topped all building elevations.

Prominent Kansas architect Joseph W. Radotinsky designed a renovation between 1959 and 1963 that transformed the building exterior to its current Modernist appearance. Sources vary on the exact construction dates, but the building was extensively modernized in 1950s and early 1960s. Radotinsky's renovations included removal of the terra cotta ornamentation of the 1916 and 1928 facades and installation of green porcelain enamel panels in the vertical space between banks of pivoting metal sash windows. The project also included replacement of the terracotta cornice with a simple blond brick parapet and installation of a porcelain enamel canopy above the fifth-story windows. Radotinsky redesigned the entrance at the center of the 1928 wing's east elevation, which reoriented the building's primary façade to face east onto Arco Place. Prairie Oil & Gas Company constructed the original building between 1915 and 1916 to serve as their company headquarters. The company added the 1928 addition to accommodate significant growth and the relocation of assets from Denver in 1927.¹ Prairie Oil & Gas and its holdings merged with Sinclair Consolidated Oil Corporation (Sinclair Oil) in 1932.² Sinclair Oil modernized the original building including the recladding of the exterior walls, redesign of the entrances, and renovation of the east lobby. The renovation, led by Sinclair, reflected the changing needs of the business and the prevailing architectural trends of the time. Currently vacant, the condition of the building is somewhat deteriorated, though many of its historic character-defining features remain intact. Some windows have broken panes of glass, entrance doors are covered in plywood and some water damage has occurred to the interior. Despite its lack of use, the building retains excellent integrity from the period of significance and effectively communicates its association with the history of the petroleum industry in Independence.

Elaboration

Exterior

1916 South block (Photos 1& 3)

The original 1916 building is a five-story H-shaped block with a raised basement. The building has a structural steel frame and is clad in blond brick. The primary elevation faces south on Myrtle Street and consists of two

¹ R.L Wells, "Oil and Independence", undated," 8. Curtesy of the Independence Historical Museum

² "Oil and Independence", 8.

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symmetrical wings and a recessed courtyard. A concrete stair with metal railing and stone sidewalls leads to the south entrance within the courtyard. The south entrance was the original main entrance of the 1916 building, before the 1928 addition reoriented the building east. Three rectangular door openings pierce a concrete entrance vestibule that features black marble panels and decorative aluminum grills above the openings. Plywood covers the openings on the exterior, though metal and glass doors dating to the 1959-1962 renovation remain underneath the boards. Square window openings infilled with stone or plywood line the concrete and limestone basement level. Triple units of pivoting metal sash divide each of the projecting side wings into three bays. Green porcelain enamel panels fill the vertical space between each of the five stories and a canopy of the same material and color caps the fifth story at the roofline. The three bays above the centered entrance contain a block of four windows of the same type, separated by porcelain enamel panels. Although not original to the 1916 construction of the south wing, the windows, decorative panels, and canopy date to the later renovation and are historic. The west elevation and the west side of the north elevation continue the same window configuration and design that divide the exterior walls into structural bays. The north elevation faces an internal courtyard and is more utilitarian in design, apart from the west section. Plywood covers the entrance to an internal egress stair immediately east of the elevator shaft. Vertical bi-parting freight doors pierce the east side of the north elevation, and a second metal slab door provides basement access on the west end of the elevation. Pairs of infilled rectangular window openings at the center of the north elevation indicate the location of the elevator shaft and paired metal windows flank the central openings. Simple light colored terra cotta caps the windows, and the openings have simple stone sills. The 1928 addition projects from the east end of the north elevation.

1928 East block (Photos 4,5 & 6)

The 1928 addition projects from the northwest wall of the 1916 block, giving the building its current L-shaped plan and extending the footprint north along Arco place towards Laurel Street. The 1928 addition matches the 1916 block's structural steel frame and blond brick cladding and continues the same decorative treatment. The centered entrance steps beyond the north and south wings of the east elevation, which now serves as the building's primary façade. A paved semi-circular drive leads to a concrete canopy supported by boomerang-shaped columns that shelters the main (east) entryway. Two sets of paired aluminum and glass doors with transoms fill the opening. Plywood covers the opening, but the configuration described here is intact underneath. Black marble panels frame the entrance, curving away from the exterior walls of the building. Adhesive and staining from earlier signage, removed at an unknown date, is visible on the marble above the canopy. A stylized metal grill fills a rectangular window opening to the north of the entrance. A window opening to the south of the entrance has been converted to an accessible pedestrian entrance accessed by a concrete ramp with metal railing. This alteration occurred during or after the Sinclair Oil renovation that resulted in the building's present Modernist appearance. Square window openings infilled with stone or plywood line the concrete and limestone basement level. Triple units of pivoting metal sash divide each of the end wings into five bays. Green porcelain enamel panels fill the vertical space between each of the five stories and a canopy of the same material and color caps the fifth story at the roofline. The north elevation and the north side of the west elevation have four bays each that contain windows of the same configuration and design. These elevations also have green enamel panels and a fifth-story canopy. The remaining central section of the east block's west elevation faces the interior courtyard and matches the simplified design of the south block's north elevation. A metal slab door under a blond brick canopy provides access to an internal egress stair at the center of the elevation. Pairs of infilled rectangular window openings in the center of each story indicate the location of the elevator shaft and paired metal windows flank the central openings. Simple light colored terra cotta caps the windows, and the openings have simple stone sills. Green porcelain enamel panels infill divided transoms above these window openings. The south end of the north elevation abuts the 1916 block.

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Interior

On the interior, both sections of the building have undergone alterations to accommodate various tenants. These alterations are largely confined to secondary office spaces, however, and leave the public corridors, stairwells, and elevator lobbies in their historic condition. Each wing of the building has a centered entrance vestibule that is connected to an elevator lobby by an open set of stairs. A central corridor running the length of each block of the building (east to west in the original 1916 south block and north to south in the east 1928 block) organizes offices, restrooms, and utility spaces on all five floors. The fifth-floor corridor has new drywall and carpet in both sections of the building. Central corridors on the first through fourth floors all retain significant amounts of historic marble wainscot and floors, wood trim, original wood doors, and glass partitions. In addition to the configuration and finishes of the corridors, other interior intact character-defining features include the original 1916 south lobby with marble-clad walls and classical molding, and the historic east lobby with wood panel walls, terrazzo floors, and geometric railings on the entrance stair dating to Radotinsky's renovation. Historic stairwells with metal treads and railings remain at the west end of the south block, the north end of the east block and the mid-point of the building where the two sections intersect. Historic elevator doors also remain in the first-floor lobbies.

South Lobby (Photos 11 & 12)

The south lobby retains excellent material and design integrity dating back to the building's original 1916 construction. The recessed main entryway pierces the south wall and leads into a white marble-clad vestibule enclosed within the open volume of the lobby's interior space. An open stairway, with marble treads and side walls, and a wood railing connects the vestibule to the main lobby level where the elevators are on the north wall. A historic mail chute is attached to the wall immediately west of the elevator doors. Despite some deterioration and water damage, the lobby retains its white marble-clad walls, cream-colored marble floors and elaborate plaster ceilings with classical details. Pairs of openings at the south end of the east and west walls lead to office spaces and reception rooms. To the east and west of the elevators the lobby connects to the central corridor.

East Lobby (Photos 13, 14 & 15)

The 1928 design of the east lobby is unknown, though the overall configuration continues to match the 1916 south lobby. In its current condition, the east lobby retains excellent material and design integrity dating to Joseph W. Radotinsky's renovation between 1959 and 1963. The recessed main entryway pierces the east wall and leads into an aluminum and glass vestibule with marble side walls and terrazzo floors. A curved roof encloses the vestibule within the main volume of space. Two paired aluminum and glass doors lead from the vestibule to an open stairway with terrazzo treads, marble sidewalls and distinctive geometric metal and wood railings. The stairway connects the vestibule to the main lobby level where the elevators are on the west wall. Despite some deterioration, the lobby retains its smooth plywood panel walls and acoustic tile ceilings with integrated lighting. Laminate covers the floors, though historic marble appears to remain underneath. Several metal and glass display cases and a wall mounted clock, likely dating to the 1960s, remain on the west walls. To the north and south of the elevators, the lobby connects to the central corridor.

Integrity

The Prairie Oil & Gas Building retains historic integrity despite some alterations over the course of its tenure as headquarters and office space for Prairie Oil & Gas Co., Sinclair Oil, and ARCO. The building remains in its historic location on the west end of the downtown Independence, Kansas commercial district. Despite some vacant lots and new construction, the historic setting of the building is intact as the surrounding blocks retain

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historic commercial and institutional buildings that date to the era of construction. Standing five-stories tall and filling most of a city block, it was designed to be a standalone building just outside the densely commercial downtown which is defined mostly by smaller two- or three-story commercial buildings. The scale and style of the building is befitting of a corporate headquarters and is indicative of the influence of the oil and gas industry on the city's development from the turn of the twentieth century. The alterations, notably the 1928 addition and a later renovation that modernized the exterior and redesigned the east lobby, have gained historic significance in their own right. The building retains integrity of design, materials, and workmanship, and reflects the evolution of Prairie Oil & Gas Company and the related changes in building ownership during the building's active years. Through its central location, combination of Beaux Arts and Modernist design, and large scale and footprint, the building retains the feeling of a prominent corporate headquarters referred to in 1916 as a "veritable beehive of industry"³ and its association with the oil and gas industry which was integral to the development of the city of Independence.

³ "Prairie Forces Now at Home in Magnificent New Building: Public Reception Some Time in Few Weeks." *The independence Reporter* July 7th, 1916, 1.

Prairie Oil and Gas Company

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8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☒ A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B Property is associated with the lives of persons significant in our past.
- ☐ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- | | |
|--------------------------|--|
| ☐ | A Owned by a religious institution or used for religious purposes. |
| ☐ | B removed from its original location. |
| ☐ | C a birthplace or grave. |
| ☐ | D a cemetery. |
| ☐ | E a reconstructed building, object, or structure. |
| ☐ | F a commemorative property. |
| ☐ | G less than 50 years old or achieving significance |

_____ within the past 50 years.

Areas of Significance

COMMERCE

Period of Significance

1916-1969

Significant Dates

1916, 1928, 1963

Significant Person

(Complete only if Criterion B is marked above.)

N/A

Cultural Affiliation

N/A

Architect/Builder

Madorie and Birdsall

Radotinsky, Joseph W.

Period of Significance (justification)

The period of significance begins in 1916 when the original south block of the building was completed for the headquarters of Prairie Oil & Gas Company. It extends through the 1928 addition that reflects the growth of the company throughout the Oil boom beginning at the turn of the twentieth century. It includes the modernization campaign in the 1950s and 1960s. The period of significance ends in 1969 when Atlantic Richfield Company (ARCO) moved into the building and it became the regional headquarters for a large national corporation.

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Criteria Considerations (justification) N/A

Narrative Statement of Significance

(Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

Summary

The Prairie Oil & Gas Building is locally significant under Criterion A in the areas of Commerce for its association with Prairie Oil & Gas Company and the significant role the oil and gas boom from 1901 to 1929 played in the development of the city of Independence, Kansas. The building's 1916 design and construction, its 1928 expansion, and modernization campaign in the 1950s and 1960s, all of which can still be seen in the building's condition today, reflect the evolution of Prairie Oil & Gas Company and its contributions to the City's development history. The scale and architectural detail of the building indicate the importance of the company to the town's development from the time it was built until the final changes were made to the building in 1963. By 1969, the building was a regional headquarters for the ARCO and although it was still important to Independence's economy, its local significance declined. The building's intact material and design integrity continue to illustrate how the resources of the oil and gas industry shaped the downtown commercial district of Independence.

Elaboration

Independence, Kansas and the Oil and Gas Industry

At the time of its founding in 1871, agriculture was the primary economic activity driving the local economy of Independence, Kansas. The population reached a height of approximately 3,000 by the end of the 1870s.⁴ Through the 1890s, it was a market town serving the surrounding farming communities. By the turn of the century, the city was one of the "best equipped in the state so far as public improvement were concerned,"⁵ stemming from the discovery of oil and gas resources in southeast Kansas and the related industrial development that followed. Independence was ideally situated in the southeastern part of the state to become the commercial and manufacturing center of the Kansas oil and gas fields. The downtown commercial district saw rapid development as wealth linked to the oil and gas industry poured into the city in the first decade of the twentieth century encouraged by an abundance of jobs, the construction of new worker housing, and flourishing social institutions that proliferated during this time. The population of Montgomery County, of which Independence had become the county seat, increased 71 percent between 1900 and 1910. The population of Independence was 6,208 in 1902 and more than doubled to 15,535 in 1907.⁶ By 1912, Independence was home to "a rubber factory, 3 glass factories, 2 ice factories, 2 iron plants, vitrified brick plant, paper mill, cracker factory, cotton twine factory, shirt factory, machine shops, foundries, candy factory, several oil refineries, extensive cement works and an electric light plant."⁷ By this time, there

⁴ Kristen Schodorf and Norman Chambers, National Register of Historic Places Inventory/Nomination Form. "Independence Downtown Historic District, Montgomery County, Kansas." July 19th, 2006, Updated April 15th, 2013.

⁵ Frank Wilson Blackmar, *Kansas A Cyclopaedia of State History, Embracing Events, Institutions, Industries, Counties, Cities, Towns, Prominent Persons, Etc.* (Chicago: Standard Publishing Company, 1912), 898.

⁶ Nimz, Dale. "Cooks Hotel, Montgomery County, Kansas." National Register of Historic Places Inventory/Nomination Form. January 23rd, 2006.

⁷ Blackmar, *Kansas A Cyclopaedia*, 898.

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were also four banks, two weekly newspapers and a hospital.⁸ Abundant oil and gas resources supported the explosive growth of industry which precipitated rapid development of housing, commercial buildings, and social institutions to support the growing population of Independence.

This rapid development continued into the 1920s, slowing only with the onset of the Great Depression. Most development in the downtown commercial district reflects this pattern of economic change. Ninety-six of the remaining buildings in the Independence Downtown Historic District were constructed between 1880 and 1920, with only 18 constructed after 1921.⁹ The 1930s saw many local industries struggle to keep pace with changing technology and the consolidation of many manufacturing plants and institutions at the regional level. It was at this time that Prairie Oil & Gas merged with Sinclair. The larger national effects of the Depression accelerated what was already a declining oil and gas boom, highlighting the vulnerabilities of a city whose economic structure was based on the extraction and processing of a finite natural resource.

Prairie Oil & Gas Company

Prairie Oil & Gas Company (Prairie Oil) was established in 1900. A year later, it took over the holdings of Forest Oil Company and operated out of Neodesha, Kansas.¹⁰ Initially a subsidiary of The Standard Oil Company, the arrival of Prairie Oil in the Kansas field drew prospectors, which precipitated the discovery of many new oil wells in the region.¹¹ Montgomery County oil area was expanded northwest and southeast of Independence, situating the city at the center of the Mid-continent oil fields as the boom years hit. At the urging of Adolph Carl Stich, influential Independence businessman and politician, Prairie Oil & Gas relocated its business headquarters to Independence's newly constructed Carl-Leon Hotel (The Stich building) in August of 1904.¹² From this location in downtown Independence, Prairie Oil & Gas continued to expand their influence and increase their oil holdings throughout the Midwest region. The company began construction of a pipeline to Kansas City, Missouri in October of the same year.¹³ Over the next ten years, the network of pipelines grew to include 2,610 miles of crude oil pipelines powered by twenty-six steam and diesel-powered pumping stations.¹⁴ As the pipeline system grew, the company identified the need for separate management of its oil transportation networks and larger business management entities. The Prairie Pipe Line Company incorporated in January 1915 and assumed ownership of Prairie Oil & Gas Company's extensive network of pipelines.¹⁵ The company commissioned the construction of the new Prairie Oil & Gas Building, across the street from their first Independence headquarters, the following year to provide adequate space for the growing workforce of both companies. Each of the entities moved into one wing of the building in July 1916, marking the beginning of a new era for Prairie Oil & Gas Company as they took a prominent place in the city's downtown commercial district in their state-of-the-art headquarters at 300 Myrtle Street. The nominated building was the central command center for all field operations in the region. Each batch moved through the pipeline system was monitored by in-office dispatchers. This communication was managed by a team of telephone and telegraph operators, stenographers, and administrative staff. The accounting department

⁸Blackmar, *Kansas A Cyclopedia*, 898.

⁹Schodorf and Chambers, "Independence Downton Historic District" Section 7, 3.

¹⁰R.L Wells, "Oil and Independence", undated," 3. Courtesy of the Independence Historical Museum

¹¹Blackmar, *Kansas A Cyclopedia*, 384.

¹²"The first 44 Years" in *The Sinclair Pipeliner*: (Independence, KS: Sinclair Oil & Gas Co. 1954), 6. Courtesy of the Independence Historical Museum.

¹³ Wells, "Oil and Independence",4.

¹⁴ "The first 44 Years" in *The Sinclair Pipeliner*,7.

¹⁵ "The first 44 Years" in *The Sinclair Pipeliner*,7; "Oil and Independence",6.

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managed the financial operation of transferring thousands of barrels of oil daily and the engineering department was responsible for the technology that kept this complex network functioning. Sales staff coordinated with station deliverymen to get products from the refinery to the customers. The building also housed executive offices and a legal department along with a maintenance and mechanical staff that supported the daily operations of the office.¹⁶

Sinclair-Cudahy Pipeline Company organized in 1916 while Prairie Oil & Gas settled into its new two-part business structure and the new headquarters building.¹⁷ Through a practice of acquiring depressed properties, small refineries, and untapped land leases, Sinclair steadily grew its stake in the oil industry over the next decade, all the while eyeing Prairie Oil as a competitor. Throughout the 1920s, Sinclair extended its pipeline network from East Texas to Oklahoma City and, by the end of the decade, into Coffeyville, Kansas roughly twenty miles south of Independence.¹⁸ As the Great Depression took hold, Sinclair sold off interests in other oil companies operating in the Mid-continent field to bolster the company against increasing economic challenges. This move eventually positioned Sinclair, operating under the name Consolidated Oil Corporation, to purchase the assets of the struggling Prairie Oil & Gas Company and Prairie Pipe Line Company in 1932. With completion of the merger on April 1st of that year, Sinclair controlled one of the largest crude oil pipelines in the world. This included 13,250 miles of line with a capacity of 200,000 barrels per day.¹⁹ By 1950, Sinclair Oil & Gas Co. occupied the nominated building as its regional headquarters in Independence, renamed it the Sinclair Building, and by the end of the decade, changed the address to 200 Sinclair Place. Sinclair initiated a modernization of the building to reflect its success in the oil business and dominance of the local industry.

The 1960s proved more challenging for Sinclair, however, and by 1969, Sinclair Pipeline Company completed a merger with Atlantic Richfield Company, which would eventually become ARCO Pipeline Company. The Sinclair Building became the ARCO Building and the address changed from 200 Sinclair Place to 200 ARCO place.²⁰ ARCO continued to operate out of the building at 200 ARCO place until 1994.²¹

The Prairie Oil & Gas building

Kansas City, Missouri Architects Madorie and Birdsall designed the original south block of the Prairie Oil & Gas Building while the Thompson-Starrett company of Chicago served as the contractor.²² The construction of the state-of-the-art building was a significant point of pride for the people of Independence and featured heavily in the local and regional press. Construction of the 75,000 square foot building took place between August 1915 and July 1916 at an estimated cost of \$200,000.²³ According to *The South Kansas Tribune*, the steel superstructure was set into "an excavation of 182 feet long and 97 feet wide."²⁴ Each of the building's five floors has steel columns on reinforced concrete footings, supporting reinforced concrete slabs on steel

¹⁶ "The Sinclair Building", *The Sinclair Pipeliner*, 23.

¹⁷ "The first 44 Years" in *The Sinclair Pipeliner*, 8.

¹⁸ Sinclair Oil History <https://www.sinclairoil.com/history/1930.html> (accessed September 12th, 2023)

¹⁹ Wells, "Oil and Independence", 9; Sinclair Oil History <https://www.sinclairoil.com/history/1930.html> (accessed September 12th, 2023)

²⁰ Polk's Independence City Directories 1959, 1967.

²¹ "Sinclair Pipeline Company is now ARCO" *The Wichita Eagle* July 9th, 1969, 25.

²² "New Prairie Office Building None Better in the State" *South Kansas Tribune*, March 8, 1916, 9.

²³ Untitled article, *South Kansas Tribune* September 22, 1915, 1. ; "Prairie Forces Now at Home in Magnificent New Building: Public Reception Some Time in Few Weeks", 1.

²⁴ Untitled article *South Kansas Tribune*, sept 22 1915, 1.

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beams. It took six weeks to erect the frame of the building and a vast amount of material that had to be transported to the site by rail car. To accommodate the scale of the operation, the contractor arranged for the construction of a spur track along the south side of the site along Myrtle Street, for efficiently delivering carloads of building materials. (Figure 7) They also fashioned a concrete mixing plant on the south side of the site.²⁵ The building's construction employed the latest in fireproof technology, including hollow tile on the interior sides of the exterior walls and extensive use of steel, concrete, brick, and terra cotta. The finished building comprised "about 500 tons of structural steel and about 100 tons of reinforced steel, about 2,000 cubic yards of concrete, about 125,000 face brick, 500,000 common brick and about 3,600 cubic feet of cut stone, and about 20,000 square feet of terra cotta"²⁶

The building's design incorporated every modern convenience including concealed wiring and conduit within the walls, modern light fixtures, and toilets and drinking fountains in both the east and west wings on all five floors. Some of these water fountains remain intact. A 2022 *Independence Daily Reporter* article describes it as, "bedecked in marble and sporting coveted electric lighting, it was a marvel of its time."²⁷ The offices were also equipped with "annunciator systems"²⁸ and private telephones. The switchboard was located west of the main entrance on the first floor. According to the press coverage, this technology connected the company nationwide and streamlined communication between offices within the large building. A 1916 *Independence Reporter* article indicates, "The main exchange is for use of the local system, while there is a switchboard for use of Bell lines, giving direct connection with any place in the United States."²⁹ Two oversized gas boilers in the basement supported the vapor vacuum heating system and electric fans were installed to keep the building cool in the summer months.³⁰ The mechanical and maintenance rooms to support these systems were located in the basement's west wing. The east wing of the basement featured a fully finished club and rest room "for the sole purpose of furnishing the many employees with everything that will add to their comfort and ease."³¹ Adjacent to the club room was a marble tile bath with shower stalls.

The building was officially placed in service in July of 1916, when Prairie Oil & Gas Company moved from their offices in the third-story annex of the Carl-Leon Hotel. The company was headquartered in the hotel annex from the time they relocated to Independence from Neodesha on August 6, 1904.³² The move to this purpose-built building followed the formation of the separate Prairie Pipe Line Company in January 1915, and allowed the necessary space to operate both businesses under one roof. *The Evening Star* reported that "Every foot of the five floors above ground is required for the accommodation of the men of the two big companies".³³ The building's H-shaped plan with symmetrical east and west wings joined by a central lobby was designed for dual business operations. The Prairie Pipe Line Company occupied the west wing of the building and Prairie Oil & Gas Company occupied the east wing. Each company had centralized access to the south facing lobby and the elevators that allowed smooth circulation between the five floors of office and executive spaces. The upper floors of each wing housed the offices of both companies facing south onto

²⁵"New Prairie Office Building None Better in the State"

²⁶"New Prairie Office Building None Better in the State"

²⁷ "Investigation Arco" the *Independence Daily Reporter* September 23rd, 2022.

²⁸"New Prairie Office Building None Better in the State"

²⁹"Prairie Forces Now at Home in Magnificent New Building"

³⁰ "New Prairie Office Building None Better in the State"

³¹"Prairie Forces Now at Home in Magnificent New Building"

³² Untitled article *South Kansas Tribune*, sept 22 1915, 1.; "The first 44 Years" in *The Sinclair Pipeliner*: (Independence, KS: Sinclair Oil & Gas Co. 1954), 6. Courtesy of the Independence Historical Museum.

³³"Prairie Men Move Over Into their Palatial new Office Home" *The Evening Star* Jul 8, 1916.

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Myrtle Street. Each suite of offices was connected by adjoining reception rooms.³⁴ Many of these office suites are retained in the building's current layout, despite some changes to accommodate various tenants since the building's construction. The southeast corner of the fifth floor contained the Pipeline's "run counter room,"³⁵ where the sums owed for thousands of barrels of oil were reported daily. The southwest corner of the fifth floor contained a telegraph office, where eight operators received and transmitted information about the "daily runs of all wells throughout the entire Mid-continent."³⁶

Financial interests in Independence feared the business might move to Tulsa or Oklahoma City when the Prairie Pipeline Company organized in 1915 as a separate entity and the business expanded. In light of these concerns, the construction of the new Prairie Oil & Gas Building became a symbol of the company's commitment to the city of Independence and its growing industry influence at the national level. Press coverage of the announcement extensively reported on the city's pride in this continued association with a major player in industry. An article in the *Independence Daily Reporter* published July 7, 1916 proclaimed, "At last the hope of every citizen has been realized, the desires of every oil spectator in the Kansas-Oklahoma fields have been gratified. The handsome five-story home of the Prairie Oil & Gas Co. has been completed and Independence has become the permanent headquarters for the largest operating company in the Mid-Continent field."³⁷ The article goes on to refer to the building as "a reflection of the progress and advancement of the great southwest." A *South Kansas Tribune* article from September 22nd of the same year calls the building, "tangible evidence that the Prairie Oil & Gas company not only is yet an integral part of the state's marvelous resources but that its proposed to become a permanent fixture in the sunflower community."³⁸ The commissioning of the building in 1916 marked a transitional period in the company's history reflecting its continued growth and dominance in the oil industry and solidifying its place in the history of the development of Independence.

After more than a decade in the building, in February of 1927, Prairie Oil & Gas relocated producers and refiners from Denver to their Independence headquarters. Recognizing the need for more space to accommodate their growing business, they signed a contract on March 30, 1927 for construction of an east addition to the Prairie Oil & Gas Building.³⁹ The company also petitioned the city to build new housing to accommodate the growing workforce, linking the company's growth with increased development in town. The groundbreaking for the east wing was held on May 27, 1927, and construction was completed in March of 1928.⁴⁰ With the addition, the building increased to 137,957 square feet and accommodated approximately 500 workers.⁴¹ This workforce consisted of engineers, accountants, salesmen, lawyers, dispatchers and company executives. There was also a team of support staff that kept the state-of-the-art building functioning, including maintenance technicians, elevator operators, and an electrician.⁴²

³⁴"Prairie Forces Now at Home in Magnificent New Building"

³⁵"Prairie Forces Now at Home in Magnificent New Building"

³⁶"Prairie Forces Now at Home in Magnificent New Building"

³⁷"Prairie Forces Now at Home in Magnificent New Building"

³⁸Untitled article, *South Kansas Tribune*, sept 22 1915,1.

³⁹ Wells, "Oil and Independence", undated," 8. Courtesy of the Independence Historical Museum; "The Sinclair Building" in *The Sinclair Pipeliner*, 14. Courtesy of the Independence Historical Museum.

⁴⁰"The Sinclair Building" in *The Sinclair Pipeliner*, 14.

⁴¹"The Sinclair Building" in *The Sinclair Pipeliner*, 14.

⁴² Prairie Men Move Over Into their Palatial new Office Home"

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The Depression took its toll on Prairie Oil & Gas Company and by 1931, they reported a loss of \$13.5 million in revenue and revealed that Prairie Pipeline was operating at only 28% capacity.⁴³ In January of 1932, Prairie Oil announced a merger with competitor Sinclair Consolidated Oil Corporation. In the 1931 Independence city directory, Sinclair-Prairie Oil Co. (and affiliates) was listed at 300 W. Myrtle.⁴⁴ The 1941 City directory lists the Sinclair-Prairie Building and by 1950 the Prairie name has been dropped and the directory lists Sinclair Oil & Gas Co.⁴⁵ That same year, Sinclair began a series of improvements and renovations, modernizing the building to meet changing company needs creating a new face for the reorganized company. An air conditioning system with a capacity of 400 tons of refrigeration was installed throughout the building between 1950 and 1953. Linoleum, carpets, and new fluorescent light fixtures updated the building's finishes.⁴⁶ The October 1954 issue of *The Sinclair Pipeliner* announces, "changes have steadily kept pace with technological advances, improvements and changing needs of occupants."⁴⁷ A 1950 article in the *Parsons Sun* reported on a "remodeling and redecorating program costing more than a quarter million dollars".⁴⁸ The most significant change after the Sinclair merger was the Joseph W. Rodotinsky renovation of the building's exterior and the east lobby. Between 1959 and 1963, the renovation removed many of the building's Beaux Arts details and re-clad the exterior with the green porcelain enamel panels, giving the building a new streamlined appearance that reflected the company's transition to the modern era. The redesigned east lobby became the primary entrance of the company's corporate office. The renovation reoriented the building east through the newly renovated east entrance and lobby. At the same time, the city renamed 10th Street as Sinclair Place.

In 1969, following the economic downturn of the previous decade, Atlantic Richfield Company (ARCO) joined Sinclair in the largest merger the oil industry had seen to that point. Press coverage of the merger indicated that the "Headquarters of ARCO will continue to be at Independence, Kan., the former Sinclair Pipe Line headquarters."⁴⁹ ARCO operated its headquarters out of the building for at least a decade and began a phased closing of the Independence office in 1991. The company reduced the 250-person workforce located in the Prairie Oil & Gas Building to 100 by spring of 1994. By December of 1995, ARCO had completed a phased closing of the Independence office, and after almost eighty years, the building was no longer associated with oil industry giants.⁵⁰ Under new ownership, the building served as Independence Corporate Office building, housing various tenants including the city's Department of Children and Family Services. Conditions in the building declined and it has been vacant since July 2018.⁵¹ Even in its current condition, the building continues to be an excellent local example of the Modern Movement and retains many of its historic character defining features that associate it with Independence's oil and gas history.

Architects & Builders

Madorie and Birdsall

⁴³ Wells, "Oil and Independence, undated," 9.

⁴⁴ Polk's Independence City Directories (1931 -1935)

⁴⁵ Polk's Independence City Directories (1941, 1950)

⁴⁶ "The Sinclair Building" in *The Sinclair Pipeliner*, 14.

⁴⁷ "The Sinclair Building" in *The Sinclair Pipeliner*, 14.

⁴⁸ Untitled Article, *The Parsons Sun*, May 26th, 1950, 5.

⁴⁹ "Sinclair Pipeline Company is now ARCO" *The Wichita Eagle* July 9th, 1969, 25.

⁵⁰ "Arco to close local offices by end of '95" *Independence Daily Reporter* May 17th, 1994. Courtesy of the Independence Historical Museum.

⁵¹ "Investigation Arco", 13.

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Kansas City Architects Edgar P. Madorie and Clarence K. Birdsall, designed the original 1916 south block of the Prairie Oil & Gas Building. Their partnership appears to have been brief, appearing only in the 1915 city directory. Their short partnership produced a number of notable buildings in Kansas and Missouri. These include Kansas City Police Station Number 4 (1916), listed in the National Register in 2005, and the Southwest Boulevard State Bank (1915) Kansas City, Missouri.

Edgar P. Madorie worked as a carpenter and contractor in the 1890s and was the Vice President of the family run Missouri Planing Mill Company in 1906. Kansas City directories first listed him as an architect in 1907. Following his brief partnership with Clarence K. Birdsall, he worked in partnership with E. Stanley Field in 1917 before establishing a partnership with Samuel W. Bihr that lasted from 1925 through 1929. Madorie continued to practice Architecture through at least 1936. His work included both commercial and residential buildings.

Clarence K. Birdsall first appears in Kansas City directories in 1909 as a draftsman for architect Louis Curtiss. The 1912 city directory lists him as an architect for the Western Cabinet and Fixture Manufacturing Company. Following his brief partnership with Madorie in 1916, he continued to work independently out of Kansas City for the next two years. He is not listed in city directories after 1918 and little is known about the remainder of his career. *Western Contractor* indicates he moved his office to Ranger, Texas in 1919.⁵²

Joseph W. Radotinsky

Joseph W. Radotinsky is responsible for the modernization of the Prairie Oil & Gas Building between 1959 and 1962. This renovation included the recladding of the exterior, redesign of the south and east entrances, and renovation of the east lobby. Radotinsky was born in Kirkwood, Missouri on February 26, 1902. He graduated from the University of Kansas in 1924, with a degree from the school of architecture and engineering. Following graduation, he formed a partnership with Roger Bishop which designed and constructed bridges across Kansas under the name B-R Construction Company. Soon after he moved to New York City, where he continued his studies at Columbia University. He returned to the Midwest in 1928 and began working for Archer and Gloyd, Inc., where he eventually became partner. He was appointed Kansas State Architect in 1931 by Governor Clyde Reed and continued for three terms in the position. He also worked for the Kansas Board of Education where he developed plans for a total of \$250 million in schools in the State.⁵³ He specialized in schools, hospitals, and office buildings while employed by the state and after returning to private practice in the 1960s. The majority of his work was in the state of Kansas, though he was prolific throughout the Midwest, completing projects in Missouri, Iowa, Nebraska, South Dakota, Oklahoma, and Ohio. He died in 1983 at the age of 81, in Kansas City, Kansas.⁵⁴

Conclusion

The Prairie Oil & Gas Building in downtown Independence, Kansas represents the role of the oil and gas industry and Prairie Oil & Gas specifically in the city's development. The opulent design and large scale of the building's original 1916 construction, still visible in parts of the interior, are indicative of the success Prairie Oil & Gas achieved during the oil boom years though the end of the 1920s. The 1928 addition stands

⁵²Western Contractor, 25 March 1919, 16. Kansas City (Missouri) Public Library.

⁵³ Kansas Historical Society, Joseph Radotinsky <https://www.kshs.org/kansapedia/joseph-radotinsky/19690> (accessed September 12th, 2023)

⁵⁴ Obituary of Joseph W. Radotinsky *the Salina Journal* August 18th, 1983,9.

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today as evidence of their continued success through the end of the decade as their workforce continued to grow in Independence. By locating its national headquarters in Independence during this time, Prairie Oil & Gas asserted itself as one of the most notable businesses in town and played an integral role in driving the demand for housing, commercial buildings, and social institutions to support the growing population, which spurred development throughout the city. The building today remains one of the most prominent buildings in the city's downtown and records, in its present condition, the evolution of the company from the original construction of the building in 1916 through 1963, the final year associated with an effort to modernize the building in both function and appearance to keep pace with the changing Oil & Gas industry.

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9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

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"Arco to close local offices by end of '95" *Independence Daily Reporter* May 17th, 1994. Courtesy of the Independence Historical Museum.

"Investigation Arco" the Independence Daily Reporter September 23rd, 2022. Courtesy of the Independence Historical Museum.

"New Prairie Office Building None Better in the State" *South Kansas Tribune*, March 8, 1916.

Obituary of Joseph W. Radotinsky *the Salina Journal* August 18th, 1983.

"Prairie Forces Now at Home in Magnificent New Building: Public Reception Some Time in Few Weeks." *The independence Reporter* July 7th, 1916.

"Prairie Men Move Over Into their Palatial new Office Home" *The Evening Star* Jul 8, 1916.

"Sinclair Pipeline Company is now ARCO" *The Wichita Eagle* July 9th, 1969.

Untitled article, *South Kansas Tribune* September 22, 1915.

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Untitled article, *The Parsons Sun*, May 26th, 1950.

City Directories

Polk's Independence City Directories 1926, 1931, 1935, 1941, 1950, 1959, 1967. Curtesy of Independence Public Library.

Previous documentation on file (NPS):

☐ preliminary determination of individual listing (36 CFR 67 has been requested)
☐ previously listed in the National Register
☐ previously determined eligible by the National Register
☐ designated a National Historic Landmark
☐ recorded by Historic American Buildings Survey # _____

☐ recorded by Historic American Engineering Record # _____
☐ recorded by Historic American Landscape Survey # _____

Historic Resources Survey Number (if assigned): _____

Primary location of additional data:

☒ State Historic Preservation Office
☐ Other State agency
☐ Federal agency
☐ Local government
☐ University
☒ Other

Name of repository: Independence Historical Museum,
Independence Public Library

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10. Geographical Data

Acreage of Property

Provide latitude/longitude coordinates OR UTM coordinates.

(Place additional coordinates on a continuation page.)

Latitude/Longitude Coordinates

Datum if other than WGS84:
(enter coordinates to 6 decimal places)

1	37.22480	-95.70986	3		
	Latitude:	Longitude:		Latitude:	Longitude:
2			4		
	Latitude:	Longitude:		Latitude:	Longitude:

Verbal Boundary Description (describe the boundaries of the property)

The boundary of the nominated property is Myrtle Street on the south, W. Laurel Street on the north, N. 10th Street on the west, and the northwest property line between the nominated property and the property that occupies the northwest corner of the block.

Boundary Justification The boundary includes all the property historically associated with the Prairie Oil & Gas Building.

11. Form Prepared By

name/title Molly Maguire/ Historic Preservation Specialist & Amanda Loughlin/ National Register Coordinator
organization Rosin Preservation, LLC date September 2023
street & number 1712 Holmes telephone 816 472 4950
city or town Kansas City state MO zip code 64108
e-mail molly@rosinpreservation.com & amanda@rosinpreservation.com

Property Owner: (complete this item at the request of the SHPO or FPO)

name
street & number telephone
city or town state zip code

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

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Estimated Burden Statement: Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.

Additional Documentation

Photographs

Submit clear and descriptive photographs. The size of each digital image must be 1600x1200 pixels (minimum), at 300 ppi (pixels per inch) or larger. Key all photographs to a sketch map or aerial map. Each photograph must be numbered, and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photograph Log

Name of Property: Prairie Oil & Gas Building
City or Vicinity: Independence
County: Montgomery **State:** Kansas
Photographer: Brad Finch
Date Photographed: July 18th, 2023

Description of Photograph(s) and number, include a description of view indicating the direction of camera:

Photo Number	View	Description
#001	N	South elevation of 1916 south block
#002	SE	NW corner of 1916 south block
#003	SE	NW corner of 1928 addition
#004	SW	NE view of 1928 addition
#005	W	East elevation of 1928 addition
#006	W	East elevation third-story window detail (typ.)
#007	SW	East entrance detail
#008	NW	South entrance detail
#009	SE	South lobby
#010	NE	South lobby
#011	NW	East lobby stair detail
#012	E	East lobby
#013	W	East lobby
#014	NE	First floor historic water fountain (typ.)
#015	S	Second floor central stair (typ.)
#016	E	Second floor corridor with historic finishes and partitions (typ.)
#017	W	Third floor corridor with historic finishes and partitions (typ.)

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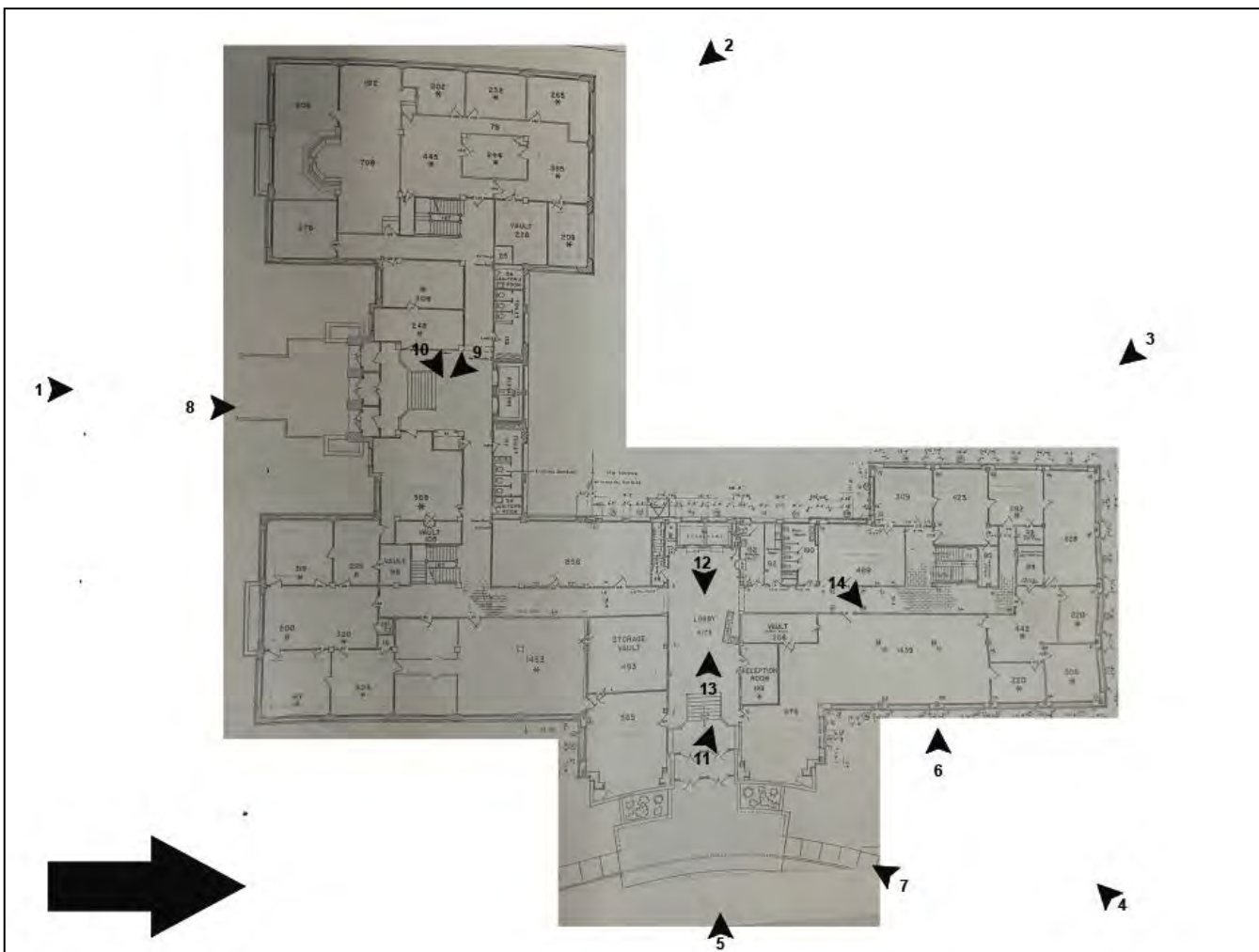
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#018 | NW | Third floor reception room (typ.)

Figures

Include GIS maps, figures, scanned images.

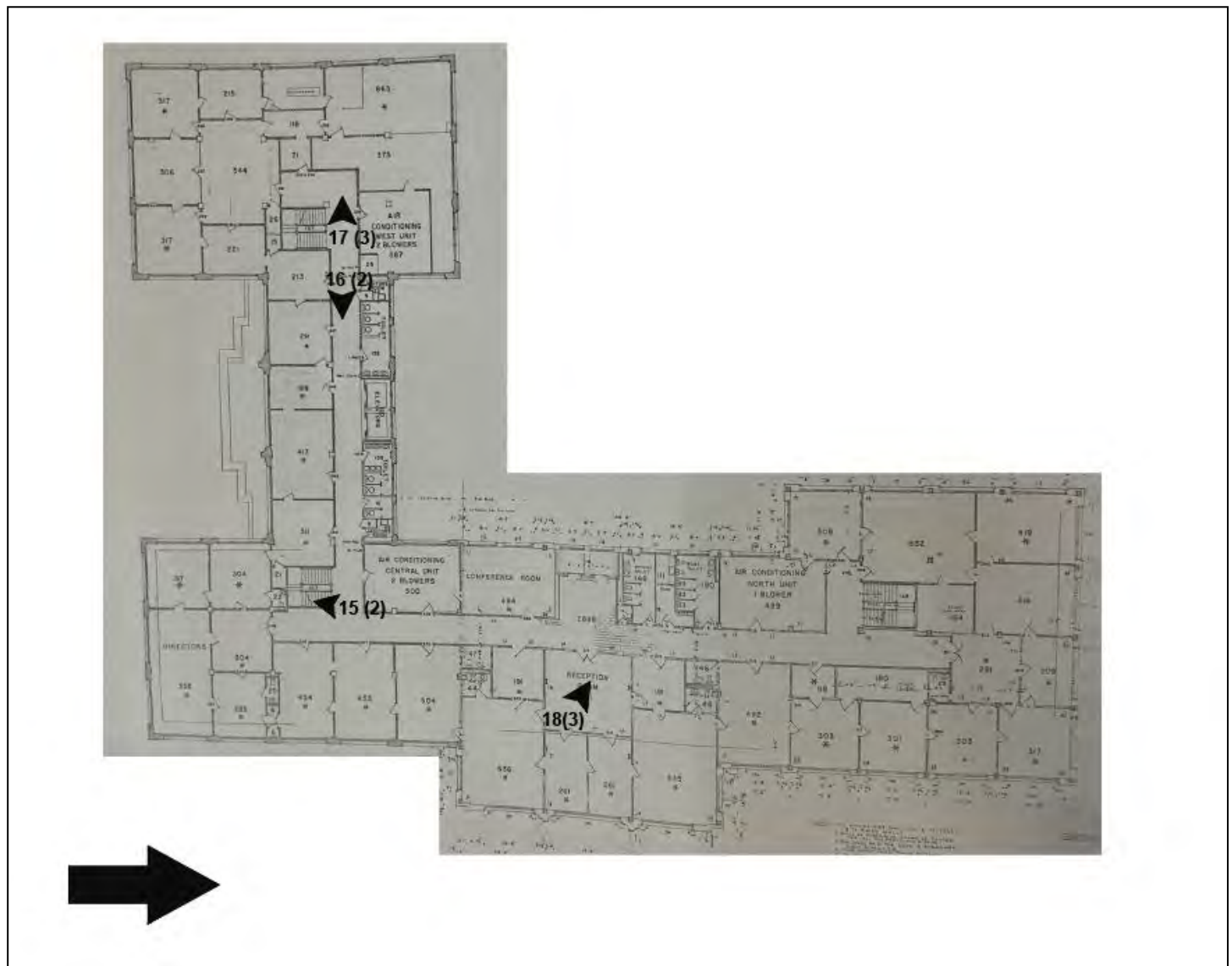
Figure 1. Photo Key, exterior and first floor



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Figure 2. Photo Key, representative interior photos



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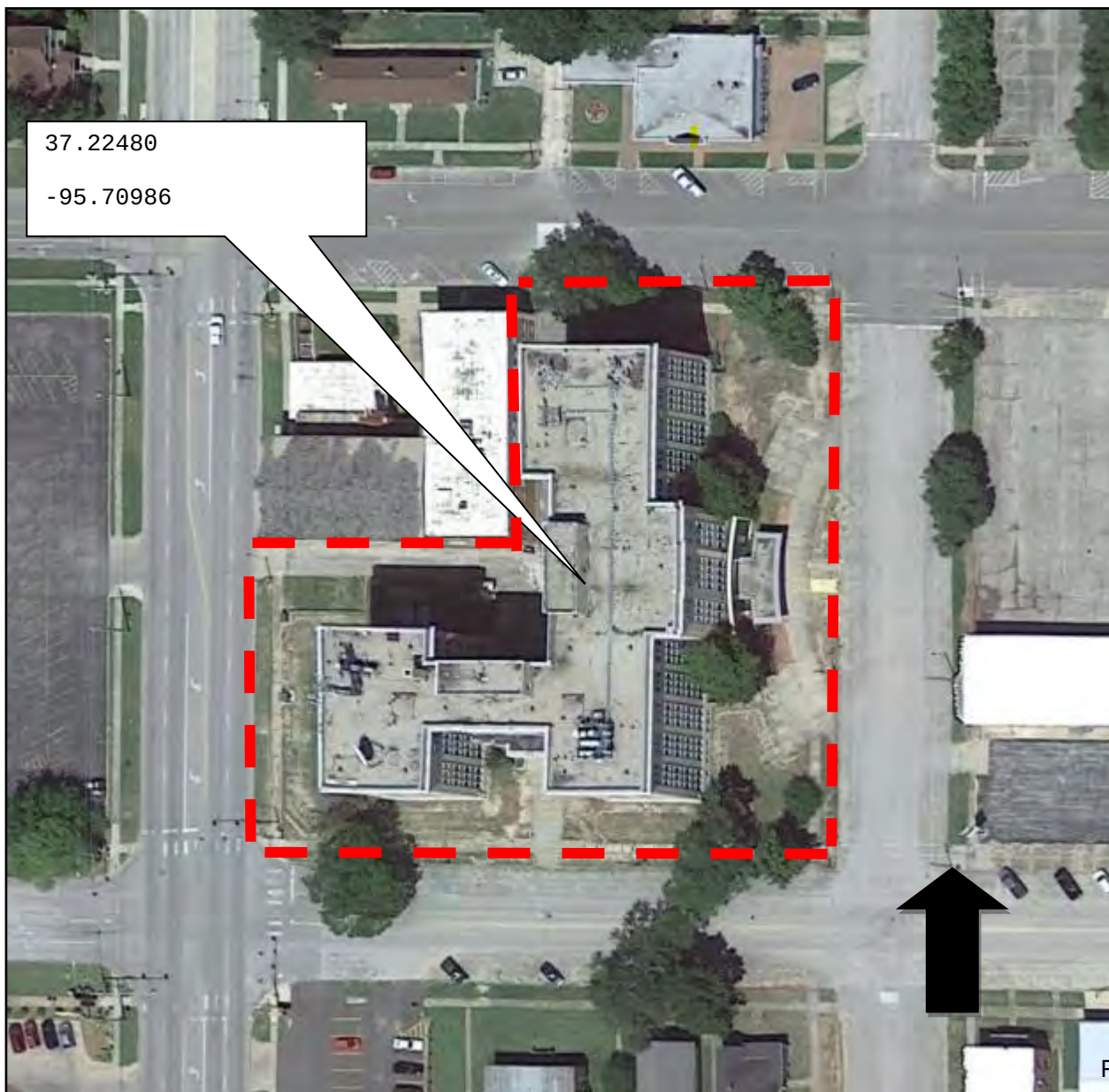
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Figure 3. Contextual map of Prairie Oil and Gas Building [Source: Kansas GIS]

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Figure 4: Aerial Photo of Prairie Oil & Gas Building showing boundary in dashed red line [Source: Google maps]



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Figure 5. Snippet of 1916 Sandborn Map showing completed south wing of Prairie Oil & Gas Building



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Figure 7. Undated photo showing spur track along the south property line during 1916 construction [Source: *The Sinclair Pipeliner* October 1954. Courtesy of The Independence Historical Museum]



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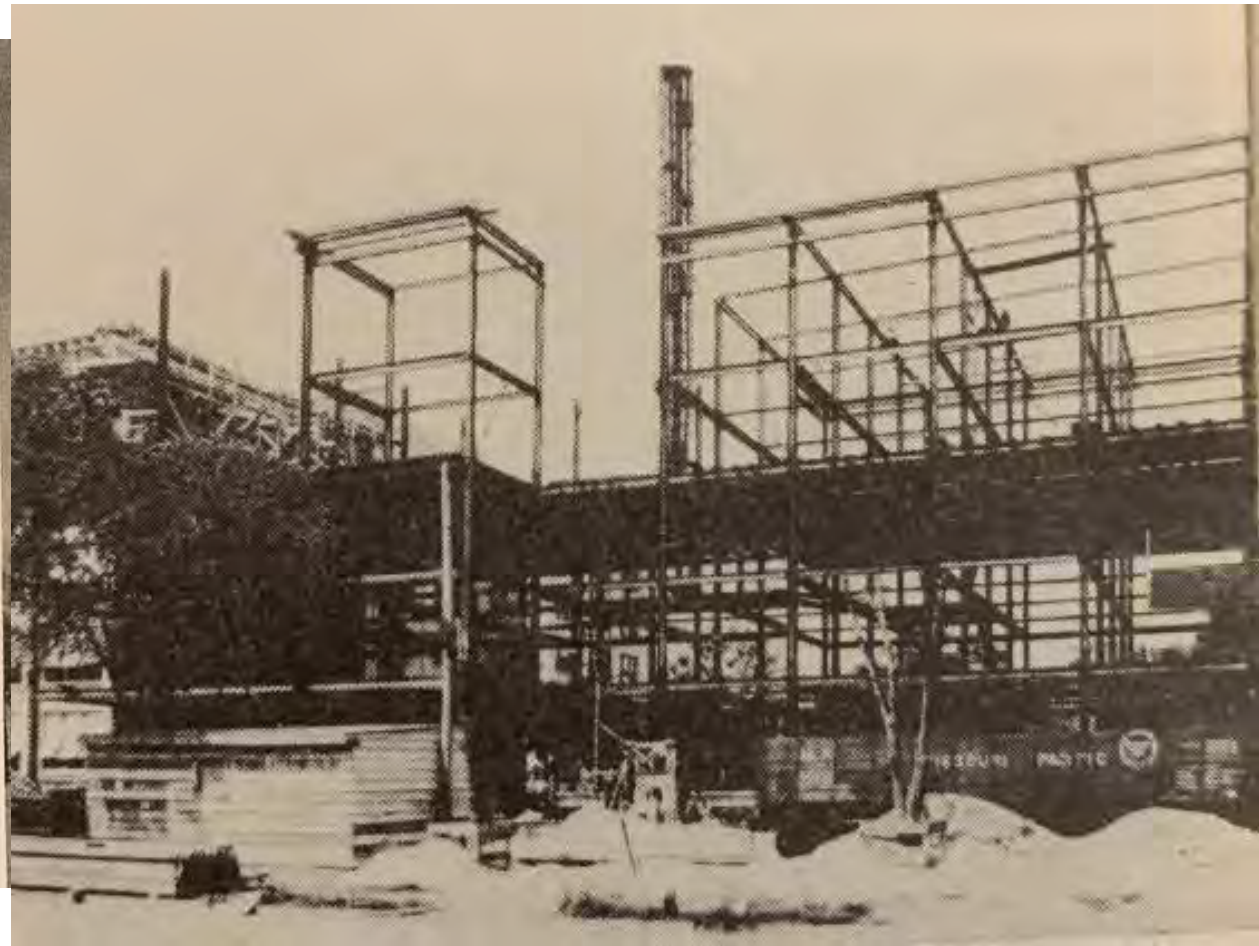
Figure 8. Undated photo showing the steel frame of the 1916 east block. [Source: *The Sinclair Pipeliner* October 1954. Courtesy of The Independence Historical Museum]



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Figure 9. Undated Photo the 1916 and 1928 blocks of the Prairie Oil & Gas Building. [Source: *The Sinclair Pipeliner* October 1954. Courtesy of The Independence Historical Museum]**Figure 10.** Undated photo (likely 1928) Showing the construction of the east block with the south block visible on the left. [Source: *The Sinclair Pipeliner* October 1954. Courtesy of The Independence Historical Museum]



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Figure 11. Undated Photo (likely 1928) Showing the east block near completion [Source: *The Sinclair Pipeliner* October 1954. Courtesy of The Independence Historical Museum]



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Figure. 12 Undated photo (after 1928) of the completed east addition [Source: *The Sinclair Pipeliner* October 1954. Courtesy of The Independence Historical Museum]



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Figure. 13 Undated Photo of the modernized exterior of the building showing the Radotinsky renovation. South wing, SW corner view NE. [Source John R. Koschin, *Then and Now Independence Kansas*, Courtesy of The Independence Historical Museum.]



Certified Local Government (CLG) Program Response Sheet for National Register of Historic Places (NRHP) Nominations

CLG: _____
National Register Nomination(s): _____

Please review the enclosed nomination materials for the above referenced resource(s) within your jurisdiction. On a separate sheet, please provide any comments your board/commission has regarding the: significance of the resources, its relationship to the proposed criteria or areas of significance, the merits of listing this resource in the NRHP, and any other issues that the State Historic Preservation Officer, Kansas Historic Sites Board of Review (HSBR), or National Park Service (NPS) should consider in their review of the nomination.

Following your board's review of the nomination, including any public meetings, please indicate whether the board/commission and chief elected official support or oppose the nomination. Return this form, along with any comments, to KS-SHPO National Register Coordinator before the HSBR meeting where this nomination is scheduled.

1. CLG Board/Commission Recommendation:

- ☐ Support the nomination of this property for listing in the National Register of Historic Places.
☐ Do not support the nomination of this property for listing in the National Register of Historic Places.

2. Chief Elected Official Recommendation:

- ☐ Support the nomination of this property for listing in the National Register of Historic Places.
☐ Do not support the nomination of this property for listing in the National Register of Historic Places.

3. Other recommendations: _____

4. Has any public comment been included with this form? Yes ☐ No ☐ Explain:

CLG Board/Commission Contact:

Name: _____ Date: _____

Return the form, additional report, and public comment to the National Register Coordinator within 60 days. If the SHPO does not receive this report and recommendation within 60 calendar days, the SHPO will continue the nomination process. Questions can be submitted to the National Register Coordinator: Jamee Fiore Krivenko at Jamee.Fiore.Krivenko@ks.gov.

March 29, 2024

Kelly Passauer
Historic Preservation & Resource Commission
811 W Laurel St
Independence, KS 67301

Re: Prairie Oil and Gas Company Building (200 Arco Pl., Independence, Montgomery County)
Nomination to the National & State Registers of Historic Places

Dear Kelly:

This letter is to inform you that the *Prairie Oil and Gas Company Building* will be considered by the Kansas Historic Sites Board of Review (HSBR) for nomination to the Register of Historic Kansas Places at its next meeting on Saturday, June 1, 2024. The HSBR will also make a recommendation for nominations proposed for the National Register of Historic Places. You are being notified because the property is within the boundaries of Independence, a Certified Local Government.

Per the requirements of 36 CFR 60-61 and Section IV of the *Procedures for Implementation of Certified Local Governments in Kansas*, we are providing your historic resources commission the opportunity to comment on this nomination. We have included a supplemental checklist to submit with the report. **In accordance with Section IV (C), we request receipt of the commission's recommendation within 60 days or by May 31, 2024.**

The National Register of Historic Places is the federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Should you have any questions about this nomination before the Kansas Historic Sites Board of Review meeting, please contact Lauren Jones, National & State Register Reviewer, at (785) 272-8681 ext. 214 or at Lauren.Jones@ks.gov.

Sincerely,



Lauren Jones
National & State Register Reviewer

enclosure







































Report
CITY OF INDEPENDENCE
April 25, 2024

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Projects and Public Works Report

BACKGROUND The monthly Public Works Report is attached.

SUPPORTING DOCUMENTS

1. Project Status 4-2024cc

	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	Whiskey Creek	Artificial lake for runoff water impoundment	TBD		TranSystems	Hold.	Land acquisition approved.	Land acquisition started, grant application information in development, conceptual design in process.	TBD	TBD
2	SS4A	Safe Streets for All grant application.	\$1,605	\$1,605	TranSystems	Pre-grant.	First meeting with FHWA.	Fill out grant paperwork, submit draft.	TBD	TBD
3	Water Plant Next Phase	Water Plant Capital Work Per Master Plan	\$6,000	n/a	PEC	Design.	Continue engineering.	Hold design review meeting.	3Q24	4Q26
4	FAA - Rehab Pavement	Rehabilitate portions of the taxiways at Independence Municipal Airport.	\$735	\$662	Lochner	Pre-bid.	Review design.	Bid.	2Q25	3Q25
5	SPCC - Airport	Containment upgrades for fueling	\$150	n/a	TranSystems	Pre-bid.	Review documents.	Final survey data needed.	2Q24	3Q24
6	CCLIP Grant - Main	Main Street - 8th to 2nd, mill and overlay	\$1,000	\$800	TranSystems	Pre-bid.	Issue revised drawings.	Waiting on KDOT.	3Q24	3Q24
7	Transp. Alt. Grant	8' sidewalk to Wal-Mart and Labette	\$1,350	\$980	TranSystems	Pre-bid.	Start ROW acquisition (very small area).	Start ROW acquisition (very small area).	3Q24	1Q25
8	KDHE Wastewater Loan	New sewer lines around 1st and Birch and around the Westminster area.	\$3,000	n/a	TranSystems	Pre-bid.	Minor specification comments, should be getting draft loan agreement from KDHE soon.	KDHE notes that this may be (partially) loan forgiveness.	3Q24	4Q24
9	CCLIP Grant - Penn	Reconstruct Penn from Morningside to City Limits	\$500	\$370	TranSystems	Pre-construction.	Wait.	Hold precon. (KDOT)	2Q24	3Q24
10	KDOT KAIP	New Beacon	\$120	\$108	Lochner	Pre-construction.	Work in 3Q24.	Work in 3Q24.	3Q24	4Q24
11	Waterline/Meter Project	New Water Meters, Replace Some Water Main	\$3,600		PEC	In construction.	Work started on data collection for lead and copper, April 15 start.	Project started.	1Q24	3Q24
12	Big Straw	Water pipeline to Bartlett.	\$11,000	All (via Bartlett)	EBH	In construction.	Construction in progress.	Pipe tested, water flush started, working Phase II design.	4Q23	2Q25
13	Jefferson Subdivision	Streets and infrastructure for new subdivision.	\$1,100	TBD	TranSystems	In construction.	Project started, finishing utilities, streets next.	Reviewing street options.	1Q24	3Q24
14	Central Park - Phase I	New soccer fields, revamp existing ball fields.	\$6,800	\$2,100	Indigo	In construction.	In construction.	In construction.	3Q23	2Q24
15	Parking Lot N. of City Hall	Design and construct new parking lot north of historic City Hall	\$661	n/a	TranSystems	In construction.	March 18 start.	In progress.	1Q24	3Q24
16	Enterprise Drive	Buildout of street, utilities	\$1,700	\$1,300	TranSystems	In construction.	Easement with landowner to be signed.	Easement with landowner to be signed.	1Q22	2Q24
17	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	\$3,780	\$1,600	TranSystems	In construction.	Waiting on Atmos easement.	Waiting on Atmos easement.	1Q22	2Q24
18	Precision Rail	Rail work to be paid for by KDOT grant and precision, contract with City.	\$1,000	\$1,000	(Precision)	In construction.	Nearly complete.	Nearly complete.	3Q23	3Q24
A	Airport Infrastructure	Paving at airport to support business.	\$434	\$349	TranSystems	Developing.	Reviewing scope of work.	Reviewing scope of work.	2024	2024
B	KDOT Bridge Grant	Replace Cherry Street bridge with box culvert.	\$400	TBD	TranSystems	Hold.	RCA for application.	Grant applied for, wait.	TBD	TBD
C	Dam Investigation	Investigate/Repair Verdigris Dam	\$500	TBD	WRS, LLC	Hold.	Grant applied for, wait.	Grant application not successful.	TBD	TBD
D	CCLIP Grants	Applied for Two CCLIP Grants (10th St. and Main	TBD	TBD	TranSystems	W	Grant applied for, wait.	Grant applied for, wait.	TBD	TBD
E	Cost Share	Applied for Sycamore Cost Share	TBD	TBD	TranSystems	Hold.	Grant applied for, wait.	Grant applied for, wait.	TBD	TBD
Green shade denotes changed/new information from last month.										



Report
CITY OF INDEPENDENCE
April 25, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM City Board Minutes

BACKGROUND The latest Library Board minutes are attached.

SUPPORTING DOCUMENTS

1. 2024.03.20 Library Board Minutes

INDEPENDENCE PUBLIC LIBRARY BOARD OF TRUSTEES MEETING

Wednesday, March 20, 2024

REGULAR SESSION

Board Members Present: Michelle Avery, Chairman, Trustee England Porter, Tom Swell, Carolyn Torrance, England Porter and Andy Taylor

Also Attending: Library Director, John Long and **Recording Secretary:** Gloria McCoy

I CALL TO ORDER: The regular meeting of the library board was called to Order by Chairman Michelle A., at 5:20 p.m.

1 Adoption of Agenda: Carolyn T. moved and England P. seconded the motion to approve the agenda as printed. **Motion carried.**

2 Adoption of Minutes. Minutes of February 21, 2024, meeting was approved.

II CONSENT OF AGENDA: The Consent of Agenda was adopted as presented.

1. Approval of Accounting for the previous month was adopted as presented.

2. Approval of Bills for previous month was adopted. Total expenses for the month of **February** were **\$55139.76.**

III OLD BUSINESS: NONE

IV NEW BUSINESS:

1. Digital Trustee Handbook – Roles of Board Members and Director of Library

- **Includes glossary and definitions** pertaining to library
- **Includes – budget and audit** for the last 2 years, business statement and trustee terms.

2. Friend's Liaison - Friend's Group have funded work with the children's program. They desire to become more active. They are very supportive.

a. Director of Library invites them to upcoming events.

b. Director – will be going to their meetings and will keep Board up to date. **They will be at 0900, 2nd Thursday, every other month.**

V STAFF REPORTS

- a Escape Room** – going very well. Board members invited to visit after adjournment of this meeting.
- b Children’s Librarian, Lily Kibel**, is on board. She will be at the Arbor Day Meeting.
- c Seed Library:** Approximately 150 people at visited.
- d Summer Reading Program:** Will kick off soon. **May 31, 2024, is the Kick-off Date.**

LIBRARY PRESENCE IN THE COMMUNITY

- A. Senior Exercising Classes-** Lots of participation and lots of excitement about it. Yoga classes, regular exercising. Going well.
 - **Handouts** – will be printed for various exercising programs.
 - **Schedules** – **Carolyn T.** will be taking printouts for the exercise classes to the Physical Therapy Office to be handed out to their seniors. There has been interest from them.

VI UPCOMING ADVOCACY EVENTS – NONE DISCUSSED.

VII COMMENTS FROM MEMBERS OF THE BOARD – NONE.

VII ADJOURNMENT: Meeting adjourned at 6:00 p.m. so that Board Members could tour the Escape Room. The next regular meeting is scheduled for Wednesday, 17 April 2024.

RON SCHWATKEN

DATE OF APPROVAL