

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

December 12, 2024

5:30 PM

Commission Room, City Hall

To participate by conference call:
1 785-289-4727 Conference ID: 847 753 695#

The Agenda shall be as follows:

I. REGULAR SESSION

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

II. APPOINTMENTS

- A. Consider reappointing Gary Hogsett and Brett Richards to the Independence Historic Preservation and Resource Commission (IHPRC).
- B. Consider reappointing Rita Ortolani to an inside City position on the Planning Commission/Board of Zoning Appeals.

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 the minutes from the November 14th and 21st, 2024 Special and Regular Commission meetings.
- B. Consider approval of a streetlight at 116 S. 23rd Street.
- C. Consider authorizing the Mayor to sign the 2024 Tree City USA Application for Certification.
- D. Consider approving the Independence Municipal Airport's DBE program Policy Statement.
- E. Consider approving bidding for a replacement sewage grinder.

IV. PUBLIC HEARINGS

- A. Public Hearing to consider condemnation of 512 W. Myrtle Street as dangerous and unsafe.
- B. Public Hearing to consider condemnation of 212 S. Earl Street as dangerous and unsafe.
- C. Public Hearing to consider the condemnation of 208 S. 16th Street as dangerous and unsafe.
- D. Public Hearing to consider the condemnation of 224 S. Earl Street as dangerous and unsafe.
- E. Public Hearing to consider the condemnation of 205 S. 16th Street as dangerous and unsafe.
- F. Public Hearing to consider condemnation of 225 S. 16th Street as dangerous and unsafe.
- G. Public Hearing to consider the condemnation of 314 N. 5th Street as dangerous and unsafe.
- H. Public Hearing to consider condemnation of 620 W. Chestnut Street as dangerous and unsafe.
- I. Public Hearing to consider the condemnation of 201 S. 16th Street as dangerous and unsafe.
- J. Public Hearing to consider the condemnation of 604 N. 16th Street as dangerous and unsafe.
- K. Public hearing to consider amending the 2024 Budgets.

V. ITEMS FOR COMMISSION ACTION

- A. Consider adopting an ordinance rezoning a lot located at 3100 Cessna Boulevard from M-1, light industrial to M-2, heavy industrial.
- B. Consider adopting a resolution for a conditional use permit for a short term rental (AirBnB) at 940 Crescent Drive.
- C. Consider adopting Ordinance No. 4474 vacating property not served by City water and/or sanitary sewer services.
- D. Consider adopting a Resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 1201 W. Pine Street.

VI. REPORTS

- A. Report on receiving the Tenant Based Rental Assistance Grant from the Kansas Housing Resources Corporation.
- B. City Board Minutes

VII. CITY MANAGER'S COMMENTS

VIII. COMMISSIONERS' COMMENTS

IX. PUBLIC CONCERNS

X. ADJOURNMENT



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider reappointing Gary Hogsett and Brett Richards to the Independence Historic Preservation and Resource Commission (IHPRC).

SUMMARY RECOMMENDATION Reappoint Gary Hogsett and Brett Richards to a 1st full term (they both previously served a partial term which will expire on January 1, 2025).

BACKGROUND Gary Hogsett was appointed to the IHPRC on June 9, 2022 to serve a partial term due to a resignation. Brett Richards was appointed to the IHPRC on January 11, 2024 to serve a partial term due to a resignation. They are both willing to serve a first full term.

Historic Preservation Resource Commission (Certified Local Government)			
(3 year terms -- 7 members)			
Members	Term	Expires	Appointed/Eligible
Bill Gour	2nd term	1/1/2027	Appointed 1/14/2021
Darin Axthelm (History Major)	2nd term	1/1/2027	Appointed 1/14/2021
Breanna Sanford (History and Anthropology)	1st term*	1/1/2026	Appointed 06/09/2022
Tim White	1st term*	1/1/2027	Appointed 08/11/2022
Gary Hogsett (Engineer)	Unexpired	1/1/2025	Appointed 06/09/2022
Jason Rutledge	1st term*	1/1/2026	Appointed 08/11/2022
Brett Richards	Unexpired	1/1/2025	Appointed 01/11/2024
*Previously served an unexpired term.			
Meeting Place: Memorial Hall Meeting Date: Last Monday Meeting Time: 12 p.m.			

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to reappoint Gary Hogsett and Brett Richards to the IHPRC for a 1st full term expiring on January 1, 2028.

SUPPORTING DOCUMENTS



REQUEST FOR COMMISSION ACTION

CITY OF INDEPENDENCE

December 12, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider reappointing Rita Ortolani to an inside City position on the Planning Commission/Board of Zoning Appeals.

SUMMARY RECOMMENDATION Reappoint Rita Ortolani to a 1st full term (she previously served a partial term which will expire on January 1, 2025).

BACKGROUND Rita Ortolani was appointed to the Planning Commission on January 11, 2024 to serve a partial term due to a resignation. She is willing to be reappointed and serve a first full term. Kym Kays does not wish to be reappointed, and Mary Jo (Dancer) has served two full terms and is ineligible for reappointment unless we receive no applications. Members with expired terms continue to serve until they are replaced. We are receiving applications to fill these vacancies until noon on January 2, 2025. [Click here for more information.](#)

PLANNING & ZONING COMMISSION (3 year terms – 9 members)			
Members	Term	Expires	Appointed
Mary Jo (Dancer) Meier	2nd term*	January 1, 2025	
Butch Holum	Unexpired	January 1, 2026	January 11, 2024
Kym Kays** Secretary	Unexpired	January 1, 2025	January 11, 2024
Rita Ortolani	Unexpired	January 1, 2025	January 11, 2024
Gary Hogsett**	1st term	January 1, 2027	January 11, 2024
Michelle Avery	2nd term*	January 1, 2027	June 28, 2018 January 11, 2024
Tim Haynes	1st term*	January 1, 2027	February 24, 2022 January 11, 2024
Lisa Richard Vice Chair	2nd term*	January 1, 2026	August 8, 2019 December 19, 2019
Rachel Lyon Chair	2nd term	January 1, 2026	May 14, 2020
*Served an unexpired term.			
**Outside City Appointment. Not on Board of Zoning Appeals.			
Meeting Place: Commission Room, City Hall			
Meeting Date: First Tuesday			
Meeting Time: 5:30 p.m.			

FINANCIAL INFORMATION

SUGGESTED MOTION I move to reappoint Rita Ortolani to the Planning Commission/Board of Zoning Appeals for a 1st full term expiring on January 1, 2028.

SUPPORTING DOCUMENTS



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024

Department City Clerk

Director Approval Lacey Lies

AGENDA ITEM Consider approving the minutes from the November 14th and 21st, 2024 Special and Regular Commission meetings.

SUMMARY RECOMMENDATION Approve the minutes.

BACKGROUND

FINANCIAL INFORMATION

SUGGESTED MOTION I move to approve the minutes from the November 14th and 21st, 2024 Special and Regular Commission meetings

SUPPORTING DOCUMENTS

1. November 14 2024 Special Meeting Minutes
2. November 14 2024 Minutes
3. November 21 2024 Minutes

Minutes of the City Commission's November 14, 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; David Cowan, Assistant 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 Scott Smith, the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception, KSA 75-4319(b)(1). The open meeting will resume at 5:00 p.m.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 5:00 p.m. with no action taken.

III. ADJOURNMENT

Motion:

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

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

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

Tim Emert, Mayor

Dean A. Hayse, Commissioner

Scott Smith, Commissioner

Attest:

City Clerk/Treasurer

Minutes of the City Commission's November 14, 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; John Garris, City Engineer/Director of Public Works and Utilities; Dustin Stafford, Chief of Police; Hohn Clayton-Hyer, Police Officer and Seth Lloyd, Police Officer.

Visitors Present: Larry McHugh, Breanne Sanford, Sheri Garris, Riley Acuff, Reign Bale, Addeson Cape, Laney Chism, Araya Florez, Bella Jones and Connor Funes.

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. PRESENTATIONS

A. Introduction and swearing-in of Independence Police Department's new officer, John Clayton-Hyer.

The following officer was selected to serve the citizens of Independence as a new police officer, and has graduated from the Kansas Law Enforcement Training Center; Officer John Clayton-Hyer

John is originally from Wellington, Kansas. He relocated to the area in May to be closer to several of his family members. In his off time, he enjoys most things you can do outside, such as hiking or grilling out. He prefers activities

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

that involve being well surrounded by friends and family. The reason he chose to pursue becoming a police officer was based on his love for all the different aspects he believes go into the career of a Law Enforcement Officer. He is excited to join the team and hopes to positively impact the community.

City Clerk Schwenker swore in Officer Clayton-Hyer.

III. 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. Considering approving the minutes from the regular and special meetings held on October 23, 2024.

Suggested Motion:

I move to approve the minutes from the October 23rd, 2024 Special and regular Commission meetings.

- B. Consider approval of street closure for the Eisenhower Thanksgiving Parade on November 26, 2024.

The City of Independence has received a request from Jessica Johnson at Eisenhower School regarding a street closure for a Thanksgiving Parade. Ms. Johnson is requesting the temporary closure of 13th Street, from the alley behind Eisenhower School to Mulberry Street, on November 26, 2024, from 2:00 PM to 3:00 PM. This closure will accommodate the second-grade classes as they travel to Jefferson School and back, accompanied by the IHS band.

City Emergency Services will provide support by setting up barricades and ensuring the safety of the children during the parade.

Suggested Motion:

I move to authorize the closing of 13th Street on November 26, 2024, for the Eisenhower Thanksgiving Parade.

- C. Consider approval of the City's Urban Boundary at the request of KDOT.

Every decade after the completion of the Census, KDOT reviews the Urban Area Boundary at the request of the Federal Highway Administration (FHWA). The Urban Area Boundary must contain, at least, the Urban Cluster Boundary as defined by the U.S. Census Bureau. The most recent map known contains an Urban Area Boundary dating from July 31, 2003.

In discussions with KDOT, the City requested that all changes to the Urban Area Boundary be minimized to capture a boundary as close as possible to the 2003 boundary. KDOT was able to accomplish this.

As nearly as the City can determine, the use of this Urban Area Boundary is used by the FHWA for conducting “target setting”. As most funds are distributed to the City via KDOT, it is likely that this Urban Area Boundary will have significant impact directly on the City, but will likely be used for “target setting” though may also increase the eligibility of areas within the Urban Area Boundary for certain federal funds.

Suggested Motion:

I move to approve Resolution Number 2024-036 defining the Urban Area Boundary as requested by KDOT.

- D. Consider approving Change Order #4 with Goins for the Meter Project.

In 2023, a construction contract was executed with Goins Enterprises for the construction of the Water Meter and Water Line Replacement Project. To date, there have been three change orders, with Change Order 1 and Change Order 2 having no monetary impact. Change Order 3 requested a change in the amount of \$47,100 and was previously approved.

Change Order 4 requests a total change of \$49,166.12. This change is required because 101 of the 2” and 1” meters have a different length than what is currently standard. This is the incremental cost only associated with ordering the different sizes, which must be specially ordered for the application. Cost for mobilization is also included since their crew performing this work has completed their other meter installation work. Our engineering firm, PEC, has vetted and approved this amount as reasonable.

17 meters will require plumbing work to complete, and Goins will perform that using their time and material rates, which will be collected and paid for on a future change order after completion of the work. One other change order is pending: a change order for finalizing the contract amount based upon actual units installed versus initial bid quantities.

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

Suggested Motion:

I move to approve change order number 4 with Goins Enterprises, Inc. in the amount of \$49,166.12.

- E. Consider inviting bids for the annual unit price concrete patching and repair contract.

Annually, the City bids street and utility repair and other concrete work. It is requested that the City be allowed to invite bids for utility patching as well as sidewalk replacement, ADA ramps, and replacement curb and gutter. This will allow routine work in the city to take place routinely, and provide a base price for the Sidewalk Improvement Program. If approved, bids will be opened at 2pm on December 19, 2025 and brought to the Commission for approval in January.

Suggested Motion:

I move to issue an invitation for bids for concrete work for 2025.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider adopting a Resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 713 Washington Street.

The property located at 713 Washington Street, owned by NEWREZ LLC, doing business as Shellpoint Mortgage Servicing, is currently in violation of City Code 42-66 due to the accumulation of debris, junk, vehicle parts, and appliances in the yard. The structure has been occupied by squatters over the past two years, resulting in ongoing challenges with code enforcement and the ability to address the accumulating debris and trash issues. The mortgage company obtained an eviction order, and on September 13, 2024, the sheriff successfully removed the squatters from the premises. In discussions with the mortgage company's attorney, the City was informed that the squatters were given a 30-day period to retrieve any personal property. On October 13, 2024, the City once again reached out to the mortgage company to resolve the code violations and/or proceed with the removal of the structure, as it has been deemed uninhabitable. The City's only contact is through a local realtor, as all of our mail is returned as undeliverable.

Given the lack of response from the mortgage company, the City is now proceeding with abatement as this situation has led to numerous complaints from surrounding neighbors, who have expressed concerns about the unsightly, unhealthy (increased presence of bugs and rodents), and unsafe

conditions of the property.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 713 Washington Street, Independence, Kansas, and to assess the costs of such abatement against the property in accordance with City Code 42-69.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Consider setting January 23, 2025, as the date for a Public Hearing on the condemnation of 713 Washington Street as dangerous and unsafe.

The property located at 713 Washington Street, owned by NEWREZ LLC, doing business as Shellpoint Mortgage Servicing, is currently in violation of City Code 42-66 due to the accumulation of debris, junk, vehicle parts, and appliances in the yard. The structure has been occupied by squatters over the past two years, resulting in ongoing challenges with code enforcement and the ability to address the accumulating debris and trash issues. The mortgage company obtained an eviction order, and on September 13, 2024, the sheriff successfully removed the squatters from the premises. In discussions with the mortgage company's attorney, the City was informed that the squatters were given a 30-day period to retrieve any personal property. On October 13, 2024, the City once again reached out to the mortgage company to resolve the code violations and/or proceed with the removal of the structure, as it has been deemed uninhabitable. The City's only contact is through a local realtor, as all of our mail is returned as undeliverable.

Due to the lack of response from the mortgage company, the City is proceeding with abatement measures and request to schedule a Public Hearing to consider the property for condemnation as dangerous and unsafe. This situation has prompted numerous complaints from neighboring residents, who have voiced concerns about the unsightly, unsanitary (including increased presence of insects and rodents), and unsafe conditions of the property.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted a resolution setting the date of January 23, 2025 at 5:30 PM for a Public Hearing to consider the condemnation of 713 Washington Street as dangerous and unsafe.

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Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Consider an agreement with Independence Community College for a reduction in tuition and certain fees for City of Independence employees.

In partnership with ICC, and following discussions with Dr. Jonathan Sadhoo, Interim President of ICC, this agreement offers City employees a 100% reduction in tuition and certain fees (Facilities/Technology/Student Union & Security Fees) for enrollment in degree or certificate programs at ICC. The agreement aims to enhance employee skillsets and development opportunities, encouraging participation in higher education at our local community college.

Under the terms:

- 1. Independence Community College will waive 100% of tuition and selected fees (Facilities/Technology/Student Union & Security Fees) for qualifying City employees.**
- 2. Employees will cover any additional fees, including course, academic, vocational, materials, and book costs, typically around \$48 per credit hour for standard courses and \$68 for technical courses. Some specialized programs (e.g., welding, cosmetology) may incur extra materials costs.**
- 3. The effective date for the agreement is January 2025.**
- 4. The City must provide a list of participating students two weeks prior to the beginning of each semester.**

The City Attorney has reviewed and suggested edits to the agreement which have been incorporated into the final version.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission approved an agreement with Independence Community College to provide a tuition and selected fees reduction program for City of Independence employees and authorize the City Manager to sign the agreement and any related documents.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

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

- D. Consider 2025 Commission Meeting Schedule, and consider adopting an ordinance reducing the minimum number of Commission meetings per month from two to one.

Below is the proposed 2025 Commission meeting schedule:

2025 City Commission Meeting Schedule (Proposed)

- Thursday, January 9, 2025 – 5:30 PM (2nd Thursday, Oath of Office/Reorganization)
- Wednesday, January 15, 2025 – 8:00 AM (3rd Wednesday, Planning Retreat) -- The Mayor is not available on this date.
- Thursday, January 23, 2025 – 5:30 PM (4th Thursday)
- Thursday, February 13, 2025 – 5:30 PM (2nd Thursday)
- Wednesday, February 19, 2025 – 9:00 AM (3rd Wednesday)
- Thursday, February 27, 2025 – 5:30 PM (4th Thursday)
- Thursday, March 13, 2025 – 5:30 PM (2nd Thursday)
- Wednesday, March 19, 2025 – 9:00 AM (3rd Wednesday)
- Thursday, March 27, 2025 – 5:30 PM (4th Thursday)
- Thursday, April 10, 2025 – 5:30 PM (2nd Thursday)
- Wednesday, April 16, 2025 – 9:00 AM (3rd Wednesday)
- Thursday, April 24, 2025 – 5:30 PM (4th Thursday)
- Thursday, May 8, 2025 – 5:30 PM (2nd Thursday)
- Wednesday, May 21, 2025 – 9:00 AM (3rd Wednesday)
- Thursday, May 22, 2025 – 5:30 PM (4th Thursday)
- Wednesday, June 11, 2025 – 5:30 PM (rescheduled due to City Attorney Training)
- Wednesday, June 18, 2025 – 9:00 AM (3rd Wednesday, Optional Budget Worksession)
- Thursday, June 26, 2025 – 5:30 PM (4th Thursday)
- Thursday, July 10, 2025 – 5:30 PM (2nd Thursday)
- Wednesday, July 16, 2025 – 9:00 AM (3rd Wednesday, Optional Budget Worksession)
- Thursday, July 24, 2025 – 5:30 PM (4th Thursday)
- Thursday, August 14, 2025 – 5:30 PM (2nd Thursday)
- Wednesday, August 20, 2025 – 9:00 AM (3rd Wednesday, Budget Worksession)
- Thursday, August 28, 2025 – 5:30 PM (4th Thursday)
- Thursday, September 11, 2025 – 5:30 PM (2nd Thursday, Revenue Neutral Rate/Budget Hearings)
- Wednesday, September 17, 2025 – 9:00 AM (3rd Wednesday)

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

- Thursday, September 25, 2025 – 5:30 PM (4th Thursday)
- Wednesday, October 8, 2025 – 5:30 PM (rescheduled due to City Attorney Training and LKM Conference in Overland Park October 9 - 11, 2025)
- Wednesday, October 15, 2025 – 9:00 AM (3rd Wednesday)
- Wednesday, October 22, 2025 – 5:30 PM (rescheduled due to Doo Dah Parade)
- Thursday, November 13, 2025 – 5:30 PM (2nd Thursday)
- Wednesday, November 19, 2025 – 9:00 AM (3rd Wednesday)
- Thursday, November 20, 2025 – 3:30 PM (rescheduled due to Thanksgiving and moved to 3:30 PM due to the MCAC Quarterly Meeting in Cherryvale)
- Thursday, December 11, 2025 – 5:30 PM (2nd Thursday)
- Wednesday, December 17, 2025 – 9:00 AM (3rd Wednesday)
- Thursday, December 18, 2025 – 5:30 PM (rescheduled due to Christmas)

Special Meetings that fall on consecutive dates of a regular Commission meeting are highlighted in yellow in case you wish to cancel or reschedule them.

Also attached is an ordinance requiring a minimum of one Commission meeting per month rather than two. Although two Regular Meetings and one Special Meeting per month will still be proposed, in the event of a holiday or if a quorum is unavailable, it would provide the Commission with additional flexibility. Initially, when two meetings per month were required, it was primarily due to needing to approve the appropriations. Since the appropriations are now approved at the beginning of the year, having two meetings per month may not always be needed.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith the Commission approved the 2025 City Commission meeting schedule as proposed with the following modification to remove the January 15th meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted an ordinance reducing the minimum number of Commission meetings per month from two to one.

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

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

V. REPORTS

A. Sales Tax Reports

City Clerk Schwenker presented the report.

B. 2024 Q3 Treasurers Report

City Clerk Schwenker presented the report.

C. City Board Minutes

1. October 16, 2024 Recreation Commission Minutes

VI. CITY MANAGER'S COMMENTS

City Manager Passauer noted that the November 21st Commission meeting will be at 4 PM, the MCAC Quarterly Board meeting will be at 5:30 pm that same day, the Holiday parade will start at 5:30 pm on November 24, Ed Sykes retirement party will be on November 25th and will start at 4:00 pm in the Clerks office, City Hall will be closed on Thanksgiving and Friday, sanitation services will shift a day to allow those employees to have Thanksgiving off, Shawn Wallis's retirement party will be Monday December 2nd and run from 4 to 5:30 pm at the Civic Center in Memorial Hall and the next Commission meetings will be held on December 12 and 19th at 5:30 pm due to the Christmas holiday.

VII. COMMISSIONERS' COMMENTS

Commissioner Hayse extended greetings to his wife of 15 years on their wedding anniversary.

VIII. PUBLIC CONCERNS

None.

IX. ADJOURNMENT

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

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 November 21, 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; John Garris, City Engineer/Director of Public Works and Utilities; Shawn Wallis, Fire Chief; April Nutt, Director of Housing Authority; Jordan Bagley, IT Technician Coordinator and Lacey Lies, Finance Director.

Visitors Present: Sheri Garris, Breanne Sanford and Paula Schabel.

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 Main Street Bucks as an Employee Appreciation Bonus.

The City of Independence would like to show appreciation to the dedicated staff by authorizing a bonus for each full-time regular employee in the form of Main Street Bucks to be utilized at numerous establishments in the

community. The suggested amount is \$125 in Main Street Bucks for each full-time employee.

Suggested Motion:

I move to authorize \$125 in Main Street Bucks to City employees as an Employee Appreciation Bonus.

- B. Consider adopting a resolution modifying the Sewer Cost Share Eligibility Requirements to encourage rehabilitation of vacant housing.

Recently, a potential developer met with the City Manager and Housing Authority Director regarding redeveloping one or more of the Land Bank properties. The developer inquired about the sewer cost share grant. However, according to the eligibility requirements, he would not be eligible because the property is not occupied or currently served by City utilities.

At the request of the City Manager, the Economic Development Advisory Board met to discuss and consider adding an exception for a property owner who is rehabilitating a vacant property, as long as any delinquent account on that property was not caused by the property owner requesting the exception and all property taxes are current, or any other eligibility criteria deemed necessary. The board voted unanimously to recommend to the Commission adding the following language to section 1.2 (5)

Exception to #2 and #3 for bona fide developers rehabilitating a vacant home that has not had utilities for at least one year may participate at the 50% level up to a maximum of \$2,000 per property.

Definition of a Bona Fide Developer -- A bona fide developer is defined as an individual or entity actively engaged in the business of real estate development, with the intent to construct, improve, or rehabilitate residential, commercial, industrial, or mixed-use properties for sale or lease. The developer must demonstrate a track record of similar development projects or provide a business plan that shows the intent and ability to complete the proposed project. The purpose of this definition is to ensure that the developer is legitimately involved in substantial property development rather than merely holding or transferring property.

This recommended program modification meets the Commission's goal of encouraging housing redevelopment.

Suggested Motion:

I move to adopt Resolution 2024-039, amending the Sewer Cost Share Program to encourage rehabilitation of vacant housing.

III. ITEMS FOR COMMISSION ACTION

- A. Consider adopting an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds, series 2024 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2024 Bonds.

The City of Independence, Kansas (the "City" or "Issuer") is authorized by K.S.A. 12-1740 *et seq.*, and K.S.A. 10-116a, all as amended (the "Act"), to acquire, renovate and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any person, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities and to refund such revenue bonds previously issued; and pursuant to Resolution Nos. 5-07, 2000-36, 2004-29, 2006-62, and 2013-09 the City has heretofore found and determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue, in one or more series, its taxable industrial revenue bonds for the purpose of purchasing, acquiring, constructing and installing certain industrial and commercial facilities for the production of single engine piston and jet aircraft (the "Facility"), said Facility to be leased by the City to Textron Aviation Inc., successor by merger to Cessna Aircraft Company, a Kansas corporation, its successor and assigns (the "Company"); and pursuant to such authorization, the City has heretofore issued twenty series of its taxable industrial revenue bonds in the aggregate principal amount of \$127,682,705; and

The City does hereby find and determine that it is desirable to issue an additional series of bonds under the authorization granted by above described resolutions, such bonds to be designated its Taxable Industrial Revenue Bonds, Series 2024 (Textron Aviation Inc.) in the aggregate principal amount not to exceed \$4,650,000 (the "Series 2024 Bonds") for the purpose of purchasing, acquiring, constructing and installing certain equipment, tooling and improvements at the Facility (the "2024 Project Additions").

The Ordinance to be considered by the City Commission authorizes the issuance of the Series 2024 Bonds; (1) to execute and deliver the Twentieth Supplemental Trust Indenture for the purpose of issuing and securing the Series 2023 Bonds and (2) to enter into the Twenty-First Supplemental Lease pursuant to which the City shall cause the 2024 Project Additions to be leased to the Company in consideration of payments of Supplemental Basic Rent, Supplemental Additional Rent and other charges provided for therein.

Motion:

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

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

approved an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds Series 2024 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2024 Bonds.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

IV. REPORTS

A. City Board Minutes

1. September 3, 2024 Planning and Zoning Commission/Board of Zoning Appeals Minutes.

2. October 1, 2024 Planning and Zoning Commission/Board of Zoning Appeals Minutes.

B. Projects and Public Works Reports

Engineer Garris presented the report.

V. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commission that a retirement party for Ed Sykes will be Monday November 25th from 4 - 5 pm in the City Clerks office, the MCAC Quarterly Board meeting is tonight at 5:30 pm, the Holiday parade will be on November 24th at 5:30 pm, the retirement party for Shawn Wallis will be on December 2nd from 4 - 5:30 pm at the Civic Center Gallery, the City Awards Banquet will be held on December 13th beginning at noon and City Hall will be closed on November 28th - 29th for the Thanksgiving holiday.

VI. COMMISSIONERS' COMMENTS

Commissioner Hayse would like to see action on houses that are not connected to any utilities.

VII. PUBLIC CONCERNS

None.

VIII. EXECUTIVE SESSION

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

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 4:40 p.m.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 4:40 p.m. with no action taken.

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



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider approval of a streetlight at 116 S. 23rd Street.

SUMMARY RECOMMENDATION City Staff recommends approving the streetlight.

BACKGROUND City staff was contacted by Melissa Small, Chair of the AWOL Board, regarding the lighting conditions outside the AWOL facility at 116 S. 23rd Street. Currently, there are no streetlights on S. 23rd Street near AWOL. With the end of daylight savings, the area outside the facility is now dark, raising concerns about safety for both volunteers and visitors.

To address this issue, the City reached out to Kari West at Evergy. Adding a high-intensity LED streetlight would cost an additional \$25.16 per month, bringing the City's streetlight bill—which was \$13,823.57 in October 2024—to reflect this increase.

Additionally, the City has installed a dawn-to-dusk floodlight at the front entrance of AWOL to enhance visibility and improve safety at the facility's entrance.

FINANCIAL INFORMATION The monthly streetlight bill would increase \$25.16 per month or \$301.92 per year for a high intensity LED streetlight.

SUGGESTED MOTION I move to approve the addition of a streetlight at 116 S. 23rd by the AWOL facility.

SUPPORTING DOCUMENTS



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Riverside Park

Director Approval Scott Patton

AGENDA ITEM Consider authorizing the Mayor to sign the 2024 Tree City USA Application for Certification.

SUMMARY RECOMMENDATION City staff recommends approval of the application.

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

The attached application completes the certification for the 2024 calendar year.

FINANCIAL INFORMATION There is no financial impact to the budget.

SUGGESTED MOTION I move to sign the Tree City USA Applications for Certification for 2024.

SUPPORTING DOCUMENTS

1. 2024 TCUSA Application

2024 Tree City USA Application for Certification

The Tree City USA award is in recognition of work completed by the community during the 2024 calendar year.

PRIMARY CONTACT INFORMATION

Contact Name:

Leslie Fox

Email:

thiscreature@zoho.com

Phone:

+1 (918) 766-3396

Address:

400 Mickey Mantle WY

Independence , Kansas 67301

Independence COMMUNITY INFORMATION

Select which best describes your community:

Community has both a Tree Board and a Department Chair/City Manager

Ordinance Date:

03/01/2016

Ordinance Uploaded**Per-capita Expenditure**

\$4.41

Arbor Day Date

04/26/2024

Arbor Day Proclamation Uploaded

As Mayor or Equivalent of the Community of Independence

Mayor or Equivalent Signature	Title	Date
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Application Certification (to be Completed by the State Forester)

The above-named community has made formal application to this office. I am pleased to advise you that we reviewed the application and have concluded that, based on the information contained herein, said community is eligible to be certified as a Tree City USA community, for the 2024 calendar year, having in my opinion met the standards required for recognition.

State Forester Signature	Title	Date
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**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Airport

Director Approval John Garris

AGENDA ITEM Consider approving the Independence Municipal Airport's DBE program Policy Statement.

SUMMARY RECOMMENDATION Approve Policy Statement.

BACKGROUND The FAA recently updated the requirements pertaining to federal funding covered under 49 CFR Part 26. The recent changes require all airports to update their DBE Programs and submit the update to the FAA for approval. Our consultant has been working on the updates to Independence Municipal Airport's DBE Program. With the submission of the updated program, we are required to submit a signed Policy Statement.

The Policy Statement states that the airport has established a DBE program and will comply with the requirements of 49 CFR Part 26 as it pertains to Federal Financial Assistance. The Policy Statement (attached) is required to be signed by the Mayor.

FINANCIAL INFORMATION This is required to access federal funding for the Airport.

SUGGESTED MOTION I move to approve the Independence Municipal Airport's DBE program Policy Statement and to execute any necessary documents, pending City Attorney review and approval.

SUPPORTING DOCUMENTS

1. Independence Municipal Airport, Independence, KS - DBE Program Policy Statement

U.S. DEPARTMENT OF TRANSPORTATION DBE PROGRAM – 49 CFR PART 26

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City of Independence, KS (hereafter referred to as “Sponsor”) Sponsor and owner of Independence Municipal Airport (hereafter referred to as “Airport”) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Sponsor has received federal financial assistance from the U.S. Department of Transportation and as a condition of receiving this assistance the Sponsor has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as “Part 26”).

It is the policy of the Sponsor to ensure that DBEs as defined in Part 26 have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the Sponsor’s policy to engage in the following actions on a continuing basis:

1. To ensure nondiscrimination in the award of and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To promote the use of DBEs in all types of DOT-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
8. To make appropriate use of the flexibility afforded to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

Kelly Passauer, City of Independence, City Manager*, has been designated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the Sponsor in its financial assistance agreements with the Department of Transportation.

The Sponsor has disseminated this policy statement to the governing board, including the Mayor, City Commission, and all components of the organization. This statement has been distributed to DBE and non-DBE business communities that may perform work for us on DOT-assisted contracts. This distribution is made through our DBE office (for DBE purposes – located at the DBELO’s office) and through plans and specifications for each project.

Tim Emert, Mayor
City of Independence

Date

*Refer to Section 26.25 of this DBE Program or the Organizational Chart for contact information



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider approving bidding for a replacement sewage grinder.

SUMMARY RECOMMENDATION Approve bidding.

BACKGROUND The wastewater treatment plant sewage grinding pump has failed. The impact to the process is that solid, non-biological material (“trash”) can flow through the screens, and the screens can clog requiring hours of effort to clean. A grinder was a part of the basic design, and although the plant can operate with only the screen for a period of time, it is not recommended as it has impacts on the process and final output products.

Based on the evaluation of plant personnel, a design using monolithic cutter heads is preferred for maintenance consideration, and the bid document reflects that specification.

Bids would be opened on Thursday, January 9, 2025 and brought to the Commission for approval should a qualified bid be received at a later meeting.

FINANCIAL INFORMATION This would be funded by budgeted enterprise funds.

SUGGESTED MOTION I move to approve bidding for a replacement sewage grinder.

SUPPORTING DOCUMENTS

1. RFP - Grinder

Advertisement for Bid

The City of Independence, Kansas, is accepting bids for providing a Channel Sewage Grinder.

Bids must be sent to the office of the City Clerk, 120 N. 6th St., Independence, Ks. 67301, on or before 2:00 p.m. Thursday, January 9th. Bids shall be enclosed in a sealed envelope plainly marked on the outside "Sewage Grinder". If a bid is mailed, the original envelope shall be enclosed in a separate envelope addressed to the City Clerk, also plainly marked on the outside as stated above. E-mail or fax bids will not be accepted. The apparent low bid will then be presented to the Independence City Commission a regular meeting for their formal action.

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

By: John Garriss, City Engineer, 12/5/2024

Section 1 – Scope of Work

CHANNEL SEWAGE GRINDER

1. GENERAL

1.1 DESCRIPTION

- 1. Included are grinder, drive unit assembly, control panel, anchorage system, and all appurtenances.

B. Performance and design requirements:

Equipment shall be designed and selected for continuous duty grinding of concentrated solids derived from the municipal wastewater industry. Grinders shall be suitable for grinding small particles of wood, industrial solvents, greases, detergents, rags, hair, wipes, and organic particles in concentrations as great as 7 percent. The grinder fluids are expected to range in temperatures between 40 degrees F and 120 degrees F, and the pH may vary between 6 and 9.

- 1. When mounting in the channel, the grinder shall have mounting rails for easy removal for field service and repair.
- 2. New grinder will be guaranteed to fit in the existing channel without modification. Failure to adhere to this requirement will result in nullification of bids and be considered a breach of contract. The existing unit and channel are available for inspection prior to bid. Contact John Garris at engineer@independenceks.gov to schedule a visit.
- 3. New grinder will be guaranteed to be compatible with existing plant control system. Failure to adhere to this requirement will result in nullification of bids and be considered a breach of contract.

C. Equipment List

Item	
Vogelsang XRG136-1120QD HCS/HCD	

1.2 QUALITY ASSURANCE

- A. Grinders and motor controllers shall meet the requirements of the following industry standards:
 - 1. ASTM A536-84 - Standard Specification for Cast Iron Castings.
 - 2. ASTM A36 – Standard Specification for Carbon Steel Plate.
 - 3. AISI 4140 - Heat Treated Round Steel.
 - 4. AISI 4130 - Heat Treated Alloy Steel.

5. National Electrical Manufacturer's Association Standards (NEMA).

B. Acceptable Manufacturers

1. Grinders shall be supplied by one of the following manufacturers:
Vogelsang XRipper XRG or approved equal.
2. Manufacturer must have at least ten (10) years of substantial experience in the manufacturing of two shafted grinders in the type of application specified herein.

1.3 SUBMITTALS

- A. Provide full and complete shop drawings, catalog cuts, and other technical data to fully define the materials, equipment, and performance capabilities for each characteristic specified herein.
- B. Manufacturer's recommended installation instructions.
- C. Manufacturer's warranty; warranty should be a 2 year warranty, 100% parts and labor, including wear parts.
- D. Operation and Maintenance Data
1. For all units furnished under this Section, the Manufacturer shall submit one (1) electronic of Operation and Maintenance Manuals to include the following:
 - a. General - equipment function, description and normal and limiting operating characteristics.
 - b. Installation instructions - assembly procedures and alignment and adjustment procedures.
 - c. Operation instructions - startup procedures, normal operating conditions, emergency and normal shutdown procedure.
 - d. Lubrication and maintenance instructions which shall list all points to be greased or oiled; shall recommend type, grade, and temperature range of lubricants; and shall recommend frequency of lubrication.
 - e. Troubleshooting guide.
 - f. Parts list and predicted life of parts subject to wear.
 - g. Drawings - cross sectional view, assembly and wiring diagrams. Drawings shall include detailed parts lists with part numbers, instructions for ordering spare parts, and complete preventive maintenance instructions required to ensure satisfactory performance and longevity of the equipment.
 - h. Performance curves.
 - i. Instructions for adjustment, calibration and testing of selected electronic components or assemblies, normally considered replaceable by the manufacturer, whose performance is not ascertainable by visual inspection.
 - j. Service instruction for major components not manufactured by the equipment manufacturer, but which are supplied by the manufacturer in accordance with these specifications. The incorporation of literature produced by the actual component manufacturer shall be acceptable.

1.4 PRODUCT DELIVERY, STORAGE, AND HANDLING

- A. Deliver, handle, and store equipment in manufacturer's original undamaged shipping containers with tags and labels intact and legible.
- B. Store all equipment up off the ground, under cover, protected from weather and construction activities or other possible damage.

1.5 WARRANTY

- A. For The equipment shall be warranted to be free from defects in workmanship, design and materials for a period of two (2) years. If any part of the equipment should fail during the warranty period, it shall be replaced in the machine(s) and the unit(s) restored to service at no expense to the OWNER.

2. **PRODUCTS**

2.1 GENERAL

- A. The grinder shall be Model XRG136-1120QD HCS/HCD manufactured by Vogelsang or approved equal. For consideration of alternates any deviation from attached specifications must be documented in the bid.
- B. The inline grinder unit operating conditions:

Primary Duty Point	1650 gpm - maximum 10,000 gpm
Medium	Raw wastewater sewage
Percent of Solids	1%
Maximum HP at Duty Condition	5
Maximum RPM shall be	47
Required blade width (6mm / 10mm)	10mm
Mounting style (in-channel, wall-mount)	In-channel
Cutter stack height	1120mm
Number of shafts	2

C. MATERIALS

Component	Material
Casting	Cast iron ASTM A48 GG20, 20 – 26 Rockwell C
Wear Plates and Counter Blades	Hardox Carbon Steel, 43 Rockwell C
Cutters	High Wear Resistant Steel, nitrated, 60-65 Rockwell C
Shafts	Alloy steel, AISI 4140, 59 mm Diameter, tensile strength rating no less than 159,000 psi

2.2 GRINDER

A. General

1. The sewage grinder(s) shall be two-shaft design and be capable of continuous operation, processing wet or dry. Single shaft devices utilizing a single rotating cutter bar with stationary cutters will not be acceptable.
2. Two-shaft design shall consist of two parallel shafts equipped with monolithic cutter assemblies positioned on the shaft to form a helical pattern. Individual cutter and spacers will not be acceptable. The two shafts shall counter-rotate with the driven shaft operating at different speed then the speed of the drive shaft.

B. Components

1. Grinder gearbox housings shall be cast of ASTM A48 cast iron.
2. The bottom end housing shall be manufactured of carbon steel and bolted together to be field changeable on demand.
3. Grinder housing segments shall be manufactured of 1018 mild steel, bolted together.
4. Perforated, rotating drums shall be installed on one or both sides next to the cutting assembly and guiding solid particles directly into the cutting chamber while allowing liquid to pass. These rotating drums shall be constructed using three quarter inch perforated, 316 stainless steel and driven independently from the cutter assembly.
5. The top and bottom counter blade plates shall be manufactured of Hardox, minimum hardness of 43 Rockwell C (500 Brinell), and provide counter cutting action to protect against buildup in the top and bottom of the grinder.
6. Grinder drive and driven shafts shall be made of 4140 alloy heat-treated round steel with a tensile strength rating of not less than 149,000 psi (1027 Mpa). Each shaft diameter shall be a minimum of 2.32 inches (59 mm).
7. Mounting frames, overflow boxes, rail system and required hardware shall be made of 304 SS.

8. Cutters & Blades

- a. Cutting stack shall be a nominal height of 44.09 inches (1120mm)

- b. Cutter shall be manufactured from a monolithic assembly constructed from a solid block of alloy steel surface ground to a blade thickness of .37-inches $+.000/-0.001$ (9.5 mm $+.000/-0.003$).
- c. Cutters shall be heat treated to produce a hardness of 60-65 Rockwell C.
- d. Cutters shall be nitrated for high corrosion resistance.
- e. Cutters shall have 8 cam shaped teeth.
- f. Cutter tooth height shall not be greater than ½-inch (13 mm) above the root diameter of the cutter.
- g. Cutter assembly OD shall be 6.54-inches (166 mm) minimum. Spacer shall be cut into the monolithic cutter, and shall have a smooth outside diameter with no tooth profiles. Designs with multiple cutters and spacers shall not be acceptable.

9. Bearings and Seals

- a. The radial and axial loads of the shafts shall be borne by oversized radial spherical roller bearings on upper and deep groove ball bearings on lower end. The bearings shall be protected by a single cartridge mechanical seals. Seal face materials must be a minimum of chrome oxide vs duronit, not requiring an external flush, but in a static bath of oil. The mechanical seal shall be rated at 90 psi continuous duty by the seal manufacturer. The bearings and seals shall be housed in a replaceable cartridge that supports and aligns the bearings and seals, as well as protects the shafts and end housings. The seal elements shall be independent of the stack height. The seal shall meet required pressure rating regardless of cutter stack fit. The seal and bearing cartridge shall provide protection against axial loading on shafts and bearings during shaft detection. O-rings shall be made of Buna-N elastomers.
- b. Designs with support- or center bearings shall not be accepted.

9. Electric Motor & Reducer

- a. The grinder gearbox shall be a low speed, high-torque parallel shaft gearbox manufactured by Nord Gear. Maximum motor speed shall not exceed 1800 rpm, and should provide a minimum of 10% reserve hp as evidenced by specific requirements at maximum design.
- b. All motors shall be built in accordance with latest NEMA, IEEE, ANSI and AFBMA standards where applicable.
- c. Motors shall be immersible with a minimum service factor of 1.15
- d. Motors shall conform to all requirements stipulated in the motor section of this specification.
- e. The motors supplied shall be specifically designed for inverter duty to allow for the potential of future variable frequency drives. The motors shall be compatible with the grinders provided by the MANUFACTURER. The gear speed reducer shall be Nord parallel shaft geared type of reducer with "Heavy Shock" load classification. The drive shaft of the grinder shall be directly coupled with the reducer without use of a coupling.
- f. Required running torque per horsepower (kW):

At momentary load peaks: 4,756 in-lbs. (721 NM/KN).

2.4 MOTOR CONTROLLERS

A. General

1. Controller shall be the supplier=s UL/cUL listed standard, and shall provide independent control of the grinder.
2. The controller shall be equipped with HAND-OFF/RESET-AUTO three-position selector switch. In OFF/RESET the grinder shall not run. In HAND the grinder shall run. In AUTO the grinder start and stop shall be controlled by a remotely located dry contact.
3. When a grinder jam condition occurs, while running in either the HAND or AUTO mode, the motor controller shall stop the grinder and reverse its rotation to clear the obstruction. If the jam condition still exists, the controller shall go through five additional reversing cycles within 45 seconds before signaling a grinder overload condition. When a grinder overload condition occurs, the controller shall shut the grinder off and activate a fail indication.
4. If the grinder is stopped due to a fail condition and a power failure occurs, the fail indicator shall reactivate when power is restored.
5. Controller reset shall be from local panel controls only.
6. The controller shall have indicator lights for POWER ON, RUN and FAIL conditions.
7. The controller shall provide overcurrent protection for the motor through an overload relay mounted directly on the contactor.
8. The controller shall be rated xxx-HP, 208/230/460/575V volts, 3 phase, 60 HZ.
9. Short circuit protection requires that a properly sized circuit breaker or fuses be installed by others.

B. Components

1. Enclosure
 - a. Enclosures shall be NEMA 4, fabricated of Stainless Steel for wall mounting. Doors shall have hinges and corrosion resistant latches.
 - b. Enclosure shall house the control devices, relays, terminal blocks, and grinder reversing motor starter.
2. Control Devices

- a. Pilot devices shall be mounted on the enclosure front panel.
 - b. Indicators shall be LED type lights. Lamps and the selector switch shall be heavy duty NEMA 4 type.
 - c. Two normally open status contacts shall be provided. One for a RUN signal and one for FAIL signal. The contacts shall be rated at 2-Amp, 240-VAC, resistive load.
 - d. Control transformer shall be protected by two primary fuses and one secondary fuse. The 120 volt secondary shall have one leg grounded.
3. Motor Starter
- a. A reversing contactor type motor starter shall be provided for the motor.
 - b. Forward and reverse contactors on the starter shall have both mechanical and electrical interlocks.
 - c. The overload (OL) relay shall be adjustable so that the range selected includes the FLA (full load amperes) rating and service factor.
 - d. Controller shall include motor starter(s) for active cleaning system brushes of the high flow screens.

3. EXECUTION

3.1 FACTORY TEST

- A. Each grinder and motor controller shall be factory tested to ensure satisfactory operation. All in-line units shall have a hydrostatic test conducted at the factory.

3.2 INSTALLATION

- A. Grinder and motor controller shall be installed in accordance with the manufacturer(s) installation instructions.

3.3 FIELD QUALITY CONTROL

- A. Provide the services of a factory trained representative to check initial installation and to place each grinder in service. Factory representative shall have complete knowledge of proper installation, operation, and maintenance of equipment supplied. Representative shall inspect the final installation and supervise a start-up test of the equipment.

END OF SECTION

Existing Conditions

The contractor, in undertaking the work under this contract, is assumed to have visited the premises and to have taken into consideration all conditions which might affect the work. No consideration will be given to any claims based on lack of knowledge of existing conditions.

A site walkthrough can be scheduled by contacting Erik LeQue at 620.330.4353 or by email at wwtp@independenceks.gov. Only representations and questions answered in writing by the City shall be considered binding.

Any proposals after the deadline will not be considered.

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

This proposal is good for 45 days from the opening date.

SEWAGE GRINDER

BID TAB

New Sewage Grinder

Price _____

(in words) _____

Name of Contractor

Address (Including Zip Code

By

Title

Date

Terms and Conditions

- The City of Independence reserves the right to reject any or all proposals.
- Late submissions will not be considered.
- All costs incurred in the preparation of the proposal are the responsibility of the contractor.

Contact Information

For any questions or further information, please contact:

John Garris

Email: engineer@independenceks.gov

SEWAGE GRINDER



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 512 W. Myrtle Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation if the owner fails to provide a timeline of repairs.

BACKGROUND The structure at 512 W. Myrtle Street was identified as vacant and open through complaints and utility records. The property is owned by Chris Hastings and is in the process of being sold to Chris Bridgeman, who intends to secure a loan and complete repairs on the structure.

City staff have identified several issues with the property, including roof damage, deteriorating siding, a large hole on the west side of the structure, and open windows and soffits. The utilities at the structure have been off since April 2013. Chris Bridgeman has been in contact with City staff and has been informed of the requirement to present a detailed timeline of repairs for review by staff and the City Commission.

City staff recommend proceeding with condemnation if the owner fails to provide an acceptable timeline for repairs.

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

SUGGESTED MOTION Motion options.

1. I move to adjourn the Public Hearing to a date TBD based on the owner's provided timeline for repairs.
2. I move to condemn 512 W. Myrtle Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-040 - CONDEMNATION - DAYS - 512 W Myrtle
2. 512 W. Myrtle - Notice of Public Hearing 11252024
3. 512 W Myrtle Slide

RESOLUTION NO. 2024-040

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

Legal Description

Lots 51, Glenwood Addition to the City of Independence, Montgomery County, Kansas

Common Address

512 W Myrtle Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

Lots 51, Glenwood Addition to the City of Independence, Montgomery County, Kansas

Common Address

512 W Myrtle Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City
Manager 120 North 6th Street
Independence, KS 67301

November 25, 2024

Chris Bridgeman
300 S. 12th
Independence, Ks. 67301

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
512 West Myrtle Street – Independence Kansas**

Dear Chris:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **512 W. Myrtle** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **Ext hole in the west wall, open windows/doors, missing siding, overgrown vegetation, rotted porch lumber.**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City
Manager 120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

Public Hearings to consider the condemnation of 512 W. Myrtle Street as dangerous and unsafe.



Summary: Owner of the property wishes to present a timeline of repairs to the City.



SUGGESTED MOTION: Consider a timeline of repairs and adjourn the Public Hearing or adopt a resolution condemning 512 W. Myrtle Street as dangerous and unsafe.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 212 S. Earl Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends adjourning the hearing until January 23, 2024.

BACKGROUND The residence at 212 S. Earl sustained significant damage in a structure fire on October 17, 2024. The property owner has been cooperative with the City of Independence, and the structure was insured. However, due to its current condition, the structure is considered hazardous. City staff have been working diligently to facilitate its immediate removal.

The City received multiple quotes for the demolition, with JRB Industries submitting the lowest quote, \$6,250.00. Insurance proceeds have been received to cover the cost of the removal.

Staff recommends adjourning the hearing until January 23, 2024, to allow sufficient time for the lot to be cleared. At that time, staff will return to recommend rescinding the condemnation and refunding any unused insurance proceeds.

FINANCIAL INFORMATION First Oak Bank financed the structure, which was insured with full coverage. The City has received insurance proceeds to cover the cost of clearing the lot.

SUGGESTED MOTION I move to adjourn the Public Hearing to consider the condemnation of 212 S. Earl to December 19, 2024, at 5:30 pm.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-041 - CONDEMNATION - DAYS - 212 S Earl
2. 212 S Earl Slide

RESOLUTION NO. 2024-041

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

Legal Description

The North 30 feet of Lot 12 and all of Lot 13, Block 2, Chaney's Addition to the City of Independence, Montgomery County, Kansas

Common Address

212 S Earl Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—035**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

The North 30 feet of Lot 12 and all of Lot 13, Block 2, Chaneys Addition to the City of Independence, Montgomery County, Kansas

Common Address
212 S Earl Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk

Public Hearing to consider the condemnation of 212 S. Earl Street as dangerous and unsafe.

Summary:

The City has received insurance proceeds, received quotes and awarded the immediate removal of the structure as dangerous and unsafe to the low quote.

**SUGGESTED MOTION:**

I move to adjourn the Public Hearing until January 23, 2025 at 5:30 PM.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 208 S. 16th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends the condemnation if the owner does not present a timeline.

BACKGROUND The City of Independence has received numerous complaints regarding multiple houses in the 200 block of S. 16th Street. The residence at 208 S. 16th Street has been vacant since 2019 and is currently owned by Donnelly Properties LLC of Cherryvale, Kansas. The property last had utility services in February 2019 and was subsequently sold at a tax sale.

The City has been in contact with Donnelly Properties to explain the condemnation process and the requirements for making the residence habitable within a 12-month period. Donnelly Properties was also advised to provide staff with a detailed timeline of the proposed repairs.

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

SUGGESTED MOTION Motion options:

1. I move to adjourn the condemnation until, Date TBD, giving Donnelly Properties, LLC time to rehabilitate the structure as requested by their timeline.
2. I move to condemn the structure at 208 S. 16th as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-042 - CONDEMNATION - DAYS - 208 S 16th
2. 208 S. 16th - Notice of Public Hearing - 11252024
3. 208 S. 16th - Notice of Public Hearing
4. 208 S. 16TH Parcel
5. 208 S 16th Slide

RESOLUTION NO. 2024-042

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

Legal Description

Lot 51, Glenwood Addition to the City of Independence, Montgomery County, Kansas

Common Address

208 S 16th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

Lot 51, Glenwood Addition to the City of Independence, Montgomery County, Kansas

Common Address

208 S 16th Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

November 25, 2024

Donnelly Properties, LLC
5207 CR 5700
Cherryvale, Ks. 67335

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
208 S. 16th Street – Independence, Kansas**

Dear Chris:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **208 S. 16th** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **Open windows, door, roof integrity, weeds, debris, trash, accessory structure.**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Donnelly Properties, LLC
5207 CR 5700
Cherryvale, Ks. 67335

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
208 S. 16th Street – Independence, Kansas**

Dear Chris:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **208 S. 16th** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **Open windows, door, roof integrity, weeds, debris, trash, accessory structure.**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

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- Time: **5:30 PM**
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A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

Print Page

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The Parcel Number for this Property is 063-087-36-0-10-23-005.00-0
Quick Ref ID: 3932

Owner Information

Owner Name	DONNELLY PROPERTIES, LLC
Address	5207 CR 5700 CHERRYVALE, KS 67335

Property Situs Address

Address	208 S 16TH ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	4,470	20,050	24,520
Total	4,470	20,050	24,520

2023 Appraised Value

Class	Land	Building	Total
Residential - R	4,470	18,660	23,130
Total	4,470	18,660	23,130

Tract Description

GLENWOOD ADD, S36, T32, R15, Lot 51, Lot Width: 050.0 Lot Depth: 150.0 Plat Book/Page A /5 Deed Book/Page 636 /1445 608 /268 607 /1114 607 /632 583 /603 550 /124 534 /079 533 /170 376 /055 360 /068

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
735	678	636	1445	608	268	607	1114

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7500										4,470

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR	Bsmt Type	Partial - 3
Year Built	1915	Total Rooms	7
Eff Year		Bedrooms	2
MS Style	1 1/2 Story Finished	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	1,409	Foundation	Block - 3
Main Floor Living Area	1,258		
Upper Floor Living Area Pct.	12		
CDU	FR		
Phys/Func/Econ	FR-/ /		
Ovr Pct Gd/RCN	/157,170		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Raised Enclosed Porch (SF), Solid Walls	154			
Frame, Siding, Metal		100		
Total Basement Area (SF)	524			
Floor Furnace		100		
Plumbing Rough-ins (#)	1			
Wood Deck (SF) with Roof	96			
Galvanized Metal		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Automatic Floor Cover Allowance				

Building Improvements

Id	Occupancy	MSCIs	Rank	Qty	Yr Bld	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Clis	RCN	%Gd	Value
71	Tool Shed	D	1.00	1	1940			234	62	8	18 X 13	1	1	1					3,460	2	70
05	Site Improvements	P	1.00	1	2000			360		10	20 X 18	1	0	0					4,550	0	0

Building Improvement Components

Id	Code	Units	Pct	Size	Other	Rank	Year
71	Single -Wall-Boards on Wood		100				
05	Carport, Flat or Shed Roof	360					

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Public hearing to consider the condemnation of 208 S. 16th Street as dangerous and unsafe.



Summary: The owner has indicated he will present a timeline of repairs to the City.



SUGGESTED MOTION: Consider the timeline of repairs or move to adopt a resolution condemning 208 S. 16th Street as dangerous and unsafe.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 224 S. Earl Street as dangerous and unsafe

SUMMARY RECOMMENDATION City Staff recommends condemnation as dangerous and unsafe.

BACKGROUND The structure at 224 S. Earl last had active utility services in February 2001. It was identified as a concern through utility records and public complaints. The property owner has contacted the City and expressed interest in donating the structure to the Landbank.

City staff have identified significant issues with the property, including holes in the roof and foundation concerns. However, the condition of the interior remains unknown, and the length of time the interior has been exposed to rain due to the damaged roof is unknown.

Staff recommends condemning it as dangerous and unsafe if the Landbank has no interest in the structure.

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

SUGGESTED MOTION Motion options.

1. I move to condemn 224 S. Earl Street as dangerous and unsafe.
2. I move to adjourn the Public Hearing, Date TBD, allowing the owner to commence repair or the acceptance of the lot by the Landbank.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-043 - CONDEMNATION - DAYS - 224 S Earl
2. Notice of Public Hearing 224 S. Earl 11252024
3. 224 S. Earl Street- Notice of Public Hearing
4. 3099775_OE_Report
5. 224 EARL Parcel
6. 224 S Earl St Slide

RESOLUTION NO. 2024-043

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

Legal Description

North 30 feet of Lot 10 and the South 20 feet of Lot 11, Block 2, Chaney's Addition to the City of Independence, Montgomery County, Kansas

Common Address

224 S Earl Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

North 30 feet of Lot 10 and the South 20 feet of Lot 11, Block 2, Chaneys Addition to the City of Independence, Montgomery County, Kansas

Common Address
224 S Earl Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

November 25, 2024

Gary Springer
1758 CR 4600
Elk City, Ks. 67344

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
224 S. Earl Street – Independence, Kansas**

Dear Gary:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **224 S. Earl St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **Open windows, door, roof integrity, foundation, no utilities**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Gary Springer
1758 CR 4600
Elk City, Ks. 67344

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
224 S. Earl Street – Independence, Kansas**

Dear Gary:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **224 S. Earl St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **Open windows, door, roof integrity, foundation, no utilities**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

Report Cover Page

Date:	10/29/2024	Prepared For:	City of Independence
Order No.:	3099775	Owner(s):	Gary Don Springer and Ardith Ann Springer
Issuing Office:	Security 1st Title 114 N. Pennsylvania Avenue Independence, KS 67301	Property Address:	224 S EARL ST, Independence, KS 67301

Note: The documents linked in this report should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Tax Information:

[099-31-0-10-23-007.00-0](#)

Date: October 29, 2024

Property Address: 224 S EARL ST, Independence, KS
67301

File No.: 3099775

Title Contact: Mary Jo Wallis

Contact E-mail: mwallis@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence

David Cowan

120 N. 6th

Independence, KS 67301

Effective Date of this Report: October 06, 2024 at 7:00 A.M.

On Real Estate described as:

**North 30 feet of Lot 10 and the South 20 feet of Lot 11, Block 2, Chaneys Addition to the City of Independence,
Montgomery County, Kansas**

The Public Records located in Montgomery County indicate that:

A. Interest in the Land described in this Report is owned, at the Report Effective Date, by:

Gary Don Springer and Ardith Ann Springer

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

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

General taxes and special assessments for the fiscal year 2023 in the original amount of \$121.42.

First Installment: \$60.71, PAID

Second Installment: \$60.71, PAID

Property I.D. # 063-099-1-0-10-23-007-00-0-01

PIN # IC 4292

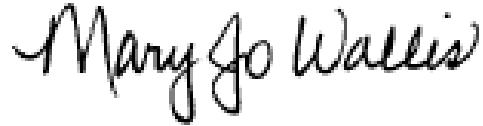
1. A mortgage to secure an original principal indebtedness of \$10,000.00 and any other amounts or obligations secured thereby, dated June 13, 2006, recorded August 17, 2006, as Book 559, page 718.
Mortgagor: Gary D. Springer, Ardith A. Springer, Married
Mortgagee: Bank of America, NA

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

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

Security 1st Title

A handwritten signature in black ink that reads "Mary Jo Wallis". The signature is written in a cursive, flowing style.

Licensed Abstracter

Print Page

These Links May Require Adobe Acrobat Reader, Click [here](#) to Download it.[View Sketch](#) --- [Back to Search Page](#) --- [Home](#)**The Parcel Number for this Property is 063-099-31-0-10-23-007.00-0****Quick Ref ID: 6708****Owner Information**

Owner Name	SPRINGER, GARY DON & ARDITH ANN
Address	1758 CR 4600 ELK CITY, KS 67344

Property Situs Address

Address	224 S EARL ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	4,370	1,990	6,360
Total	4,370	1,990	6,360

2023 Appraised Value

Class	Land	Building	Total
Residential - R	4,370	1,800	6,170
Total	4,370	1,800	6,170

Tract Description

CHANEYS ADD, S31, T32, R16, N 30' LOT 10; S 20' LOT 11 BLK 2; Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 6 /1 Lot Width: 050.0 Lot Depth: 140.0 Deed Book/Page 553 /600 472 /003 387 /186 383 /315 375 /093 374 /252

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
553	600						

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7000										4,370

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR-	Bsmt Type	Crawl - 2
Year Built	1905	Total Rooms	4
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	840	Foundation	Block - 3
Main Floor Living Area	840		
Upper Floor Living Area Pct.			
CDU	VP-		
Phys/Func/Econ	VP-/ /		
Ovr Pct Gd/RCN	/96,210		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Wood Deck (SF) with Roof	91			
Composition Shingle		100		
Wall Furnace		100		
Plumbing Rough-ins (#)	1			
Wood Deck (SF)	84			1990
Enclosed Wood Deck (SF), Solid Wall	56			
Frame, Siding, Vinyl		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Automatic Floor Cover Allowance				

Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
68	Tool Shed	D	1.00	1	1930			240	64	8	20 X 12	1	1	1					3,560	2	70

Building Improvement Components

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

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Public hearing to consider the condemnation of 224 S. Earl Street as dangerous and unsafe.

Summary: The owner is asking if the Landbank will consider a donation of the structure.



SUGGESTED MOTION: I move to adopt a resolution condemning 224 S. Earl Street as dangerous and unsafe.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 205 S. 16th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends condemnation as dangerous and unsafe.

BACKGROUND The structure at 205 S. 16th was identified by multiple complaints and utility records. The structure last had utilities in April 2019. The City has sent notices to the owner of record without response. The complaints regarding the structure have been related to no maintenance or upkeep and the issue of transients and activity at the residence. The City requested an O&E report that shows delinquency since 2016.

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

SUGGESTED MOTION I move to condemn 205 S. 16th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-044 - CONDEMNATION - DAYS - 205 S 16th
2. Notice of P-H 205 S. 16th 11252024
3. 205 S. 16th - Notice of Public Hearing
4. 205 S. 16TH PARCEL
5. 3099779_OE_Report
6. 205 S 16th Slide

RESOLUTION NO. 2024-044

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

Legal Description

The South Half of Lots 1 and 2, Block 13, Concannon's Addition to the City of Independence, Montgomery County, Kansas

Common Address

205 S 16th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

The South Half of Lots 1 and 2, Block 13, Concannon's Addition to the City of Independence, Montgomery County, Kansas

Common Address

205 S 16th Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Ryan Bradford
4357 Lawrence Dr.
Granite Bay, CA. 95746

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
205 S. 16th Street – Independence, Kansas**

Dear **Ryan**:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **205 S. 16th St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 3 years, Exterior condition, debris, vegetation, roof & soffit integrity, foundation**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Ryan Bradford
4357 Lawrence Dr.
Granite Bay, CA. 95746

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
205 S. 16th Street – Independence, Kansas**

Dear **Ryan**:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **205 S. 16th St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 3 years, Exterior condition, debris, vegetation, roof & soffit integrity, foundation**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

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If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

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The Parcel Number for this Property is 063-087-36-0-10-22-020.00-0
Quick Ref ID: 3928

Owner Information

Owner Name	BRADFORD, RYAN
Address	4357 LAWRENCE DR GRANITE BAY, CA 95746

Property Situs Address

Address	205 S 16TH ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	3,900	2,280	6,180
Total	3,900	2,280	6,180

2023 Appraised Value

Class	Land	Building	Total
Residential - R	3,900	7,800	11,700
Total	3,900	7,800	11,700

Tract Description

CONCANNONS ADD, S36, T32, R15, S/2 LOTS 1 & 2 BLK 13; Lot Width: 045.3 Lot Depth: 100.0 Plat Book/Page 1 /8 Lot Width: 045.3 Lot Depth: 100.0 Deed Book/Page 586 /607 571 /376 482 /213 386 /340 385 /282 288 /295

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
735	430	586	607	571	376		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	4500										3,900

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR	Bsmt Type	Crawl - 2
Year Built	1865	Total Rooms	5
Eff Year		Bedrooms	3
MS Style	One Story	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	987	Foundation	Concrete - 2
Main Floor Living Area	987		
Upper Floor Living Area Pct.			
CDU	VP-		
Phys/Func/Econ	VP-/ /		
Ovr Pct Gd/RCN	/108,430		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Wood Deck (SF) with Roof	84			
Frame, Siding, Wood		100		
Raised Subfloor (% or SF)		100		
Plumbing Rough-ins (#)	1			
Wall Furnace		100		
Carport, Shed Roof (SF)	198			
Composition Shingle		100		
Plumbing Fixtures (#)	5			
Automatic Floor Cover Allowance				

Building Improvements

Id	Occupancy	MSCIs	Rank	Qty	Yr Bld	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
54	Prefabricated Storage Shed	D	1.00	1	1865			66		8	11 X 6	1	2	2					1,790	6	110

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TECHNOLOGIES

Report Cover Page

Date:	10/31/2024	Prepared For:	City of Independence
Order No.:	3099779	Owner(s):	Ryan Bradford
Issuing Office:	Security 1st Title 114 N. Pennsylvania Avenue Independence, KS 67301	Property Address:	205 S 16TH ST, Independence, KS 67301

Note: The documents linked in this report should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Tax Information:

[087-36-0-10-22-020.00-0](#)

Date: October 31, 2024
Property Address: 205 S 16TH ST, Independence, KS
67301

File No.: 3099779
Title Contact: Mary Jo Wallis
Contact E-mail: mwallis@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence
David Cowan
120 N. 6th Street
Independence, KS 67301

Effective Date of this Report: October 06, 2024 at 7:00 A.M.

On Real Estate described as:

The South half of Lots 1 and 2, Block 13, Concannon's Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. Interest in the Land described in this Report is owned, at the Report Effective Date, by:

Ryan Bradford

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

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

General taxes and special assessments for the year 2023:

Full Amount: \$230.18, DELINQUENT
Tax Parcel Number: IC 2338

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

General taxes and special assessments for the year 2022:

Full Amount: \$173.66, DELINQUENT
Tax Parcel Number: IC 2338

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

General taxes and special assessments for the year 2021:

Full Amount: \$156.88, DELINQUENT
Tax Parcel Number: IC 2338

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

General taxes and special assessments for the year 2020:

Full Amount: \$115.80, DELINQUENT
Tax Parcel Number: IC 2338

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

General taxes and special assessments for the year 2019:

Full Amount: \$212.12, DELINQUENT
Tax Parcel Number: IC 2338

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

General taxes and special assessments for the year 2018:

Full Amount: \$333.12, DELINQUENT
Tax Parcel Number: IC 2338

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

General taxes and special assessments for the year 2017:

Full Amount: \$381.72, DELINQUENT
Tax Parcel Number: IC 2338

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

General taxes and special assessments for the year 2016:

Full Amount: \$374.16, DELINQUENT
Tax Parcel Number: IC 2338

9. Note: Title to the Land was derived through a tax sale held on February 09, 2024, under a tax foreclosure proceeding in Case No. MGC-2023-CV-21. The Sheriff's Deed was recorded on April 22, 2024, as Book 735, page 430.

If asked to issue a title policy, we would make the following requirements:

1. Due to the lack of personal service to the prior owners, we require a deed(s) from Christopher Dwayne Tate, stating marital status and joined by spouse, if any, to the current applicant owner(s); or
2. Proof, satisfactory to the Company, that personal service of summons was made upon any owner or lienholder in said tax foreclosure proceeding; or
3. Completion of a Quiet Title action, which evidences personal service of summons to any owner or lien holder of the subject property.

In view of the fact that some defendants will necessarily be/have been notified of the pendency of the above suit by publication, the title will be unmarketable as to those parts of the premises in question as to which the quiet title is/was necessary for a period of 2 years or 3 months for sale for value under KSA 60-309, after the decree, which is to be recorded, is/was entered.

Any policy issued prior to the expiration of said period will contain the following exceptions:

"Unmarketability of title until the allotted time to appeal the quiet title decree has expired."

"Right of any party interested, by appeal or by any other direct proceeding, to have set aside, modified, vacated, annulled, reversed or declared of no force and effect within the time allowed by law, the Order entered in the quiet title action filed under Case No. _____, filed on _____."

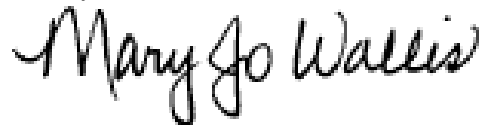
We reserve the right to make additional requirements as we may deem necessary.

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

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

Security 1st Title



Licensed Abstracter

Public hearing to consider the condemnation of 205 S. 16th Street as dangerous and unsafe.



Summary: City staff has not received any communication from the owner.



SUGGESTED MOTION:

I move to adopt a resolution condemning 205 S. 16th Street as dangerous and unsafe.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 225 S. 16th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation as dangerous and unsafe.

BACKGROUND City staff became aware of this structure due to a lack of utility services and complaints from neighbors. The property last had active utilities in March 2019, and the City has performed abatement actions at this location related to junk accumulation.

In 2019, the structure was deemed unfit for habitation of children and has remained vacant since that time. The property owner is now deceased, and the Ownership and Encumbrance (O&E) report indicates delinquent payments dating back to 2019. All notices mailed to the owner have been returned to the City as undeliverable.

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

SUGGESTED MOTION I move to condemn 225 S. 16th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-045 - CONDEMNATION - DAYS - 225 S 16th
2. 225 S. 16th - Notice of Public Hearing
3. 225 S. 16TH PARCEL
4. 225 S. 16th - O&E Report
5. 225 S 16th St Slide

RESOLUTION NO. 2024-045

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

Legal Description

Lot 66, Glenwood Addition to the City of Independence, Montgomery County, Kansas

Common Address

225 S 16th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

Lot 66, Glenwood Addition to the City of Independence, Montgomery County, Kansas

Common Address

225 S 16th Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Amber True
225 S. 16th
Independence, Ks. 67301

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
225 S. 16th Street – Independence, Kansas**

Dear **Amber**:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **225 S. 16th St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 3 years, Exterior condition, debris, vegetation, roof & soffit integrity, Foundation**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

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The Parcel Number for this Property is 063-087-36-0-10-22-015.00-0
Quick Ref ID: 3923

Owner Information

Owner Name	TRUE, AMBER R
Address	225 S 16TH ST INDEPENDENCE, KS 67301

Property Situs Address

Address	225 S 16TH ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	4,530	8,970	13,500
Total	4,530	8,970	13,500

2023 Appraised Value

Class	Land	Building	Total
Residential - R	4,520	8,220	12,740
Total	4,520	8,220	12,740

Tract Description

GLENWOOD ADD, S36, T32, R15, Lot 66, LOT WIDTH: 055.0 LOT DEPTH: 141.5 Plat Book/Page A /5 Deed Book/Page 679 /56 634 /20 593 /53 588 /507 588 /300 587 /044 575 /614 556 /034 553 /625 339 /565

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
679	56	634	20	593	53	588	507

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7810										4,530

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Old Style
Quality	FR	Bsmt Type	Crawl - 2
Year Built	1900	Total Rooms	6
Eff Year		Bedrooms	3
MS Style	1 1/2 Story Finished	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	1,063	Foundation	Block - 3
Main Floor Living Area	686		
Upper Floor Living Area Pct.	55		
CDU	PR		
Phys/Func/Econ	PR/ /		
Ovr Pct Gd/RCN	/118,060		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Screened Walls	98			
Composition Shingle		100		
Wall Furnace		100		
Plumbing Rough-ins (#)	1			
Enclosed Wood Deck (SF), Solid Wall	102			
Frame, Siding/Shingle		100		
Raised Subfloor (% or SF)		100		

Plumbing Fixtures (#)	5			
Automatic Floor Cover Allowance				

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TECHNOLOGIES

Report Cover Page

Date:	10/21/2024	Prepared For:	City of Independence
Order No.:	3099772	Owner(s):	Amber R. True
Issuing Office:	Security 1st Title 114 N. Pennsylvania Avenue Independence, KS 67301	Property Address:	225 S 16TH ST, Independence, KS 67301

Note: The documents linked in this report should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Tax Information:

063-087-36-0-10-22-015.00-0

Date: October 21, 2024
Property Address: 225 S 16TH ST, Independence, KS
67301

File No.: 3099772
Title Contact: Ronda Ballew
Contact E-mail: rballew@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:
City of Independence
David Cowan

Effective Date of this Report: October 06, 2024 at 7:00 A.M.

On Real Estate described as:

Lot 66, Glenwood Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. Interest in the Land described in this Report is owned, at the Report Effective Date, by:

Amber R. True

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

1. The County Tax Records indicated that the real estate taxes are:

General taxes and special assessments for the year 2019 in the amount of \$306.18, NOT PAID.

2. The County Tax Records indicated that the real estate taxes are:

General taxes and special assessments for the year 2020 in the amount of \$195.38, NOT PAID.

3. The County Tax Records indicated that the real estate taxes are:

General taxes and special assessments for the year 2021 in the amount of \$207.76, NOT PAID.

4. The County Tax Records indicated that the real estate taxes are:

General taxes and special assessments for the year 2022 in the amount of \$230.16, NOT PAID.

5. The County Tax Records indicated that the real estate taxes are:

General taxes and special assessments for the year 2023 in the amount of \$250.52, NOT PAID.

Tax Parcel No. # 063-087-36-0-10-22-015.00-0

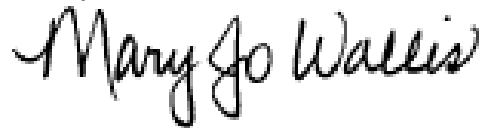
PIN # IC 2524

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

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

Security 1st Title

A handwritten signature in black ink that reads "Mary Jo Wallis". The signature is written in a cursive, flowing style.

Licensed Abstracter

Public hearing to consider the condemnation of 225 S. 16th Street as dangerous and unsafe.



Summary: The owner is deceased.



SUGGESTED MOTION:

I move to adopt a resolution condemning 225 S. 16th Street as dangerous and unsafe.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 314 N. 5th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends approval of a timeline of repairs to be presented by the owner.

BACKGROUND The property at 314 N. 5th came to the City's attention through complaints and a lack of utility services since February 2016. The property owners have been in contact with City staff and have expressed their intention to provide the City Commission with a timeline for repairing the structure. City staff noted the condition of the siding, roof, and porch on the structure. The owner does not believe they have any leaks inside the house at this time.

City Staff recommends accepting a timeline of repairs if presented by the owners.

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

SUGGESTED MOTION Motion Options.

1. I move to accept the timeline of repairs for 314 N. 5th Street and adjourn the meeting, Date TBD, by timeline.
2. I move to condemn the structure at 314 N. 5th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-046 - CONDEMNATION - DAYS - 314 N 5th
2. 314 N. 5th - Notice of P-H 11252024
3. 314 N. 5th - Notice of Public Hearing
4. 314 N. 5TH PARCEL
5. 3099782_OE_Report
6. 314 N 5th St Slide

RESOLUTION NO. 2024-046

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

Legal Description

Lot 9, Block 21, Original City of Independence, Montgomery County, Kansas

Common Address

314 N 5th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

Lot 9, Block 21, Original City of Independence, Montgomery County, Kansas

Common Address

314 N 5th Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

November 25, 2024

Eric Bennett
603 S. Franklin
Elk City, Ks. 67344

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
314 N. 5th Street – Independence, Kansas**

Dear **Eric**:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **314 N. 5th St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 4 years, Exterior condition, debris, vegetation, roof & soffit integrity of the porch,**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Eric Bennett
603 S. Franklin
Elk City, Ks. 67344

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
314 N. 5th Street – Independence, Kansas**

Dear **Eric**:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **314 N. 5th St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 4 years, Exterior condition, debris, vegetation, roof & soffit integrity of the porch,**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

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The Parcel Number for this Property is 063-099-30-0-30-36-004.00-0
Quick Ref ID: 6389

Owner Information

Owner Name	THOMPSON, WILLIAM HOWARD TRST 5/15/03
Address	C/O ERIC BENNETT 603 S FRANKLIN ELK CITY, KS 67344

Property Situs Address

Address	314 N 5TH ST, Independence, KS 67301
----------------	--------------------------------------

Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	11,520	16,420	27,940
Total	11,520	16,420	27,940

2023 Appraised Value

Class	Land	Building	Total
Residential - R	11,510	14,990	26,500
Total	11,510	14,990	26,500

Tract Description

ORIG PLAT, S30, T32, R16, BLOCK 21, Lot 9, LOT WIDTH: 060.0 LOT DEPTH: 140.0 Plat Book/Page 1 /6,7 Deed Book/Page 657 /893 627 /525 594 /232 561 /267 533 /170 400 /068 391 /382 384 /032 353 /337

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
657	893	627	525	594	232		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	8400										11,520

Dwelling Information

Dwelling Information													Comp Sales Information										
Res Type	Single-family Residence												Arch Style	Bungalow									
Quality	LO+												Bsmt Type	Full - 4									
Year Built	1900												Total Rooms	4									
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	988												Foundation	Stone - 4									
Main Floor Living Area	988																						
Upper Floor Living Area Pct.																							
CDU	PR																						
Phys/Func/Econ	PR/ /																						
Ovr Pct Gd/RCN	/133,090																						
Remodel	1993																						
Percent Complete																							
Assessment Class																							
MU Cls/Pct																							

Dwelling Components														
Code	Units	Pct	Quality	Year										
Wood Deck (SF) with Roof	120		1											
Composition Shingle		100												
Raised Subfloor (% or SF)		100												
Plumbing Fixtures (#)	5													
Automatic Floor Cover Allowance														
Enclosed Wood Deck (SF), Screened Walls	108													
Frame, Siding, Metal		100												
Total Basement Area (SF)	910													
Warmed & Cooled Air		100												
Plumbing Rough-ins (#)	1													
Open Slab Porch (SF)	210		1	1930										

Building Improvements																					
Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
73	Tool Shed	C	1.00	1	1940			480	88	8	20 X 24	1	1	2					9,310	4	370
56	Tool Shed	D	1.00	1	1940			288	72	8	24 X 12	1	1	1					4,130	2	80

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

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TECHNOLOGIES

Report Cover Page

Date:	11/01/2024	Prepared For:	City of Independence
Order No.:	3099782	Owner(s):	William Howard Thompson Trust dated May 15, 2003
Issuing Office:	Security 1st Title 114 N. Pennsylvania Avenue Independence, KS 67301	Property Address:	314 N 5TH ST, Independence, KS 67301

Note: The documents linked in this report should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Tax Information:

[099-30-0-30-36-004.00-0](#)

Date: November 01, 2024
Property Address: 314 N 5TH ST, Independence, KS
67301

File No.: 3099782
Title Contact: Mary Jo Wallis
Contact E-mail: mwallis@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence
David Cowan
120 N. 6th Street
Independence, KS 67301

Effective Date of this Report: October 06, 2024 at 7:00 A.M.

On Real Estate described as:

Lot 9, Block 21, Original City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. Interest in the Land described in this Report is owned, at the Report Effective Date, by:

William Howard Thompson Trust dated May 15, 2003

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

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

General taxes and special assessments for the year 2023:

Full Amount: \$521.22, DELINQUENT
Tax Parcel Number: IC 273

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

General taxes and special assessments for the year 2022:

Full Amount: \$404.38, DELINQUENT
Tax Parcel Number: IC 273

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

General taxes and special assessments for the year 2021:

Full Amount: \$385.82, DELINQUENT
Tax Parcel Number: IC 273

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

General taxes and special assessments for the year 2020:

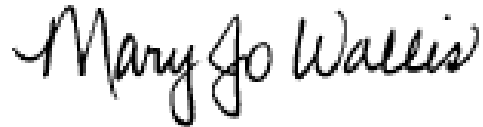
Full Amount: \$396.36, DELINQUENT
Tax Parcel Number: IC 273

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

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

Security 1st Title

A handwritten signature in black ink that reads "Mary Jo Wallis". The signature is written in a cursive, flowing style.

Licensed Abstracter

Public hearing to consider the condemnation of 314 N. 5th Street as dangerous and unsafe.



Summary: The owner wishes to present a timeline of repairs to the structure.



SUGGESTED MOTION: Consider timeline of repairs or move to adopt a resolution condemning 314 N. 5th Street as dangerous and unsafe.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 620 W. Chestnut Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends the City Commission consider the timeline of repairs submitted by JoyCo. Property Management.

BACKGROUND The structure at 620 W. Chestnut experienced a basement foundation failure in June 2023, rendering the property uninhabitable and forcing the tenants to vacate. The property is owned by Divine Equity Consultants, LLC, based in Roseville, California.

Divine Equity Consultants has contracted JoyCo. Property Management to rehabilitate the structure and restore its habitability. JoyCo. has submitted an action plan for the property to the City for review.

The staff recommendation is to adjourn the Public Hearing and accept the action plan with the understanding that we usually recommend a 12-month timeline unless unforeseen issues occur during the rehabilitation.

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

SUGGESTED MOTION Motion options:

1. I move to adjourn the Public Hearing of 620 W. Chestnut Street until June 26, 2024 at 5:30 PM.
2. I move to condemn 620 W. Chestnut Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-047 - CONDEMNATION - DAYS - 620 W Chestnut
2. 620 W. Chestnut - Notice of Public Hearing 11252024
3. 620 W. Chestnut - Notice of Public Hearing
4. 620 W. CHESTNUT PARCEL
5. Action plan for 620 W Chestnut
6. 620 W Chestnut St Slide

RESOLUTION NO. 2024-047

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

Legal Description

The West 45 feet of Lots 6 and 7, Block 12, Original City of Independence, Montgomery County, Kansas

Common Address

620 W Chestnut Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

The West 45 feet of Lots 6 and 7, Block 12, Original City of Independence, Montgomery County, Kansas

Common Address

620 W Chestnut Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

November 25, 2024

Divine Equity Consultants, LLC
4010 Foothills Blvd
Roseville, CA. 95747

JoyCo Property Management
106 E. Myrtle
Independence, Ks. 67301

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
620 W. Chestnut Street – Independence, Kansas**

Dear **Sir**:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **620 W. Chestnut St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 2 years, Exterior condition, Foundation integrity**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (**if condemned**) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Divine Equity Consultants, LLC
4010 Foothills Blvd
Roseville, CA. 95747

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
620 W. Chestnut Street – Independence, Kansas**

Dear Sir:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **620 W. Chestnut St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 2 years, Exterior condition, Foundation integrity**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (**if condemned**) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

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The Parcel Number for this Property is 063-087-25-0-40-30-006.00-0
Quick Ref ID: 3431

Owner Information

Owner Name	DIVINE EQUITY CONSULTANTS, LLC
Address	4010 FOOTHILLS BLVD ROSEVILLE, CA 95747

Property Situs Address

Address	620 W CHESTNUT ST, Independence, KS 67301
----------------	---

Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	10,310	46,300	56,610
Total	10,310	46,300	56,610

2023 Appraised Value

Class	Land	Building	Total
Residential - R	10,310	43,570	53,880
Total	10,310	43,570	53,880

Tract Description

ORIG PLAT, S25, T32, R15, ACRES 0.13, W 45' LOTS 6 & 7 BLK 12; Lot Width: 045.0 Lot Depth: 120.0 Plat Book/Page 1 /6&7 Deed Book/Page 718 /369 718 /360 708 /086 594 /641 489 /444 483 /195 331 /198

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
718	369	718	360	708	086	594	641

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	5462										10,310

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR	Bsmt Type	Partial - 3
Year Built	1920	Total Rooms	7
Eff Year		Bedrooms	4
MS Style	1 1/2 Story Finished	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	1,667	Foundation	Brick - 5
Main Floor Living Area	1,323		
Upper Floor Living Area Pct.	26		
CDU	FR		
Phys/Func/Econ	FR-/ /		
Ovr Pct Gd/RCN	/190,990		
Remodel	2001		
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Solid Wall	168			
Metal, Formed Seams		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Automatic Floor Cover Allowance				
Frame, Siding, Vinyl		100		
Total Basement Area (SF)	783			
Warmed & Cooled Air		100		
Plumbing Rough-ins (#)	1			
Open Slab Porch (SF)	168		2	1960

Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
01	Residential Garage - Detached	D	1.00	1	1950			320	72	8	20 X 16	1	1	2					11,430	4	460

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To: The City of Independence, KS

Re: Property Maintenance Plan for 620 W. Chestnut, Independence, KS

JoyCo. Property Management Services, LLC, as the appointed property management company for 620 W. Chestnut, is committed to addressing the concerns outlined regarding the property. The following formal action plan and has been developed to correct the issues of "no utilities in two years," the "exterior condition of the foundation," and the "foundation integrity of the home."

Action Plan

Utilities

- Install a new electric meter panel with disconnect.
- Repair and update the interior electrical panel.
- Hire a licensed electrician to complete all work per code requirements.
- Schedule and coordinate an inspection of the electrical system with the City of Independence.
- Inspect the plumbing system for leaks. If no leaks are identified, contact the city to schedule water service activation.
- In the event of leaks, repairs will be completed by a licensed plumber prior to requesting activation.

Exterior Condition & Foundation Integrity

- Inspection and Planning

- Conduct a detailed assessment of the exterior condition and structural issues with the foundation to finalize the repair strategy.
- Engage a structural engineer to confirm that the proposed repair plan meets safety standards.
 - Repairs
 - Utilize leveling jacks to carefully elevate the affected exterior wall.
 - Install appropriate blocking beneath the property to reset and stabilize the foundation.
- Repair any cracks or gaps in the foundation to ensure structural integrity and prevent future deterioration.
- Apply weather-resistant sealants to the foundation to protect against moisture penetration.
 - Repair any damaged exterior siding or paint as part of ensuring compliance with property maintenance standards.

Follow-Up

- Conduct a comprehensive post-repair inspection to confirm the safety and integrity of all completed work.
- Provide the City of Independence with a progress report and request any additional inspections as required to meet local property maintenance standards.

Contact Information

If there are any questions or further concerns, please contact us directly:

JoyCo. Property Management Services, LLC

106 E. Myrtle, Independence, KS 67301

Phone: 620-870-2452

Email: joyco.experience@gmail.com

We appreciate your cooperation and understanding as we work to bring 620 W. Chestnut into compliance and ensure the property is safe for future tenants.

Public hearing to consider the condemnation of 620 W. Chestnut Street as dangerous and unsafe.



Summary: The foundation has failed making the house uninhabitable. Owner has provided a timeline of repairs.



SUGGESTED MOTION:

I move to adjourn the Public Hearing until June 26, 2024 at 5:30 PM.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 201 S. 16th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation of 201 S. 16th as dangerous and unsafe.

BACKGROUND The City has received multiple complaints regarding the structure at 201 S. 16th, which has been vacant since 2021 and without utility services since May 2021. The structure has a failed roof, broken windows, and is unsecured. Complaints indicate that it is frequently occupied by homeless and transient individuals.

The City has not received any communication from the owner, Oakland Park LLC, nor have any mailed notices been returned.

City staff recommend condemning the property as a dangerous and unsafe structure.

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

SUGGESTED MOTION I move to condemn 201 S. 16th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-048 - CONDEMNATION - DAYS - 201 S 16th
2. 201 S. S. 16th - Notice of Public Hearing 11252024
3. 201 S. S. 16th - Notice of Public Hearing
4. 3099778_OE_Report
5. 201 S. 16TH PARCEL
6. 201 S 16th St Slide

RESOLUTION NO. 2024-048

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

Legal Description

The North Half of Lots 1 and 2, Block 13, Concannon's Addition to the City of Independence, Montgomery County, Kansas

Common Address

201 S 16th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

The North Half of Lots 1 and 2, Block 13, Concannon's Addition to the City of Independence, Montgomery County, Kansas

Common Address
201 S 16th Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Oakland Park LLC
201 S. 16th
Independence, Ks. 67301

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
201 S. 16th Street – Independence, Kansas**

Dear Sir:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **201 S. 16th St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 9 years, Exterior condition of structure, roof, vegetation, debris**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Oakland Park LLC
201 S. 16th
Independence, Ks. 67301

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
201 S. 16th Street – Independence, Kansas**

Dear Sir:

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Thank you for your attention to this matter.



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

David Cowan
Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

Report Cover Page

Date:	10/31/2024	Prepared For:	City of Independence
Order No.:	3099778	Owner(s):	Oakland Park LLC, a Missouri limited liability company
Issuing Office:	Security 1st Title 114 N. Pennsylvania Avenue Independence, KS 67301	Property Address:	201 S 16TH ST, Independence, KS 67301

Note: The documents linked in this report should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Tax Information:

[087-36-0-10-22-001.00-0](#)

Date: October 31, 2024
Property Address: 201 S 16TH ST, Independence, KS
67301

File No.: 3099778
Title Contact: Mary Jo Wallis
Contact E-mail: mwallis@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence
David Cowan
120 N. 6th Street
Independence, KS 67301

Effective Date of this Report: October 06, 2024 at 7:00 A.M.

On Real Estate described as:

The N/2 of Lots 1 and 2, Block 13, Concannon's Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. Interest in the Land described in this Report is owned, at the Report Effective Date, by:

Oakland Park LLC, a Missouri limited liability company

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

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

General taxes and special assessments for the year 2023:

Full Amount: \$143.62, PAID
Tax Parcel Number: IC 2336

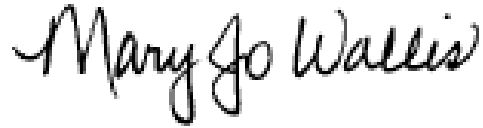
2. A mortgage to secure an original principal indebtedness of \$65,000.00 and any other amounts or obligations secured thereby, dated August 30, 2024, recorded September 10, 2024, as Book 739, page 1053.
Mortgagor: Oakland Park, LLC
Mortgagee: Advantage Leasing Company, LLC

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

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

Security 1st Title

A handwritten signature in black ink that reads "Mary Jo Wallis". The signature is written in a cursive, flowing style.

Licensed Abstracter

[Print Page](#)

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The Parcel Number for this Property is 063-087-36-0-10-22-001.00-0
Quick Ref ID: 3909

Owner Information

Owner Name	OAKLAND PARK LLC
Address	201 S 16TH ST INDEPENDENCE, KS 67301

Property Situs Address

Address	201 S 16TH ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	3,890	3,780	7,670
Total	3,890	3,780	7,670

2023 Appraised Value

Class	Land	Building	Total
Residential - R	3,890	3,420	7,310
Total	3,890	3,420	7,310

Tract Description

CONCANNONS ADD, S36, T32, R15, 4475 SQUARE FEET, N/2 LOTS 1 & 2 BLK 13; LOT WIDTH: 100.0 LOT DEPTH: 045.3
Plat Book/Page 1 /8 Deed Book/Page 709 /868 647 /458 647 /458 622 /1041 622 /1042 537 /738 320 /194

Building Permit Information

Permit Number	Amount	Issue Date	Description
200704653	695	5/4/2007	OB&Y

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
739	1052	709	868	647	458	625	2

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	4475										3,890

Dwelling Information

Dwelling Information					Comp Sales Information				
Res Type	Single-family Residence				Arch Style	Bungalow			
Quality	FR				Bsmt Type	Crawl - 2			
Year Built	1925				Total Rooms	6			
Eff Year					Bedrooms	3			
MS Style	One Story				Family Rooms				
LBCSStruct	Detached SFR unit				Full Baths	1			
No. of Units					Half Baths				
Total Living Area					Garage Cap				
Calculated Area	1,064				Foundation	Stone - 4			
Main Floor Living Area	1,064								
Upper Floor Living Area Pct.									
CDU	VP-								
Phys/Func/Econ	VP-/ /								
Ovr Pct Gd/RCN	/125,930								
Remodel									
Percent Complete									
Assessment Class									
MU Cls/Pct									

Dwelling Components				
Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Solid Wall	204			
Composition Shingle		100		

Wall Furnace		100		
Plumbing Rough-ins (#)	1			
Enclosed Wood Deck (SF), Screened Walls	88			
Frame, Cement Fiber		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Automatic Floor Cover Allowance				

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TECHNOLOGIES

Public hearing to consider the condemnation of 201 S. 16th Street as dangerous and unsafe.



Summary: City staff has not received any response from the owner.



SUGGESTED MOTION:

I move to adopt a resolution condemning 201 S. 16th Street as dangerous and unsafe.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 604 N. 16th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation as dangerous and unsafe.

BACKGROUND The structure at 604 N. 16th was identified as a concern due to a lack of utility services and neighborhood complaints. The property last had active utilities in 2010. The owner, Kansas Equity Consultant Pros of Salida, California, has not responded to the City's letters regarding the condition of the structure. The property has a mortgage through Kansas Teachers Credit Union and was previously sold at a tax sale.

City staff recommend proceeding with condemnation unless the owner provides an acceptable timeline for repairs.

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

SUGGESTED MOTION I move to condemn 604 N. 16th as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2024-049 - CONDEMNATION - DAYS - 604 N 16th
2. 604 N. 16th - Notice of Public Hearing November 25, 2024
3. 604 N. 16th - Notice of Public Hearing
4. 3099787_OE_Report
5. 604 N. 16TH PARCEL
6. 604 N 16th St Slide

RESOLUTION NO. 2024-049

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

Legal Description

Lot 5, Except 2 4/10 Feet off the South side, Central Addition to the City of Independence, Montgomery County, Kansas

Common Address

604 N 16th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 23rd day of October 2024, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2024—032**, dated **October 23, 2024**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 31, 2024 and November 7, 2024**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

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

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

Legal Description

Lot 5, Except 2 4/10 Feet off the South side, Central Addition to the City of Independence, Montgomery County, Kansas

Common Address

604 N 16th Street

Mortgage

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

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

Adopted this 12th day of December, 2024.

(SEAL)

Mayor

City Clerk



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Kansas Equity Consultant Pros, LLC
5421 Ratto Way
Salida, CA 95368

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
604 N. 16th Street – Independence, Kansas**

Dear **Sir**:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **201 S. 16th St.** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 14 years, Exterior condition of structure, roof**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.

David Cowan



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

October 24, 2024

Kansas Equity Consultant Pros, LLC
5421 Ratto Way
Salida, CA 95368

**RE: Notice of Public Hearing to Consider Condemnation of Property Located at:
604 N. 16th Street – Independence, Kansas**

Dear **Sir**:

The City of Independence has received a report from the Enforcing Officer indicating that the structure(s) located at **604 N. 16th** have been found to be unsafe and dangerous in accordance with Kansas Statutes Annotated (K.S.A.) 12-1750 et seq. The conditions observed include **No utilities 14 years, Exterior condition of structure, roof**

In accordance with state law, you are hereby notified that the City Governing Body has scheduled a public hearing to consider the condemnation of this structure. At this hearing, you, your agent, any lienholders of record, and any occupants of the property will have the opportunity to present evidence and show cause why the structure should not be condemned and ordered repaired or demolished.

Public Hearing Details:

- Date: **December 12, 2024**
- Time: **5:30 PM**
- Location: **120 N. 6th Street – City Commission Room**

A resolution outlining the time and place of this hearing will be published in the **Independence Reporter**.

Please note that if the Governing Body determines that the structure is indeed unsafe or dangerous, an order of condemnation may be issued directing the repair or removal of the structure. You may request a reasonable timeframe (submit a timeline of repairs) within which to commence repair or removal of the structure at the time of the Public Hearing.

Failure to take action and submit a timeline of repair or removal, within 30 days of the commission action (***if condemned***) will result in the City seeking bids for the demolition and clearing the lot at the owner's expense.

If you have any questions regarding this matter or require additional information, please contact **David Cowan, 620.332.2528 voice, or davidc@independenceks.gov email**

Thank you for your attention to this matter.

David Cowan



Office of the Assistant City Manager
120 North 6th Street
Independence, KS 67301

Assistant City Manager
City of Independence
120 N. 6th Street
Independence, Kansas 67301

Report Cover Page

Date:	11/01/2024	Prepared For:	City of Independence
Order No.:	3099787	Owner(s):	Kansas Equity Consultant Pros, LLC
Issuing Office:	Security 1st Title 114 N. Pennsylvania Avenue Independence, KS 67301	Property Address:	604 N 16TH ST, Independence, KS 67301

Note: The documents linked in this report should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Tax Information:

[087-25-0-40-20-008.00-0](#)

Date: November 01, 2024
Property Address: 604 N 16TH ST, Independence, KS
67301

File No.: 3099787
Title Contact: Mary Jo Wallis
Contact E-mail: mwallis@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence
David Cowan
120 N. 6th Street
Independence, KS 67301

Effective Date of this Report: October 06, 2024 at 7:00 A.M.

On Real Estate described as:

Lot 5, Except 2 4/10 feet off the South side, Central Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. Interest in the Land described in this Report is owned, at the Report Effective Date, by:

Kansas Equity Consultant Pros, LLC

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

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

General taxes and special assessments for the year 2023:

Full Amount: \$212.06, ABATED
Tax Parcel Number: IC 4876

2. A mortgage to secure an original principal indebtedness of \$41,000.00 and any other amounts or obligations secured thereby, dated October 19, 2016, recorded October 20, 2016, as Book 653, page 843.
Mortgagor: Angela Werner, a single person
Mortgagee: Kansas Teachers Community Credit Union

3. Note: Title to the Land was derived through a tax sale held on February 09, 2024, under a tax foreclosure proceeding in Case No. MGC-2023-CV-21. The Sheriff's Deed was recorded on April 30, 2024, as Book 735, page 913.

If asked to issue a title policy, we would make the following requirements:

1. Due to the lack of personal service to the prior owners, we require a deed(s) from Angela Werner, stating marital status and joined by spouse, if any, to the current applicant owner(s); or
2. Proof, satisfactory to the Company, that personal service of summons was made upon any owner or lienholder in said tax foreclosure proceeding; or
3. Completion of a Quiet Title action, which evidences personal service of summons to any owner or lien holder of the subject property.

In view of the fact that some defendants will necessarily be/have been notified of the pendency of the above suit by publication, the title will be unmarketable as to those parts of the premises in question as to which the quiet title is/was necessary for a period of 2 years or 3 months for sale for value under KSA 60-309, after the decree, which is to be recorded, is/was entered.

Any policy issued prior to the expiration of said period will contain the following exceptions:

"Unmarketability of title until the allotted time to appeal the quiet title decree has expired."

"Right of any party interested, by appeal or by any other direct proceeding, to have set aside, modified, vacated, annulled, reversed or declared of no force and effect within the time allowed by law, the Order entered in the quiet title action filed under Case No. _____, filed on _____."

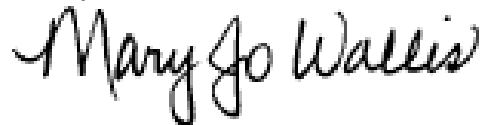
We reserve the right to make additional requirements as we may deem necessary.

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

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

Security 1st Title



Licensed Abstracter

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The Parcel Number for this Property is 063-087-25-0-40-20-008.00-0
Quick Ref ID: 3328

Owner Information

Owner Name	KANSAS EQUITY CONSULTANT PROS, LLC
Address	5421 RATTOWAY SALIDA, CA 95368

Property Situs Address

Address	604 N 16TH ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

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

General Property Information

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

Property Factors

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

2024 Appraised Value

Class	Land	Building	Total
Residential - R	4,360	6,110	10,470
Total	4,360	6,110	10,470

2023 Appraised Value

Class	Land	Building	Total
Residential - R	4,360	6,430	10,790
Total	4,360	6,430	10,790

Tract Description

CENTRAL ADD, S25, T32, R15, 6947 SQUARE FEET, LOT 5 EX S 2.4'; Lot Width: 050.0 Lot Depth: 135.0 Plat Book/Page A /5 Deed Book/Page 653 /841 503 /093 496 /574 496 /130 494 /295 473 /284 197 /325

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
735	913	653	841	588	138		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	6947										4,360

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR-	Bsmt Type	Crawl - 2
Year Built	1910	Total Rooms	5
Eff Year		Bedrooms	2
MS Style	One Story	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	872	Foundation	Stone - 4
Main Floor Living Area	872		
Upper Floor Living Area Pct.			
CDU	PR-		
Phys/Func/Econ	PR-/ /		
Ovr Pct Gd/RCN	/100,860		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components

Code	Units	Pct	Quality	Year
Wall Furnace		100		
Wood Deck (SF) with Roof	66			
Composition Shingle		100		
Plumbing Fixtures (#)	5			
Automatic Floor Cover Allowance				
Single 1-Story Fireplace (#)	1			
Enclosed Wood Deck (SF), Screened Walls	77			
Frame, Siding, Wood		100		
Raised Subfloor (% or SF)		100		
Plumbing Rough-ins (#)	1			

Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
10	Tool Shed	D	1.00	1	1920			180	56	8	18 X 10	1	1	1					2,810	2	60

Building Improvement Components

Id	Code	Units	Pct	Size	Other	Rank	Year
10	Single -Metal on Wood Frame		100				

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Public hearing to consider the condemnation of 604 N. 16th Street as dangerous and unsafe.



Summary: The City has not received any comment from the owner of this property.



SUGGESTED MOTION:

I move to adopt a resolution condemning 604 N. 16th Street as dangerous and unsafe.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Public hearing to consider amending the 2024 Budgets.

SUMMARY RECOMMENDATION Approve the amended 2024 Budgets

BACKGROUND The following budgets are recommended to be amended for the following:

1. Industrial Fund – To show the 2023 invoice that was paid in 2024.
2. Economic Development Fund – To show the purchase of land for economic development purposes.
3. Education Sales Tax – To show the over-collection and subsequent pass through to USD 446 of 1% sales tax dollars.
4. Special Use Sales Tax – To show the over-collection and subsequent pass through to appropriate Funds of 1% sales tax dollars.
5. QOL Sales Tax – To show the close out of remaining funds transferred to the City Projects Fund for use on the Central Park Sports Complex QOL project.
6. Liability Insurance – To show an additional \$2,225 in expenses underestimated at budget time.
7. Bond & Interest – To account for interest payment amounts not known at the time the budget was adopted (for interest payments for the 2023 and 2024 Temporary Notes)
8. General Fund – In August, we adopted an ordinance eliminating our Employee Benefits Fund. This amendment shows revenue for the remaining cash in the Employee Benefit Fund being transferred to the General Fund, as well as the remaining unspent budget authority in the Employee Benefit Fund being transferred to the General Fund.

NOTE: Due to an error in the publication, this public hearing must be rescheduled, and a new notification must be published in the official newspaper. The hearing must be held before the end of the year. The public hearing will be rescheduled for a Special Commission meeting on Monday, December 23, 2024 at 9 AM. Please note that there is a Special Commission meeting scheduled for December 18, 2024 at 9 AM that the Commission may wish to cancel.

FINANCIAL INFORMATION The amended budgets presented do not represent increased tax levies and are in accordance with previously approved projects or expenses.

SUGGESTED MOTION

1. Due to a publication error, I move to reschedule the December 12, 2024 Public Hearing to consider amending the 2024 budgets to December 23, 2024 at 9 AM.
2. I move to cancel the December 18, 2024 Special Commission Meeting.

SUPPORTING DOCUMENTS

1. 2024 Amended Budget - State Workbook
2. New Notice of Amended Budget Hearing - Independence 2024

2024

**Notice of Budget Hearing for Amending the
2024 Budget**

The governing body of

City of Independence

will meet on the day of December 12, 2024 at 5:30 PM at City Hall, 120 N. 6th St. for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Hall, 120 N. 6th St.
and will be available at this hearing.

Summary of Amendments

Fund	2024 Adopted Budget			2024 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Industrial Fund	0.359	22,559	27,500	30,000
Economic Development Fund			750,000	1,756,961
Edu Sales Tax			2,400,000	2,934,773
Special Use Sales Tax			2,400,000	2,750,000
QOL Sales Tax			0	14,121
Liability Insurance			100,000	102,225
Bond & Interest			1,793,066	2,154,990
General	35.026	2,198,938	9,375,662	9,954,538

Tim Emert
Official Title: Mayor

2024

Amended
Certificate
For Calendar Year 2024

To the Clerk of Montgomery, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
City of Independence
certify that: (1) the hearing mentioned in the attached publication was
held;(2) after the Budget Hearing this Budget was duly approved and
adopted as the maximum expenditure for the various funds for the year.

			2024		
			Amended Budget		
			Amount of 2023	Adopted 2024	Proposed Amended 2024
Table of Contents:			Tax that was Levied	Expenditures	Expenditures
Fund	K.S.A.	Page No.			
Industrial Fund	12-1617h	2	22,559	27,500	30,000
Economic Development Fund	12-1617h	3		750,000	1,756,961
Edu Sales Tax	12-187	4		2,400,000	2,934,773
Special Use Sales Tax	12-187	5		2,400,000	2,750,000
QOL Sales Tax	12-187	6			14,121
Liability Insurance	75-6110	7		100,000	102,225
Bond & Interest	10-113	8		1,793,066	2,154,990
General	12-101a	9	2,198,938	9,375,662	9,954,538
		10			
Totals		xxxxxxxxx	2,221,497	16,846,228	19,697,608
Summary of Amendments		10			

Attested date: _____

County Clerk

Assisted by:

Address:

Email:

Tim Emert, Mayor

Scott Smith, Vice-Mayor

Dean Hayse, Commissioner

Governing Body

CPA Summary

City of Independence

2024

Adopted Budget

Industrial Fund	2024 Adopted Budget	2024 Proposed Budget
Unencumbered Cash Balance January 1	2,649	5,035
Receipts:		
Ad Valorem Tax	22,559	22,559
Delinquent Tax	500	1,131
Motor Vehicle Tax	3,117	3,080
Recreational Vehicle Tax	30	22
16/20M Vehicle Tax	12	13
Rental Excise Tax	0	112
Commercial Vehicle Tax	101	129
Watercraft Tax	29	29
Neighborhood Revitalization Rebate	-316	-316
MISC	97	395
Interest on Idle Funds		225
Total Receipts	26,129	27,379
Resources Available:	28,778	32,414
Expenditures:		
MCAC	25,000	25,000
Chamber of Commerce	2,500	5,000
Total Expenditures	27,500	30,000
Unencumbered Cash Balance December 31	1,278	2,414

CPA Summary

City of Independence

Adopted Budget

Economic Development Fund	2024 Adopted Budget	2024 Proposed Budget
Unencumbered Cash Balance January 1	1,799,591	2,159,813
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Franchise Tax	346,000	346,000
Interfund Transfer In from SUST	120,000	137,500
Interfund Transfer In from GF	0	
Misc.	0	
Interest on Idle Funds	50,000	375,000
Total Receipts	516,000	858,500
Resources Available:	2,315,591	3,018,313
Expenditures:		
Inducement Agreements	50,000	50,000
Transfers - City Grant Programs	100,000	150,000
Transfer - to Street Capital Project	100,000	100,000
Labette Health Inducement Agreement	100,000	0
Transfer - to Stree Capital (VSE Project)	400,000	400,000
Special Projects - Land Purchase	0	1,056,961
Total Expenditures	750,000	1,756,961
Unencumbered Cash Balance December 31	1,565,591	1,261,352

CPA Summary

City of Independence

2024

Adopted Budget

Edu Sales Tax	2024 Adopted Budget	2024 Proposed Budget
Unencumbered Cash Balance January 1	0	184,773
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Sales Tax	2,400,000	2,750,000
Interest on Idle Funds		
Total Receipts	2,400,000	2,750,000
Resources Available:	2,400,000	2,934,773
Expenditures:		
Funding to USD 446	2,148,700	2,683,473
Transfer Out	251,300	251,300
Additional Collection to USD 446		
Total Expenditures	2,400,000	2,934,773
Unencumbered Cash Balance December 31	0	0

CPA Summary

City of Independence

2024

Adopted Budget

Special Use Sales Tax	2024 Adopted Budget	2024 Proposed Budget
Unencumbered Cash Balance January 1	0	0
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Sales Tax	2,400,000	2,750,000
Interest on Idle Funds		
Total Receipts	2,400,000	2,750,000
Resources Available:	2,400,000	2,750,000
Expenditures:		
Transfers	2,400,000	2,750,000
Total Expenditures	2,400,000	2,750,000
Unencumbered Cash Balance December 31	0	0

CPA Summary

City of Independence

2024

Adopted Budget

QOL Sales Tax	2024 Adopted Budget	2024 Proposed Budget
Unencumbered Cash Balance January 1	0	14,121
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Total Receipts	0	0
Resources Available:	0	14,121
Expenditures:		
Transfer to City Projects (QOL Project)		14,121
Total Expenditures	0	14,121
Unencumbered Cash Balance December 31	0	0

CPA Summary

City of Independence

2024

Adopted Budget

Liability Insurance	2024 Adopted Budget	2024 Proposed Budget
Unencumbered Cash Balance January 1	224,281	224,814
Receipts:		
Ad Valorem Tax	0	
Delinquent Tax	4,000	3,375
Motor Vehicle Tax	7,479	7,625
Recreational Vehicle Tax	71	80
16/20M Vehicle Tax	29	36
Rental Excise Tax	0	290
Commercial Vehicle Tax	243	314
Watercraft Tax	69	70
Neighborhood Revitalization Rebate	0	
MISC	236	12
Interest on Idle Funds	5,000	5,600
Total Receipts	17,127	17,402
Resources Available:	241,408	242,216
Expenditures:		
Contractual	100,000	102,225
Total Expenditures	100,000	102,225
Unencumbered Cash Balance December 31	141,408	139,991

CPA Summary

City of Independence

2024

Adopted Budget

Bond & Interest	2024 Adopted Budget	2024 Proposed Budget
Unencumbered Cash Balance January 1	551,217	560,549
Receipts:		
Ad Valorem Tax		
Delinquent Tax		160
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Special Assessments	7,000	15,612
Transfers - Debt Service	79,450	666,766
Transfer - SUST (31%)	1,362,316	852,500
Transfers - Edu Sales Tax	251,300	251,300
Bond Proceeds	0	866,389
Reimbursements		12,844
Interest on Idle Funds		
Total Receipts	1,700,066	2,665,571
Resources Available:	2,251,283	3,226,120
Expenditures:		
Principal	1,105,000	1,105,000
Interest	688,066	1,049,990
Total Expenditures	1,793,066	2,154,990
Unencumbered Cash Balance December 31	458,217	1,071,130

CPA Summary

City of Independence

2024

Adopted Budget

General	2024 Adopted Budget	2024 Proposed Budget
Unencumbered Cash Balance January 1	1,044,782	1,480,723
Receipts:		
Ad Valorem Tax	2,198,938	2,198,938
Delinquent Tax	95,000	95,000
Motor Vehicle Tax	216,621	216,621
Recreational Vehicle Tax	2,060	2,060
16/20M Vehicle Tax	845	845
Commercial Vehicle Tax	7,052	7,052
Watercraft Tax	1,993	1,993
Local Alcoholic Liquor	41,387	41,387
Local Sales Tax	3,000,000	3,000,000
Franchise Tax	524,000	524,000
Nuisance Special Assessments	5,000	5,000
GF Support from Enterprise Funds	1,128,792	1,128,792
PLUG/Neighborhood Revitalization Rebate	1,396,719	1,396,719
Transfer from GF Employee Benefit Fund		514,866
Interest on Idle Funds	251,000	251,000
Total Receipts	8,869,407	9,384,273
Resources Available:	9,914,189	10,864,996
Expenditures:		
Administration	526,659	526,659
Animal Control	75,602	75,602
Building D	340,623	340,623
Building Inspector/Code Enforcement	111,357	111,357
Cemetery	257,959	257,959
City Hall	92,206	92,206
Emergency Preparedness	17,000	17,000
Evidence Storage Building	3,500	3,500
Finance & Records	292,172	292,172
Fire-EMS	1,780,655	1,780,655
General Government	710,486	710,486
Memorial Hall	333,225	333,225
Municipal Court	142,738	142,738
Park/Zoo	977,490	977,490
Police	2,005,709	2,005,709
Special Improvements	383,709	383,709
Streets/Traffic	946,483	946,483
From Employee Benefit Fund	0	578,876
Cash Forward	378,089	378,089
Total Expenditures	9,375,662	9,954,538
Unencumbered Cash Balance December 31	538,527	910,459

CPA Summary

2024

**Notice of Budget Hearing for Amending the
2024 Budget**

The governing body of

City of Independence

will meet on the day of December 23, 2024 at 9:00 AM at City Hall, 120 N. 6th St. for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Hall, 120 N. 6th St.
and will be available at this hearing.

Summary of Amendments

Fund	2024 Adopted Budget			2024 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Industrial Fund	0.359	22,559	27,500	30,000
Economic Development Fund			750,000	1,756,961
Edu Sales Tax			2,400,000	2,934,773
Special Use Sales Tax			2,400,000	2,750,000
QOL Sales Tax			0	14,121
Liability Insurance			100,000	102,325
Bond & Interest			1,793,066	2,154,990
General	35.026	2,198,938	9,375,662	9,954,538

Tim Emert
Official Title: Mayor



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance rezoning a lot located at 3100 Cessna Boulevard from M-1, light industrial to M-2, heavy industrial.

SUMMARY RECOMMENDATION The Planning Commission recommends approval of the rezoning request for the 5-acre lot at 3100 Cessna Boulevard from M-1 (Light Industrial) to M-2 (Heavy Industrial). The proposed rezoning aligns with the City's Comprehensive Plan, which designates this area for industrial growth, particularly airport-related activities. Approval will facilitate the development of a jet engine test cell, a project that supports industrial expansion in the vicinity of the Independence Municipal Airport.

BACKGROUND The applicant, Daniel Thorenson of Thorenson Enterprises LLC, submitted a request to rezone a 5-acre vacant parcel located at 3100 Cessna Boulevard to M-2 (Heavy Industrial). The site, located within the Independence Municipal Airport area, is currently zoned M-1 (Light Industrial) and is leased from the City of Independence. The rezoning is required to construct a test cell for jet aircraft engines.

The Planning Commission conducted a public hearing on November 12, 2024, with proper public notice provided. Based on a comprehensive review, including criteria outlined in Sec. 2-101 of the Zoning Code, the Planning Commission found the rezoning consistent with the Comprehensive Plan and recommended approval to the City Commission.

Key Considerations:

1. Character of the Neighborhood: The area is predominantly industrial and located within the airport's vicinity.
2. Adjacent Zoning and Uses: Properties to the east, west, and south are also zoned M-1. The property to the north is zoned County Agricultural.
3. Suitability for Heavy Industrial Use: The site's distance from residential areas and proximity to the airport makes it suitable for M-2 zoning and the proposed use.
4. Impact on Nearby Properties: Minimal impact is anticipated due to the industrial nature of surrounding properties and distance from residential zones.
5. Infrastructure and Services: Adequate utilities and services are available to support the proposed heavy industrial use.

FINANCIAL INFORMATION The rezoning itself has no immediate financial impact on the City. However, the development of the jet engine test cell is expected to:

- Increase economic activity and employment opportunities.

- Enhance the industrial utility of airport-adjacent properties by enabling increased use of existing infrastructure, attracting related industries that benefit from proximity to airport facilities, and fostering synergies with existing operations in the area.
- Generate lease revenue for the City through the ongoing agreement with Thorenson Enterprises LLC.

SUGGESTED MOTION I move to adopt an ordinance rezoning the property located at 3100 Cessna Boulevard from M-1 (Light Industrial) to M-2 (Heavy Industrial), as recommended by the Planning Commission.

SUPPORTING DOCUMENTS

1. ORDINANCE 4475 - REZONING A 5-ACRE PARCEL LOCATED AT 3100 CESSNA BOULEVARD FROM M-1 (LIGHT INDUSTRIAL) TO M-2 (HEAVY INDUSTRIAL)
2. 11122024-Planning Commission 3100 Cessna Boulevard Rezoning

ORDINANCE NO. 4475

AN ORDINANCE REZONING A 5-ACRE PARCEL LOCATED AT 3100 CESSNA BOULEVARD FROM M-1 (LIGHT INDUSTRIAL) TO M-2 (HEAVY INDUSTRIAL), WITHIN THE CITY OF INDEPENDENCE, KANSAS

WHEREAS, Daniel Thorenson of Thorenson Enterprises LLC has submitted an application to rezone a 5-acre undeveloped parcel located at 3100 Cessna Boulevard from M-1 (Light Industrial) to M-2 (Heavy Industrial); and

WHEREAS, the Independence Planning Commission, after due notice and public hearing, has reviewed the application and determined that the rezoning conforms to the City's Comprehensive Plan, which encourages compatible industrial development near the airport; and

WHEREAS, the City of Independence has found the proposed rezoning to meet the criteria outlined in Sec. 2-101, including the character of the neighborhood, zoning and uses of nearby properties, suitability for heavy industrial use, and availability of necessary infrastructure and services to support this development; and

WHEREAS, the Planning Commission has recommended approval of the rezoning request based on its consistency with the Comprehensive Plan's goals for industrial growth and efficient land use around the airport area;

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

SECTION 1. REZONING

The following-described property in attached Exhibit A located at 3100 Cessna Boulevard, consisting of approximately 5 acres, is hereby rezoned from M-1 (Light Industrial) to M-2 (Heavy Industrial).

SECTION 2. ZONING MAP

The official Zoning Map of the City of Independence, Kansas, is hereby amended to reflect this rezoning.

SECTION 3. SEVERABILITY

If any section, clause, or provision of this ordinance is declared unconstitutional or invalid, it shall not affect the remainder of this ordinance.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Independence, Kansas, on this 12th day of December, 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk



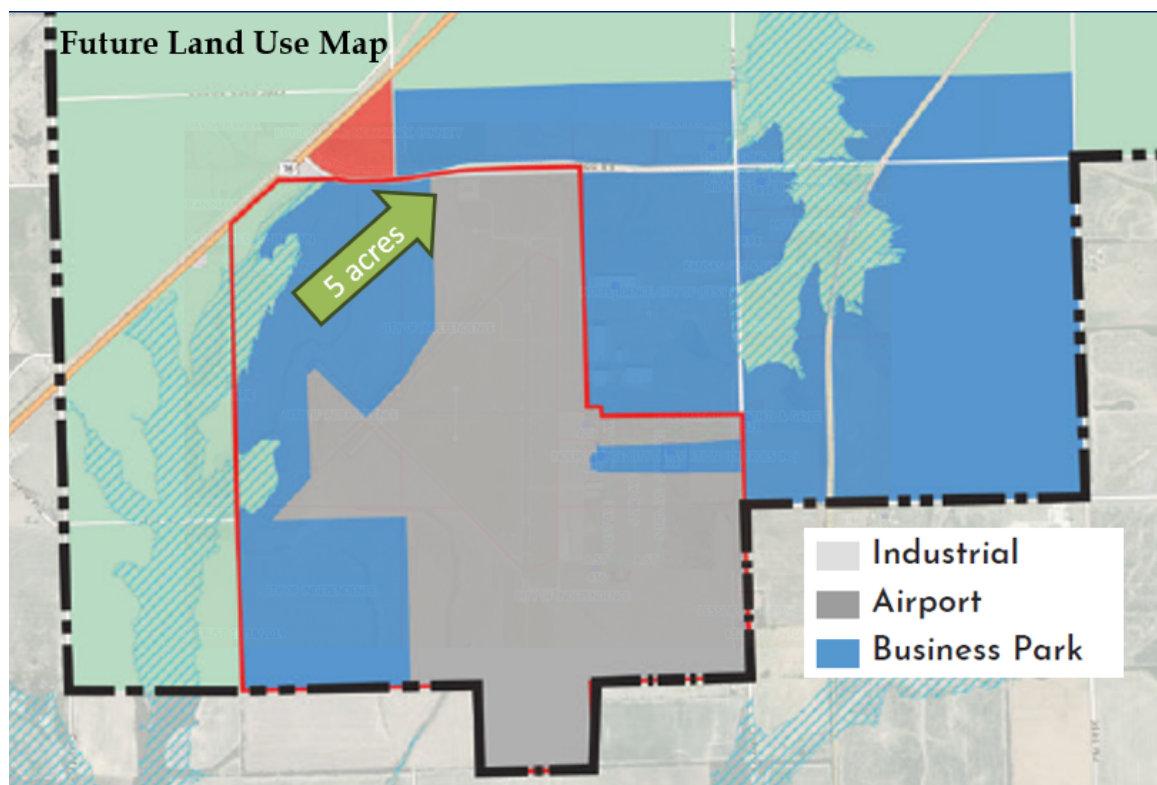
**REQUEST FOR PLANNING COMMISSION ACTION
REZONING
CITY OF INDEPENDENCE
NOVEMBER 12, 2024**

Department Admin

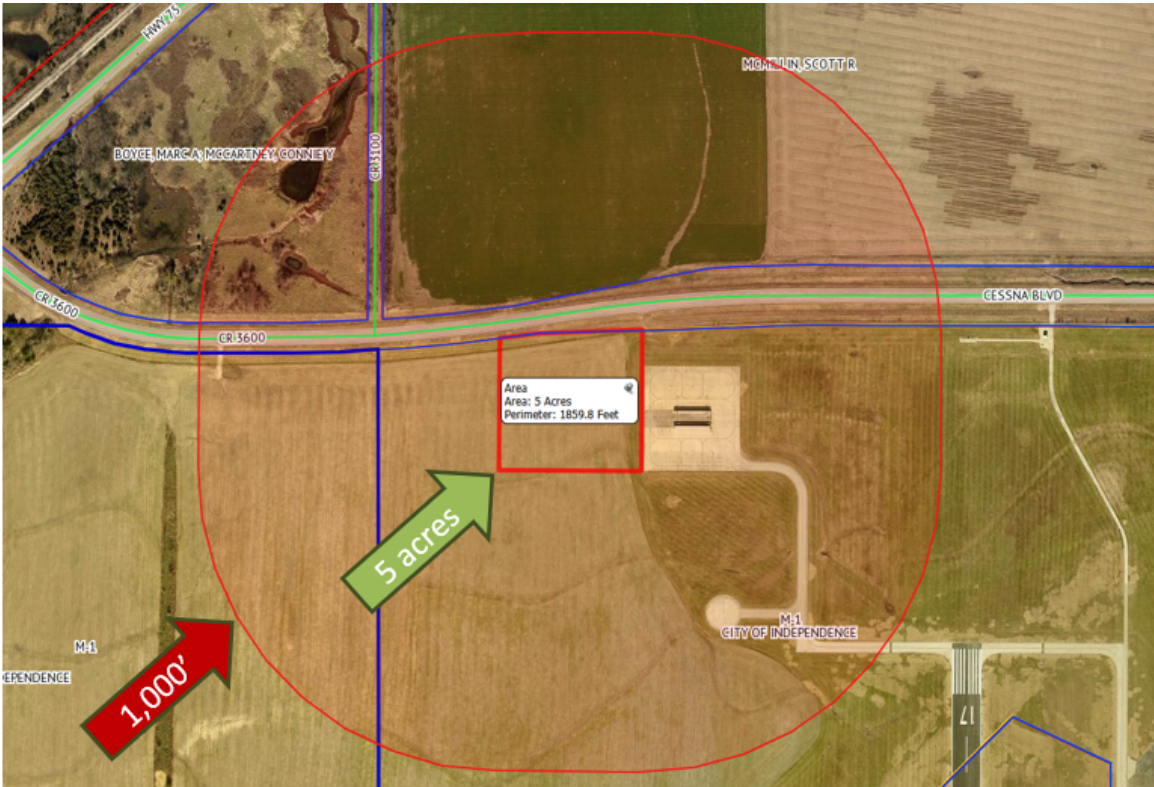
Prepared By Kelly Passauer

AGENDA ITEM Case #: 2024/ZA/11 - Public hearing to consider a request for rezoning a lot located at 3100 Cessna Boulevard presently zoned M-1, light industrial district to zone M-2, heavy industrial district with the purpose of building a test cell for jet aircraft engines.

SUMMARY RECOMMENDATION Based on the analysis of the rezoning request for 3100 Cessna Boulevard, it is recommended that the Planning Commission approve the rezoning of the 5-acre vacant lot from M-1 (Light Industrial) to M-2 (Heavy Industrial). The proposed use aligns with the surrounding industrial character, is consistent with the Future Land Use Map included in the City's comprehensive plan, and poses minimal impact on nearby properties or the public.



BACKGROUND The applicant, Daniel Thorenson of Thorenson Enterprises LLC, has submitted a request to rezone a 5-acre vacant lot from M-1 (Light Industrial) to M-2 (Heavy Industrial) to construct a test cell for jet aircraft engines. This undeveloped parcel is located directly west of the blast pad at 3100 Cessna Boulevard within the Independence Municipal Airport area and is leased from the City of Independence.



CRITERIA FOR CONSIDERATION Following Sec. 2-101, the request was reviewed against the criteria outlined for rezoning applications:

1. Character of the Neighborhood: The area is largely industrial. The site lies within the airport's vicinity, with similar light industrial properties surrounding it.
2. Zoning and Uses of Nearby Properties: Adjacent properties directly east, west, and south are also zoned M-1 and fall within the city limits. The Textron property, situated over 2,000 feet east, is in a County I-1 (Industrial - Light) district, and the property to the north is zoned County Agricultural, separated from the site by Cessna Boulevard (C.R. 3600).
3. Suitability of the Subject Property for Restricted Uses: While currently vacant, this location is well-suited for heavy industrial uses due to its distance from residential areas and proximity to the airport, making it ideal for operations that require M-2 zoning.
4. Impact on Nearby Properties: Given the industrial character of surrounding properties and distance from residential zones, the proposed rezoning to M-2 should not negatively impact nearby properties.
5. Vacancy Duration of Subject Property as Zoned: This parcel has remained undeveloped and vacant under its current M-1 zoning designation.
6. Public Health, Safety, and Welfare vs. Hardship on Landowner: Rezoning denial would hinder the applicant's intended operations, which require heavy industrial zoning, without providing any significant health or safety benefit.
7. Economic Impact on Owner and Surrounding Properties: Rezoning to M-2 supports the airport's industrial character, potentially increasing the property's economic utility and complementing neighboring industrial operations.

8. Recommendation of City Staff: City staff recommend approval of the rezoning request, given its compatibility with surrounding industrial activities and the comprehensive plan.
9. Conformance to the Comprehensive Plan: The proposed M-2 zoning conforms to the City's comprehensive plan, which identifies the area for airport industrial growth, particularly for airport-related heavy industrial uses.
10. Availability and Adequacy of Utilities and Services: The property has access to adequate utilities, including water, sewer, electrical service, and emergency services, which are sufficient for the proposed heavy industrial use.
11. Street Network Impact and Parking: Access to the site is via Cessna Boulevard. Given the nature of the operation, minimal traffic increase is expected, with ample on-site parking to be provided per M-2 standards.
12. Environmental Impacts: The design will comply with stormwater management requirements and FAA regulations for noise, light, and emissions associated with jet engine testing, minimizing environmental impact.
13. Applicant's Ability to Meet Requirements: Thorenson Enterprises LLC has submitted preliminary site plans and will meet all zoning requirements, including those set by federal and local regulations for heavy industrial operations near airport facilities.

CONCLUSION AND RECOMMENDATION Based on the review, the Planning Commission should recommend approval of the rezoning request from M-1 to M-2 for 3100 Cessna Boulevard, facilitating its development as a jet engine test cell and supporting compatible industrial expansion in line with the comprehensive plan.

SUGGESTED MOTION "I move that we recommend to the City Commission the approval of the rezoning request for the property at 3100 Cessna Boulevard from M-1 (Light Industrial) to M-2 (Heavy Industrial), based on the findings that the proposed use meets the criteria established in Sec. 2-101 and aligns with the City's comprehensive plan for industrial development."

SUPPORTING DOCUMENTS

1. Public Hearing 2024ZA11 - 3100CessnaBlvd
2. 2024ZA11-Thorenson Rezoning Application for 5 acres at the Airport
3. Nordic Airport - Drawing Set
4. OWNER_INFO_Fuel Cell 24Z11
5. ORDINANCE NO _____ REZONING A 5-ACRE PARCEL LOCATED AT 3100 CESSNA BOULEVARD FROM M-1 (LIGHT INDUSTRIAL) TO M-2 (HEAVY INDUSTRIAL)
6. Exhibit A

NOTICE TO THE PUBLIC



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

Tuesday, November 12, 2024, at 5:30 p.m.

To receive comments on a request for rezoning a lot presently zoned M-1, light industrial district to zone M-2, heavy industrial district with the purpose of building a test cell for jet aircraft engines.

Legal Description: A portion of Section 21 Township 33 South, Range 15 East 6th Principal Meridian, Montgomery County, Kansas. Five acres.

Common Address: 3100 Cessna Boulevard, Independence KS 67301

Applicant/Owners: Daniel Thorenson
Thorenson Enterprises LLC

Case Number: 2024/ZA/11

The hearing will be conducted in the Commission/Municipal Court Room, City Hall, 120 North 6th 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
City of Independence, Kansas

**INDEPENDENCE
PLANNING & ZONING
COMMISSION**

**APPLICATION
FOR
REZONING**

1. Case #: 2024/ZA/11
 2. Date Filed: 09/25/2024
 3. Fee Paid: 09/25/2024
 4. Hearing: 11/12/2024
 5. Published: 10/12/2024

To be filled out by applicant

1. Applicant's name: Daniel Thorenson
 2. Applicant's address: 3347 Hwy 160, Independence, Kansas 67301 Phone: 620-205-9405
 3. Address of property proposed for rezoning: _____
 4. Present owner's name: City Of Independence Kansas
 5. Present zoning: M-1 Proposed zoning: M-2
 6. Legal description of property proposed for rezoning (if more space is required, use back of form):

See attached Lease.

7. Present use of property (check one of the following): _____
 (a) Vacant ☐ (b) Residential ☐ (c) Commercial ☐ (d) Industrial ☒

8. Desired use of property: Test Cell for jet aircraft engines.

9. Use and zoning of adjacent property:

North: Use _____ Zoning _____

South: Use Independence Municipal Airport Zoning M-1

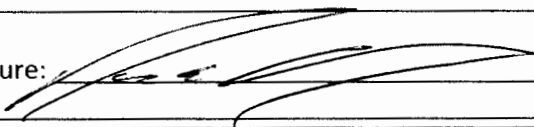
East: Use Textron Zoning M-2

West: Use Agricultural Lease Zoning M-1

10. List reasons for this request:

For construction of Test Cell.

Date: 9/26/2024

Signature: 

Planning Commission Action – do not write in this space

1. Facts found: _____

2. Determination: _____

Receipt



Your payment was successfully processed.

Confirmation number	Payer Contact Info	Payment Method
KPTQXQ6J3Q	DThorenson@Nordicturbineservic.com	*****0535

Rezoning

Name	Daniel Thorenson
Phone	620-205-9405
Property Address	3347 Hwy 160, Independence, Kansas 67301

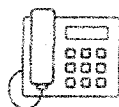
Base price	\$200.00
Convenience Fee	\$1.25
Municipal Online Payments Fee	\$1.25
Total	\$202.50

Announcement



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

Contact us



620-332-2500

Contact us

LEASE AGREEMENT

THIS LEASE AGREEMENT is entered into as of the 24th day of August, 2023 ("Effective Date"), between the **City of Independence, Kansas**, a municipal corporation, hereafter Lessor, and **Thorenson Enterprises, LLC**, a Kansas Limited Liability Company, hereafter Lessee.

WHEREAS, Lessee is desirous of entering into a Lease Agreement with Lessor for approximately five (5) acres of land located at the Independence Municipal Airport for the purposes of constructing improvements thereon.

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

1. General Covenants: Lessee agrees to make lease payments and perform the obligations hereinafter set forth and in consideration thereof Lessor leases to Lessee the property hereinafter described.
2. Property: The property which is the subject of this Agreement is as set forth and described in Attachment A to this Agreement ("Property").
3. Term: This Agreement shall have a term of fifty (50) years beginning on the Effective Date of this Agreement ("Term"). At that time, or at any time preceding, the parties may enter into further negotiations for a new lease agreement.
4. Lease Payment: Lessee shall pay Lessor annual rent of \$5,000.00. Lessee may elect to pay Lessor monthly rent in the amount of \$416.66 beginning on the Effective Date and on the first (1st) day of each month thereafter during the term of this Agreement. Every five (5) years, on anniversary date of this Agreement, the lease payment shall be adjusted upward to reflect any increase in the Consumer Price Index, Kansas City Region, as published by the U. S. Department of Commerce, not to exceed three percent (3%) of the prior year's rent amount.
5. Utilities: Lessee shall be responsible for payment of all utility bills.
6. Use of Premises: Lessor agrees that the property may be used for any of the following purposes: servicing, repairing and overhauling of aircraft parts, aircraft management services, aircraft maintenance, aircraft refurbishing, aircraft charter services, aircraft sales, warehousing of aircraft parts, other fixed base operator services, parking for both customers and employees, industrial and manufacturing related purposes (including warehousing) and administrative offices. Lessee's use of the property shall be restricted as hereinabove provided. Lessee shall not use or permit the use of the property any other purpose without the written consent of Lessor, in accordance with Section 41. Lessee's use of the property shall be in compliance with all ordinances of the City of Independence and all state and federal laws and regulations.

7. Further Restrictions on Use: Lessee shall not use the property in any manner which will unreasonably increase the risk of fire, explosion or environmental hazard to the property or in any other manner that would unreasonably interfere with the use or enjoyment of adjoining property. Lessee shall not block or obstruct any road, driveway or general aviation area that adjoins or is in the immediate vicinity of the property, unless Lessor consents in accordance with Section 41. Lessee shall store all property or materials in such a manner as not to create a hazard to the health, safety or environment, or create a nuisance or detract from the general appearance of Independence Municipal Airport.

Unless otherwise provided in this Agreement, Lessee shall peaceably and quietly hold and enjoy the property against Lessor and all persons claiming by, through or under Lessor, for the Term of this Agreement. Lessor shall not use the property in any way that could: (i) violate Lessee's right to the foregoing; (ii) prevent access by Lessee to the Property; and/or (iii) adversely impact Lessee's operations or use in a material way.

8. Lessee's Maintenance:

On all buildings, Lessee shall maintain and be responsible for all heating, cooling, plumbing, water and electrical fixtures, equipment and connections; the interior floor, walls and ceilings; the exterior grounds and landscaping; driveways and parking areas; and all equipment and personal property owned or installed by Lessee. On any building constructed by Lessee, or Lessee's predecessors in interest, Lessee shall be responsible for all exterior maintenance, including the roof and walls.

9. New Construction: Lessee shall be permitted to construct a building or buildings on the property. Prior to construction of any improvements, Lessee shall provide Lessor, for Lessor's approval, in accordance with Section _____, plans and drawings of the proposed construction setting forth the location of all buildings, roadways, signage and utility connections. All construction and improvements shall comply with existing building codes of the City of Independence and other applicable statutes or regulations of other governmental entities.

Notwithstanding the foregoing, so long as Lessee complies with existing building codes of the City of Independence and other applicable statutes or regulations of other governmental entities, its understood and agreed Lessor shall not have any reasonable basis to withhold approval under this Section 10.

Lessor will reasonably assist Lessee with obtaining any necessary permitting or government approvals for the New Construction if requested by Lessee.

10. FAA Compliance: Prior to commencing construction of any building or structure, Lessee shall submit Form 7460-1, Notice of Proposed Construction or Alteration, to the Federal Aviation Administration (FAA) and shall receive a favorable determination from the FAA prior to commencement of construction.

11. Ownership Upon Termination: With regard to buildings constructed by Lessee, or Lessee's predecessors in interest, on the property ("Buildings"), when the Agreement Term expires or if this Agreement should terminate due to Lessee's default under Section _____, then in that event ownership of all buildings and structures shall be transferred to Lessor without compensation to Lessee subject to any existing mortgages or other liens which shall not exceed the term of this Agreement, including option terms.

Notwithstanding the foregoing, Lessor will give notice to Lessee within 30 days of termination of this Agreement if: (i) any of the buildings are not compliant with then existing building codes and/or (ii) if any of the buildings are not in the same condition as they were at the beginning of this Agreement (or following construction of such buildings), less normal wear and tear, and/or (iii) if an environmental cleanup or remediation is required due to contamination created or caused by the actions of Lessee ("Building Non-Conformance"). If Lessee remedies the Building Non-Conformance within 120 days of notice by the Lessor, ownership of the Buildings will be transferred by Lessee to Lessor. If Lessee does not remedy the Building Non-Conformance within 120 days of notice by the Lessor, then Lessee shall be required to remove all such buildings and improvements from the property and return the leased property to its condition prior to construction of any buildings, structures or other improvements.

12. Facade Review: Lessor shall review and approve, in accordance with Section 41, the architectural concept for facades on any new building or structure visible from any public area for compatibility with manufacturing and commercial buildings currently located on airport property, including landscaping and signage.

13. Lessee's Maintenance:
On all buildings, Lessee shall maintain and be responsible for all heating, cooling, plumbing, water and electrical fixtures, equipment and connections; the interior floor, walls and ceilings; the exterior grounds and landscaping; driveways and parking areas; and all equipment and personal property owned or installed by Lessee. On any building constructed by Lessee, or Lessee's predecessors in interest, Lessee shall be responsible for all exterior maintenance, including the roof and walls.

14. Lender's Rights: It is understood that Lessee is obtaining financing from a financial institution (hereinafter Lender) in order to construct the building or buildings and parking lot on the property. In the event of any default by Lessee under this Agreement which would terminate Lessee's right to continued possession of the property, it is understood that written notice shall be provided to such Lender by Lessor and Lender shall have the right to cure any default as to payments or other obligations under this Agreement and assume the remaining term of this Agreement pursuant to its terms and may sublease the property to an entity of its choosing for the remaining term of this Agreement, but said sub-lessee shall fully comply with all terms and conditions of this Agreement.

15. Public Liability Insurance: Lessee shall obtain and maintain general liability insurance in the minimum amount of \$1,000,000 to insure against liability for damage claims arising from public use of the property, or arising out of accidents occurring in or around the property. Lessor shall be named as an additional insured.
16. Fire and Casualty Insurance: Lessee shall obtain and maintain fire and casualty insurance on any buildings or structures located on the property which are constructed by Lessee in an amount deemed appropriate by Lessee, provided however, said policies of insurance shall provide debris removal coverage in the minimum amount of \$100,000 or such lesser amount as agreed to by Lessor the purpose of cleanup and removal of debris following any damage to the structure. Lessor shall be named as an additional insured for purposes of debris removal.
17. Content Insurance: Lessee shall obtain and maintain insurance on the contents of any building or structure on the property in an amount equal to the value of the property being insured.
18. Hazardous Materials: Lessee hereby covenants that during the term of this Agreement, it will not cause or permit any hazardous substances to be placed, held, located or disposed of, on, under or at the property other than in the ordinary course of business and in compliance with all applicable statutes and regulations. Notwithstanding the foregoing, Lessee may store hazardous materials contained in: (i) products used by Lessee in de minimis quantities for ordinary cleaning and office purposes; (ii) forklift batteries, and (iii) products stored and/or distributed by Lessee in their original, sealed, and unopened containers.
19. Lessee's Indemnification of Lessor: Lessee hereby agrees to defend, indemnify and hold harmless Lessor from any and all losses, liabilities, including damages, injuries and expenses, including reasonable attorney fees, the cost of any settlement, judgment or claims of any and every kind whatsoever paid, incurred or suffered by or served against Lessor by any person for and with respect to, or as a result of any escape, seepage, leakage, spillage, discharge, omission, or release from the property of any hazardous substance without limitation, including any losses, liabilities, reasonable attorney fees, cost of any settlement or judgment or claims asserted or arising under any local, state or federal law or so called "Super Fund" or "Super Lien" laws or any other applicable law or regulation relating to or imposing liability, including strict liability or standards of conduct concerning any hazardous substance; provided however, that such indemnity shall apply only to a loss caused by any negligent acts or omissions of Lessee, its agents or employees.
20. Environmental Event: If either party has notice of the happening of any event (other than in the ordinary course of business and in compliance with all applicable statutes and regulations) involving the spill, release, leakage or discharge or cleanup of any hazardous substance on the property or any complaint, order, citation or notice with regard to air emissions, water discharges, or any environmental health or safety matter affecting the property, then such party

shall promptly notify the other party and all applicable regulatory agencies forthwith and shall comply with all regulatory procedures to address the situation.

21. Asbestos: Lessee shall not install, or permit to be installed, any friable asbestos or any substance containing asbestos and deemed hazardous by state or federal regulations.

22. Cooperation: The parties agree to cooperate with each other to minimize cost with respect to any action that may arise from a claim of indemnification or payment of costs by or to either party under this Agreement. To effectuate the intent of this Agreement, the parties shall provide all cooperation, assistance, and consultation with each other that is reasonably requested with respect to the matters covered herein.

23. Survival: The provisions of this Agreement which by their nature should continue in force beyond the expiration or termination of this Agreement will remain in force.

24. Fire Service: Lessor shall provide fire service to the property for the benefit of Lessee by responding with fire equipment and firefighters from Lessor's fire station located in the City of Independence. The charge for fire service shall be established by City ordinance.

25. Water and Sanitary Sewer: Lessor shall provide water and sanitary sewer to the survey line. Lessee shall pay the expense of extending water and sanitary sewer service from the property line to any building or structure located on the property.

26. Lessee's Rights Subordinate to Certain Governmental Agreements:

Lessee's rights to use and enjoyment of the property shall be subject and subordinate to the following:

- a. Any existing or future federal or state statutes, or any existing or future leases or agreements between Lessor and the United States, between Lessor and the State of Kansas, pertaining to the development, construction, operation or maintenance of Independence Municipal Airport, the execution of which may be required as a condition precedent to the receipt or expenditure of federal or state funds for the development, maintenance or construction of Independence Municipal Airport;
- b. Any existing or future agreements, leases or deeds granted or entered into by and between Lessor and the United States with reference to the conveyance by the United States to Lessor of any real or personal property at the Independence Municipal Airport; and
- c. Any existing or future agreements between Lessor and the United States for the military use of all or part of the Independence Municipal Airport (collectively "Prime Agreements").

Lessor represents and warrants that as of the Effective Date of this Agreement, there are no Prime Agreements in effect.

Notwithstanding anything in this Agreement to the contrary, if, at any time during the Term, the improvements or other portions of the Property shall be destroyed or damaged by fire or any other cause that are not within the reasonable control of Lessee, and such damage or destruction either (i) affects more than 50% of the floor area of the improvements or (ii) occurs during the last five years of the Term, then Lessee shall have the right, at its option exercised within thirty (30) days following the date of such damage or destruction, to terminate this Agreement by written notice to Lessor. In the event Lessee elects to terminate this Agreement pursuant to this Section, this Agreement and the Term will terminate on the date specified in Lessee's termination notice ("Revised Expiration Date"). In the event this Agreement is terminated pursuant to this Section, this Agreement and the Term shall cease and expire as of the Revised Expiration Date with the same force and effect as if the Revised Expiration Date were the date originally set forth in this Agreement for the expiration of the Term except that Lessee shall have no obligation to repair, replace or rebuild any buildings, structures, improvements, equipment or personal property, and the proceeds of all property insurance (other than insurance covering Lessee's personal property) shall be paid to and belong to Lessee subject to the rights of any leasehold mortgagee.

Unless this Agreement is otherwise terminated in accordance with the prior paragraph, following the occurrence of any damage or destruction to the Property, Lessee shall promptly repair, replace and rebuild the same with buildings, structures, improvements and equipment of equal or better character, quality and condition than existed immediately prior to such occurrence. In connection therewith, Lessee may utilize for such purpose the proceeds of any insurance applicable to the particular casualty.

If any portion of the Property shall be taken or condemned for a public or quasi-public use or purpose by any competent authority (hereinafter called a "Taking") and as a result thereof, it shall be economically unfeasible or illegal for Lessee to use and occupy the balance of the Property for its intended purposes, then at the option of Lessee in such event, this Agreement shall terminate upon delivery of possession of the applicable portion of the Property to the condemning authority. In the event of a Taking where Lessee still desires to use and occupy the balance of the Property for its intended purposes, (i) Lessor shall, at its own cost and expense, make all necessary repairs or alterations to the Property and improvements so as to make the portion of the Property not taken a complete architectural unit, (ii) the Lessor's portion of any award shall be spent first on the repairs and alterations referenced in clause (i) above, and (iii) the rent shall be reduced in proportion to Lessee's loss of use of the Property.

Lessor and Lessee shall share in any condemnation award or any judgment for damages caused by such Takings (hereinafter called the "Award"), with Lessor being allocated the fair market value of its fee simple interest in the Property "subject to" the Agreement, including its interest

as landlord under this Agreement and reversionary interest, if any, in the buildings and the other improvements located on the Premises (the "Lessor's Interest"), and Lessee being allocated the fair market value of its leasehold estate and its interest in the Buildings and any improvements to the Property paid for by Lessee, subject to Lessor's reversionary interest, if any, therein (the "Lessee's Interest").

27. Nondiscrimination: Lessee shall maintain and operate the property in compliance with state and federal statutes and regulations governing nondiscrimination as follows:

- a. No person shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination of the use of the property on the basis of race, color, national origin, sex, religion or disability.
- b. No person shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination as to the hiring or contracting for any services furnished during construction of any improvements on the property on the basis of race, color, national origin, sex, religion or disability.
- c. Lessee shall use the premises in compliance with all state and federal statutes and regulations specifically including those set forth in 49 CFR, Part 21, dealing with nondiscrimination in federally assisted programs of the Department of Transportation.

28. Nonliability of Lessor: Except with respect to damages: (i) covered by insurance carried by Lessor; (ii) resulting from the failure of Lessor to perform or comply with any terms of this Agreement; and/or (iii) caused by Lessor's negligent acts or omissions, Lessee shall indemnify and hold harmless Lessor against any liability, judgment, costs, damages, attorney fees and expenses that Lessor may incur by reason or on account of any damage or injury to property or persons arising from the negligence of Lessee, its agents or employees, or its customers or invitees.

29. Entry on Property: Lessor shall have the right to enter upon the property upon reasonable notice to Lessee for purposes of inspecting the property, performance of maintenance and repairs as may be required under this Agreement, and for any other purpose reasonably related to this Agreement.

30. Airport Maintenance and Improvements: Maintenance and improvements to Independence Municipal Airport, including the city streets between parking lots and roadways on airport property, which shall be maintained in good working condition, shall be the responsibility of Lessor and shall be undertaken upon reasonable notice to Lessee, as deemed appropriate in Lessor's sole discretion without interference or hindrance by Lessee.

31. Noninterference by Lessee: Lessee shall not exercise any rights granted under this Agreement in such a manner as to interfere or adversely affect the use, operation, maintenance and development of Independence Municipal Airport as determined in the sole discretion of Lessor.

32. Obstruction: Lessor shall have the right to take any action it considers necessary to protect the aerial approaches to Independence Municipal Airport against obstruction including the right to prevent Lessee from erecting or permitting to be erected any building or structure on the property which, in the opinion of Lessor, may limit or obstruct use of the Independence Municipal Airport or constitute a hazard to aircraft.

33. Easements: Lessor reserves, and Lessee hereby grants to Lessor, an easement of the air space above the surface of the property for the use and benefit of the general public for the purpose of free and unrestricted flight of aircraft together with the right to cause such noise as may be inherent in the operation of aircraft.

Lessee reserves the right to request other easements from the Lessor, for which such determination shall be made in accordance with Section 41, necessary for the benefit of the building including, but not limited to, for access, future services, building connectors and signage.

34. Assignment: Lessee shall not assign this Agreement or any portion of the property subject to this Agreement without the written consent of Lessor.

Notwithstanding the foregoing, the following events shall be deemed a permitted assignment and shall not require Lessor's consent: (A) a transfer of ownership interests in, or control of, Lessee; (B) an assignment of the Agreement to an entity which is the resulting entity of a merger or consolidation of Lessee (C) an assignment to a third party entity who qualifies to do business under the terms of this Agreement that agrees to enter into the Agreement as is with Lessor with no amendments.

Upon the completion of any permitted assignment of Lessee's interest under this Agreement, Lessee shall be released of all liabilities and obligations under this Agreement arising or accruing after the effective date of such assignment.

Thorenson shall be permitted to sublease any portion of the Lessee's interest under this Agreement, so long as such sublessee qualifies to do business under the terms of this Agreement that agrees to enter into the sublease agreement bound by the terms of this Agreement with no amendments.

35. Insolvency: Upon the initiation of any bankruptcy, receivership, or insolvency proceeding by or against Lessee, Lessor at its sole option may elect to terminate this Agreement if such proceeding is not dismissed within 90 days.

36. Abandonment: In the event Lessee abandons or fails to use the property as hereinabove provided, Lessor at its sole option, may elect to terminate this Agreement in accordance with paragraph _____.

37. Economic Development Inducements: Lessor shall cooperate with Lessee in making application for exemption or abatement of the property from ad valorem taxes with the appropriate governmental unit, and making application for economic inducement benefits for further development of the property by Lessee. The burden and expense of preparing all documents, gathering all information, paying all fees, submitting renewal applications and any other step related thereto shall be upon Lessee. Lessor shall serve as a conduit for any such request.

38. Termination: Should Lessee (i) fail to make an undisputed lease payment required under this Agreement within fifteen (15) days after written notice from Lessor or (ii) fail to comply with a term or condition of this Agreement within sixty (60) days after written notice specifying such breach from Lessor ("Default") Lessor may exercise any of the following options subject to the rights of Lessee's Lender:

- a. Lessor may terminate this Agreement and Lessor shall be entitled to immediate possession of the property; or
- b. Lessor may exercise any other available remedy that exists at law or equity.

Notwithstanding the foregoing, if Lessee commences actions directly related to curing a Default within the sixty (60) day notice period and diligently pursues the correction of the Default until it is remedied, then this Agreement shall not be subject to early termination by Lessor. In the event of a dispute regarding whether Lessee has committed a Default or has successfully corrected or cured a Default, prior to Landlord undertaking any of its remedies hereunder, the parties first agree to meet in person or via videoconference within 5 days of a demand by either party therefor, in a good faith attempt to resolve the dispute. If such negotiations do not result in a resolution, the parties agree to submit to mandatory mediation, with each party selecting a mediator, and the two selected mediators appointing a third, who shall handle the mediation.

If Lessor fails to comply with a term or condition of this lease within sixty (60) days after written notice specifying such breach from Lessee, Lessee may exercise any of the following options:

- a. Lessee may terminate this lease; or
- b. Lessor may exercise any other available remedy that exists at law or equity

39. Condition of Property Upon Termination: Upon termination of the Agreement for any reason, Lessee shall remove all of its personal property, machinery and equipment and shall leave the property in a clean and orderly condition. The property shall be left free of all

hazardous and dangerous substances and materials in compliance with all state and federal statutes and regulations.

40. Reasonableness Standard: Throughout this Agreement, whenever Lessor's consent, Lessor's discretion, Lessor's approval or Lessor's determination is required, Lessor shall exercise its consent, discretion or determination in a commercially reasonable and equitable manner and shall not act arbitrarily or capriciously. In no such circumstances shall Lessor's consent, discretion or determination be unreasonably withheld, delayed or conditioned.
41. Nature of Agreement: This Agreement shall not be construed as creating or establishing a partnership or joint venture between Lessor and Lessee or as designating Lessee as an agent or representative of Lessor for any purpose whatsoever.
42. Entire Agreement: This Agreement constitutes the entire agreement between the parties. No oral representations or agreements are binding on either party unless reduced to writing and signed by both parties.
43. Binding Effect: This Agreement shall be binding upon the heirs, successors, assigns of the parties hereto.
44. Force Majeure: No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement when and to the extent such failure or delay is caused by or results from acts beyond the impacted Party's ("Impacted Party") reasonable control.
45. Disputes and Governing Law: This Agreement is governed by the laws of the State of Kansas, USA without reference to its choice of law provisions. Unless otherwise provided for in this Agreement, any dispute arising out of or in connection with this Agreement shall be referred to and finally resolved by a court of competent jurisdiction in the State of Kansas, USA.
46. Amendments: This Agreement may be changed, modified or amended from time to time only by express written agreement of the parties executed by their authorized representatives.
47. Counterparts: This Agreement may be executed in any number of separate counterparts, each of which shall be deemed to be an original, but which together shall constitute one and the

same instrument. An electronic signature on any counterpart hereto shall be deemed an original for all purposes.

48. Waiver: No waiver by either Party of any default or breach by the other party of any provision of this Agreement will operate as or be deemed a waiver of any subsequent default or breach.

49. Severability: If any provision or portion of a provision of this Agreement is determined to be illegal, invalid, or unenforceable the validity of the remaining provisions will not be affected. The Parties may agree to replace the stricken provision with a valid and enforceable provision.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

LESSOR

CITY OF INDEPENDENCE, KANSAS

By: Louis Ysusi
Louis Ysusi, Mayor

ATTEST:

David W. Schwenker
David W. Schwenker, City Clerk

LESSEE

THORENSEN ENTERPRISES, LLC.

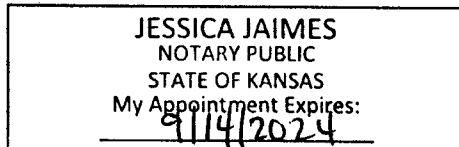
By: Daniel Thorenson
Daniel Thorenson, President

ACKNOWLEDGMENTS

STATE OF KANSAS)
) SS:
MONTGOMERY COUNTY)

BE IT REMEMBERED, That on this 24th day of August, 2023, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Louis Ysusi, Mayor, and David W. Schwenker, City Clerk of the **City of Independence, Kansas**, a municipal corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, and who are personally known to me to be the same persons who executed, as such representatives, the above and foregoing instrument of writing on behalf of said municipal corporation, and such persons acknowledged the execution of the same to be the act and deed of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Jessica Jaimes
NOTARY PUBLIC

Term expires:

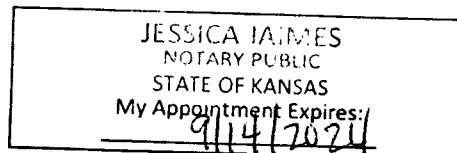
STATE OF KANSAS)
) SS:
MONTGOMERY COUNTY)

BE IT REMEMBERED, That on this 11th day of September, 2023, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Daniel Thorensen, President of **Thorenson Enterprises, LLC**, a limited liability company duly organized and existing under and by virtue of the laws of the State of Kansas, and who is personally known to me to be the same person who executed, as such representative, the above and foregoing instrument of writing on behalf of said limited liability company, and such person acknowledged the execution of the same to be the act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Jessica Jaimes
NOTARY PUBLIC

Term expires:



NW Corner
Sec 21, T33S, R15E
Existing 1/2" Iron Rod
with Cornerstone Cap
Point of Commencement
not recovered this survey

S 88°28'24" W 898.74' (M) 898.73' (D)
2644.43' (M) 2640.66' (GLO)

800.59' (M)
Cessna Blvd./CR 3600

BK452-148

134.47' (D)
134.28' (M)
S 02°11'14" E

CH=S 84°30'32" W (D)
CL=476.23' (M&D)
R=5789.58'
L=474.30' (M)
Point of Beginning
CH=N 83°38'41" E
CL=39.34'
R=5789.58'
L=378.38'
CH=S 81°17'52" W
CL=154.91'
R=5789.58'
L=154.92' (D)
N 77°38'23" E 198.94' (M&D)
N 87°41'14" E 132.46' (M&D)
N 02°21'34" W 48.83' (M)

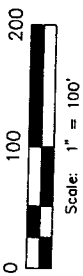
N 01°17'38" W 28.41' (M)
24.75' (D)
N 76°37'30" E 95.45' (M&D)
98.16' (M)
N/4 Corner
Sec 21, T33S, R15E
Existing 1/2" Iron Rod
per reference by
PS 1071 & 1046
not recovered this survey

S 02°21'34" E 475.85'
5.0000 Acres
N 88°28'24" E 482.39'

5.0000 Acres

417.28'

N 02°21'34" W



SURVEY REVIEW

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

James D. Schmitz, PLS No. 727

SURVEYOR'S CERTIFICATION

I, William A. Booe, a duly Licensed Land Surveyor in the State of Kansas, do hereby certify that this plat was prepared from the notes of an actual survey done by me or under my direct supervision on July 14, 2023 and that the information shown hereon is true and correct and meets or exceeds current Kansas Minimum Standards for Boundary Surveys.



- ### SURVEYOR'S NOTES
- The bearings shown hereon are based upon the Kansas State Plane Coordinate System, South Zone.
 - This survey does not reflect any easements, rights-of-way, or other instruments of record which may encumber this property per agreement with client.
 - Underground, above ground utilities, nor improvements were located or shown on this survey.
 - All distances are measured unless otherwise noted.

LEGEND

- Existing Iron Rod
- Origin Uncertain (unless noted)
- △ Set 1/2"x24" Iron Rod/Cap (unless otherwise noted)
- Section Corner
- Origin Uncertain (unless noted)
- Boundary Line
- Fence line
- (GLO) General Land Office
- (M) Measured Dimension
- (D) Deed Dimension (Bk 452 Pg 14)
- (P) Plat Dimension
- RW Right of Way

BOUNDARY DESCRIPTION

A portion of the Northwest Quarter of Section 21, Township 33S, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, as described by William A. Booe, PS 1046, on July 14, 2023, as follows:

Commencing at the Northwest Corner of said Section 21; thence S 02°11'14" E, along the West line of said Northwest Quarter, a distance of 134.28 feet to the South line of the road right-of-way, thence along said South right-of-way line, on a curve to the left with a Radius of 5,789.58 feet, on Arc Length of 319.38 feet, a Chord Bearing of N 83°38'41" E and a Chord Length of 319.34 feet to the Point of Beginning; thence continuing along said South right-of-way line, on a curve to the left with a Radius of 5,789.58 feet, on Arc Length of 154.92 feet, a Chord Bearing of N 81°17'52" E and a Chord Length of 154.91 feet; thence N 77°38'23" E, a distance of 198.94 feet; thence N 87°41'14" E, a distance of 132.46 feet; thence leaving the right-of-way, S 02°21'34" E, a distance of 475.85 feet; thence S 88°28'24" W, a distance of 417.28 feet to the Point of Beginning. Contains 5.0000 acres.

BOUNDARY SURVEY of a portion of the NW/4 of SECTION 21, TOWNSHIP 33 SOUTH, RANGE 15 EAST of the 6th P.M. MONTGOMERY COUNTY, KANSAS

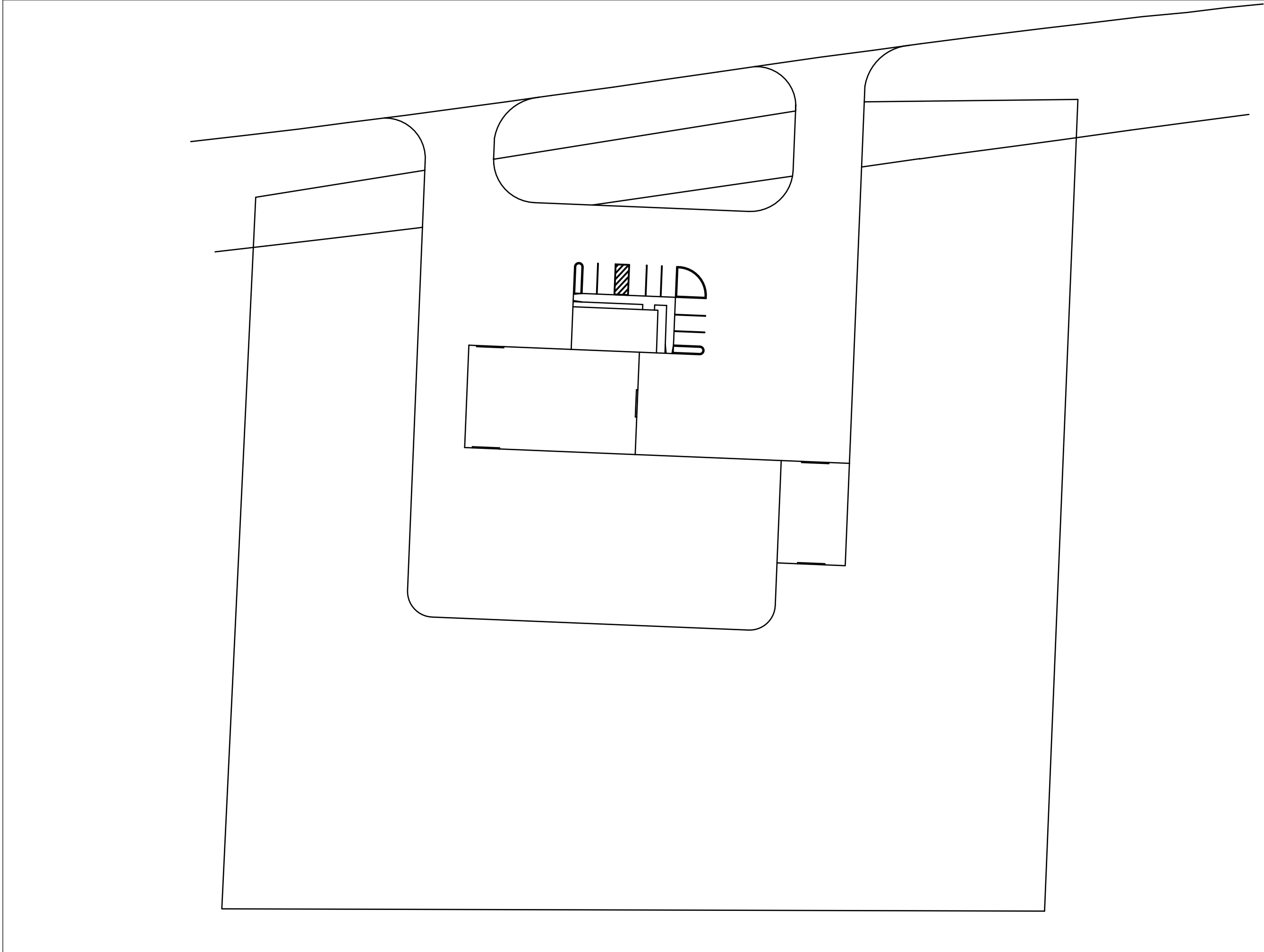
City of Independence

DATE: 7-19-2023
REVISION DATE: N/A
JOB NO. 1-2306226K
REF. JOB NO. 1-2212151REV

CORNERSTONE Regional Surveying, LLC
Serving Kansas, Missouri & Oklahoma
1921 North Perm, Independence, KS 67301 Ph: 816-320-331-0767







A

Site Plan

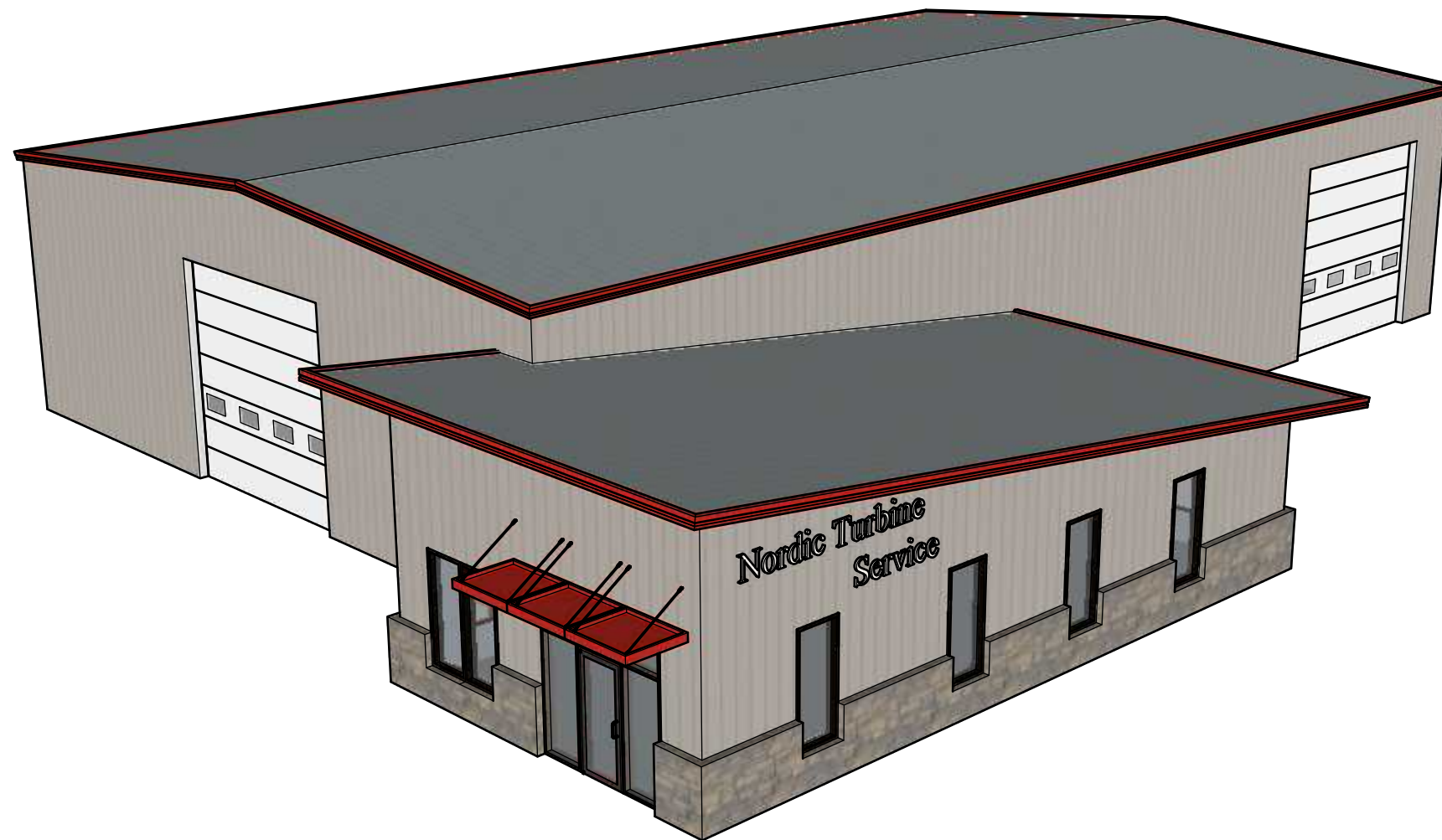
ISSUE 06.28.24	PROJECT
	PROJECT NO.
DRAWN BY BK	
	CLIENT

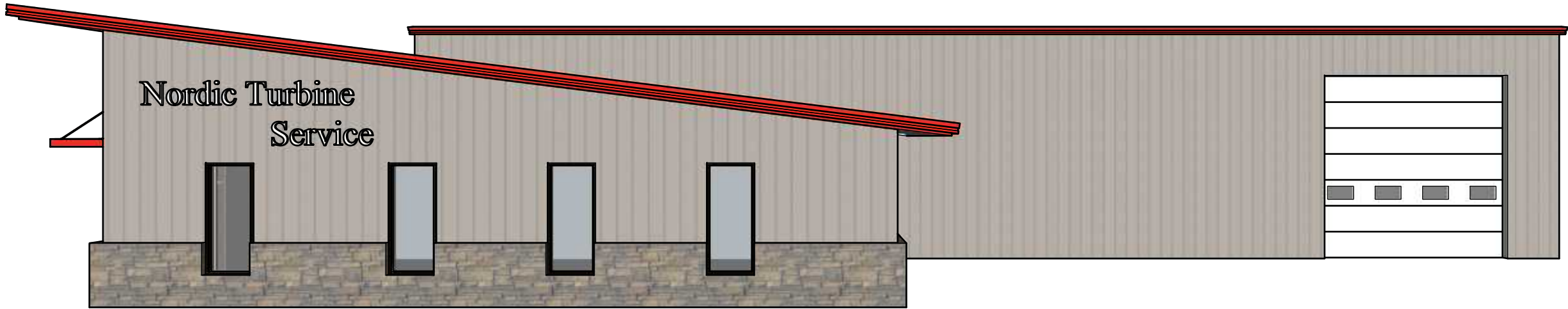
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0	00-00-00		



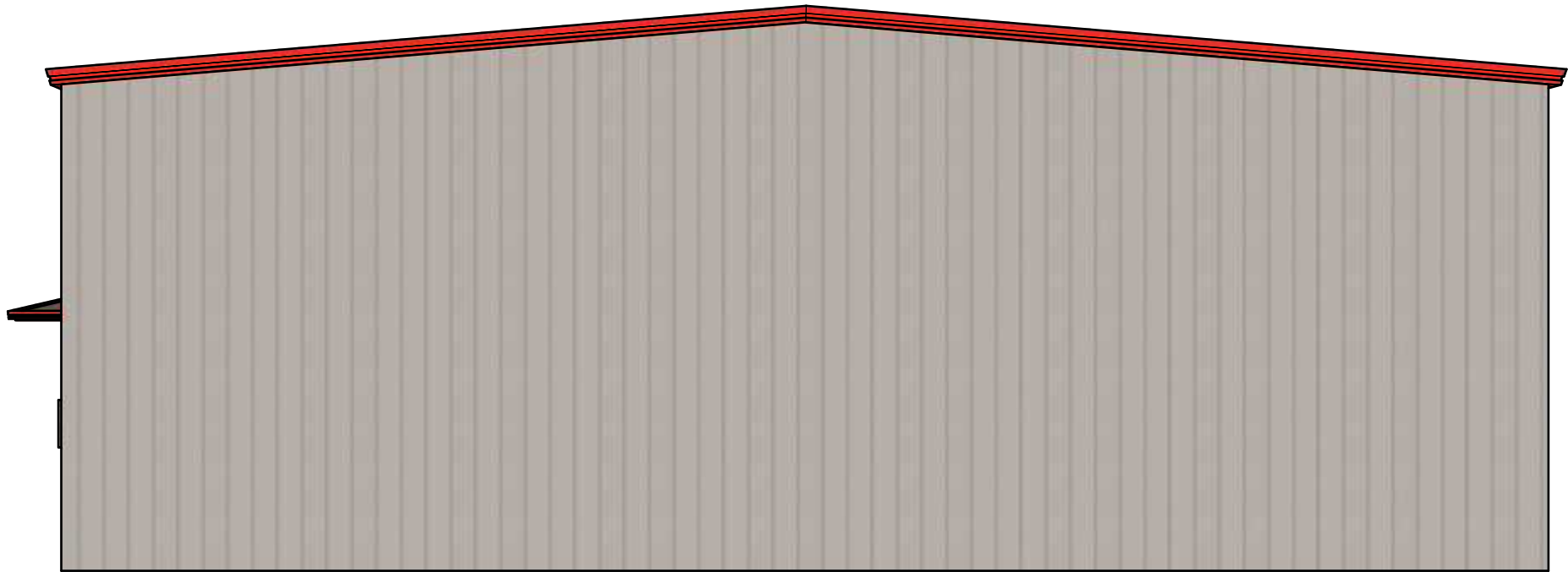
CONSTRUCTION SERVICES

P 620.378.3002 F 620.378.2283 koehncs.com





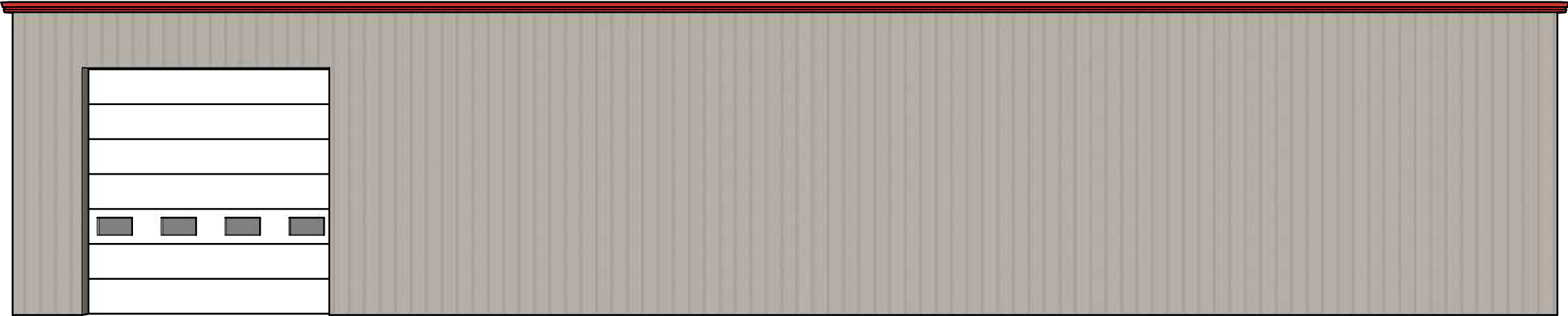
3 North Elevation
Scale: 1" : 10'



4 East Elevation
Scale: 1" : 10'

Revision	Date	Description	By
0	00-00-00		

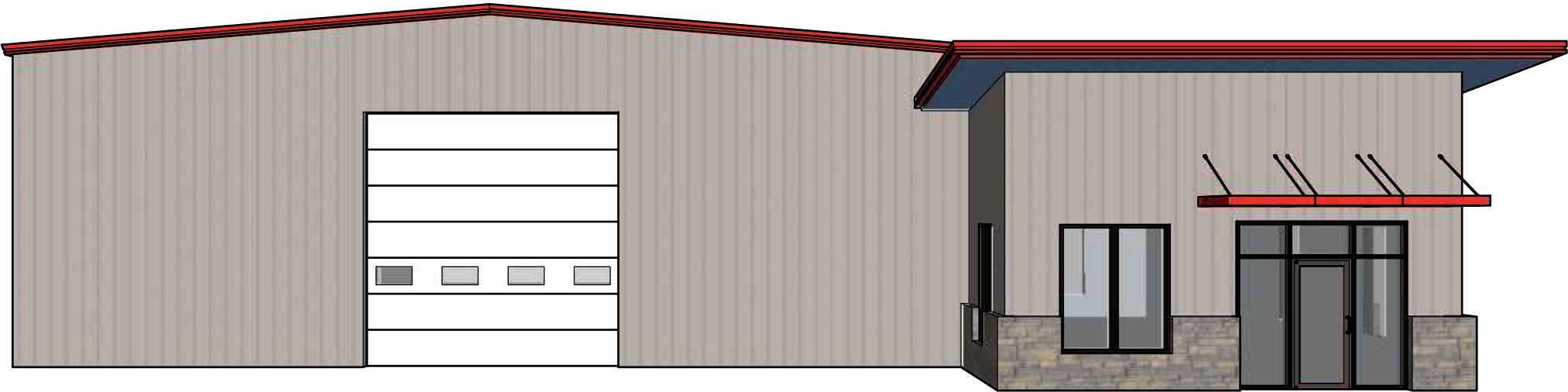
ISSUE 06.28.24	PROJECT
DRAWN BY BK	PROJECT NO.
CLIENT	



3

North Elevation

Scale: 1" : 10'



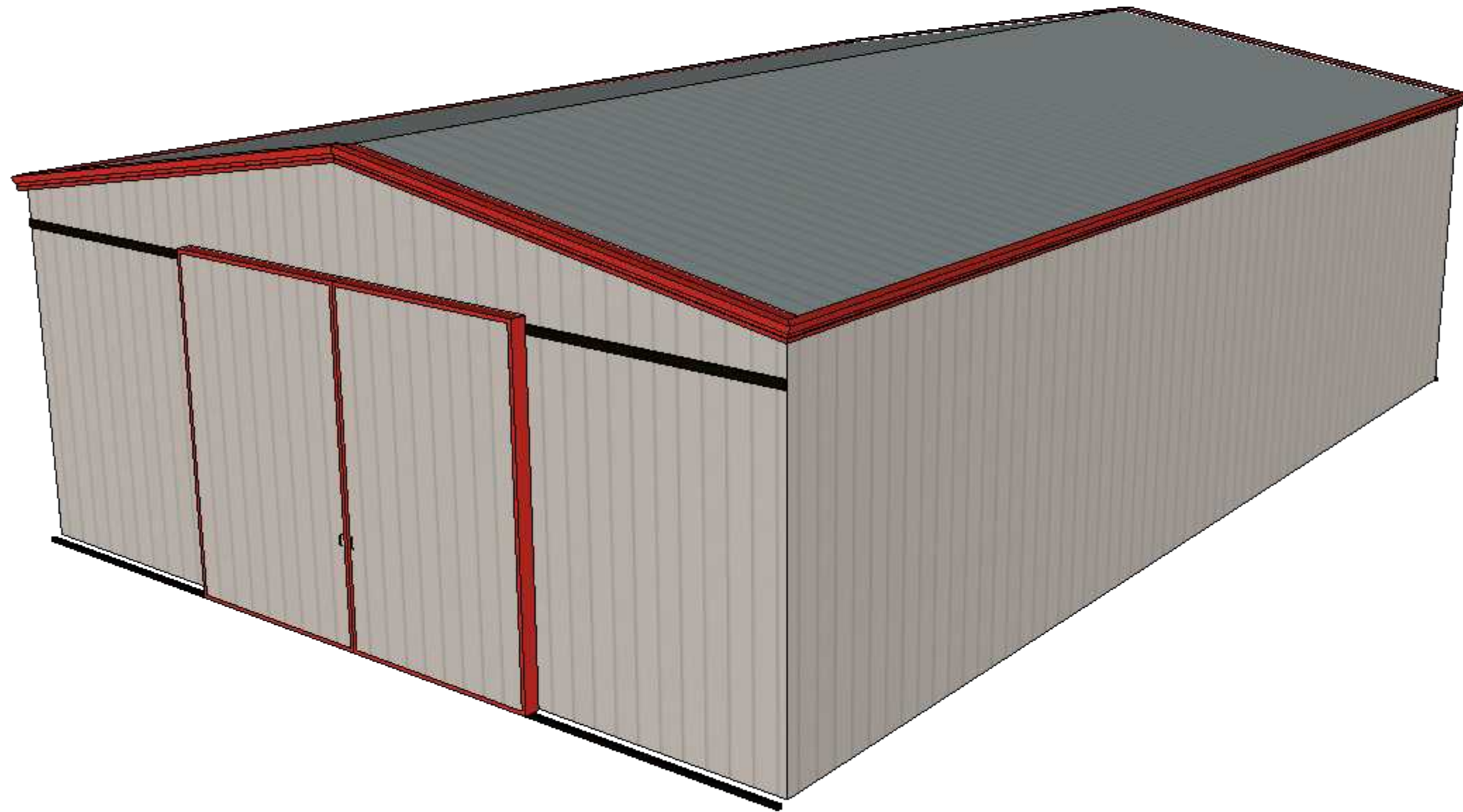
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East Elevation

Scale: 1" : 10'

Revision	Date	Description	By
0	00-00-00		

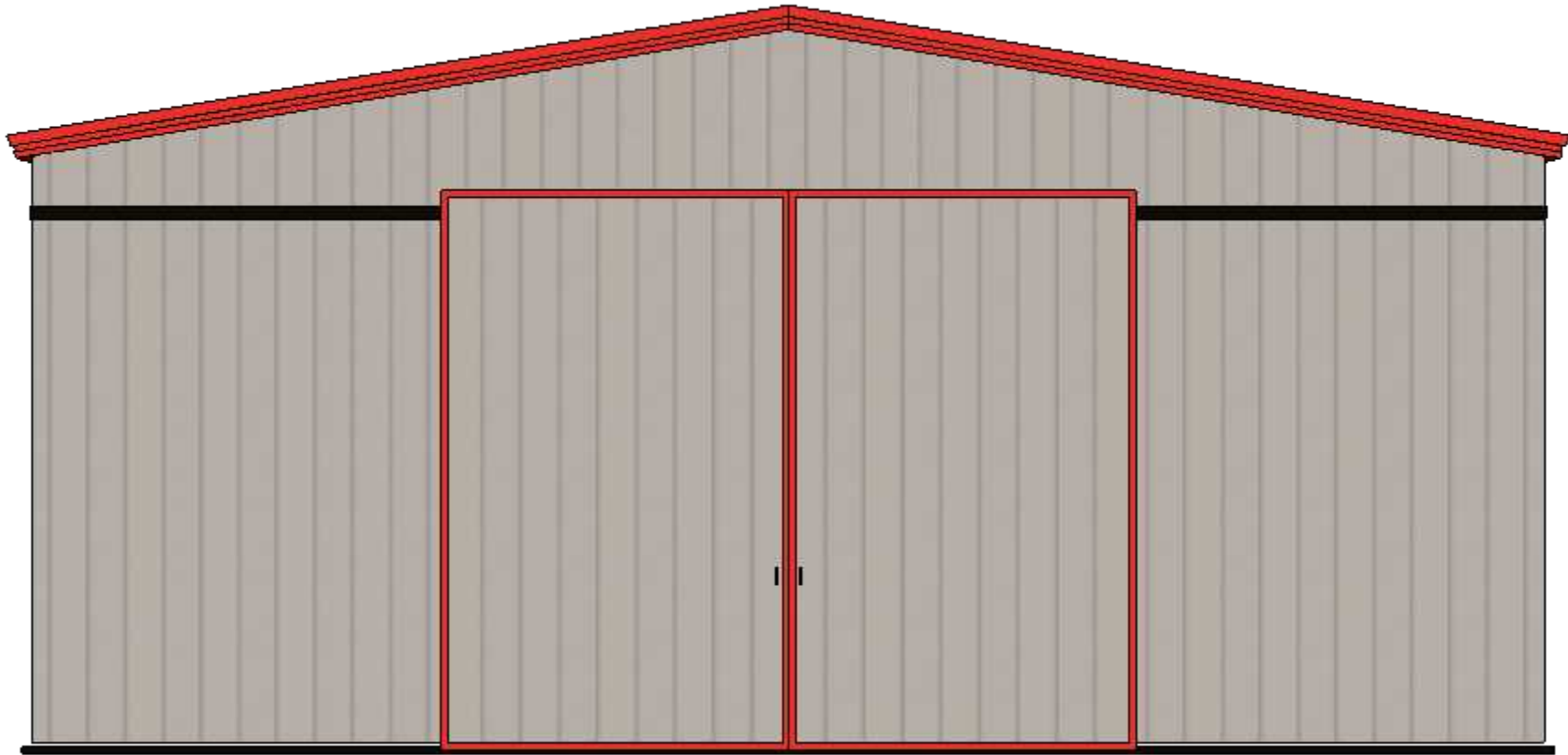
ISSUE	PROJECT
06.28.24	
DRAWN BY	PROJECT NO.
BK	
CLIENT	



3

North Elevation

Scale: 1" : 10'



4

East Elevation

Scale: 1" : 10'



Revision	Date	Description	By
0	00-00-00		

ISSUE	PROJECT
06.28.24	
DRAWN BY	PROJECT NO.
BK	
CLIENT	

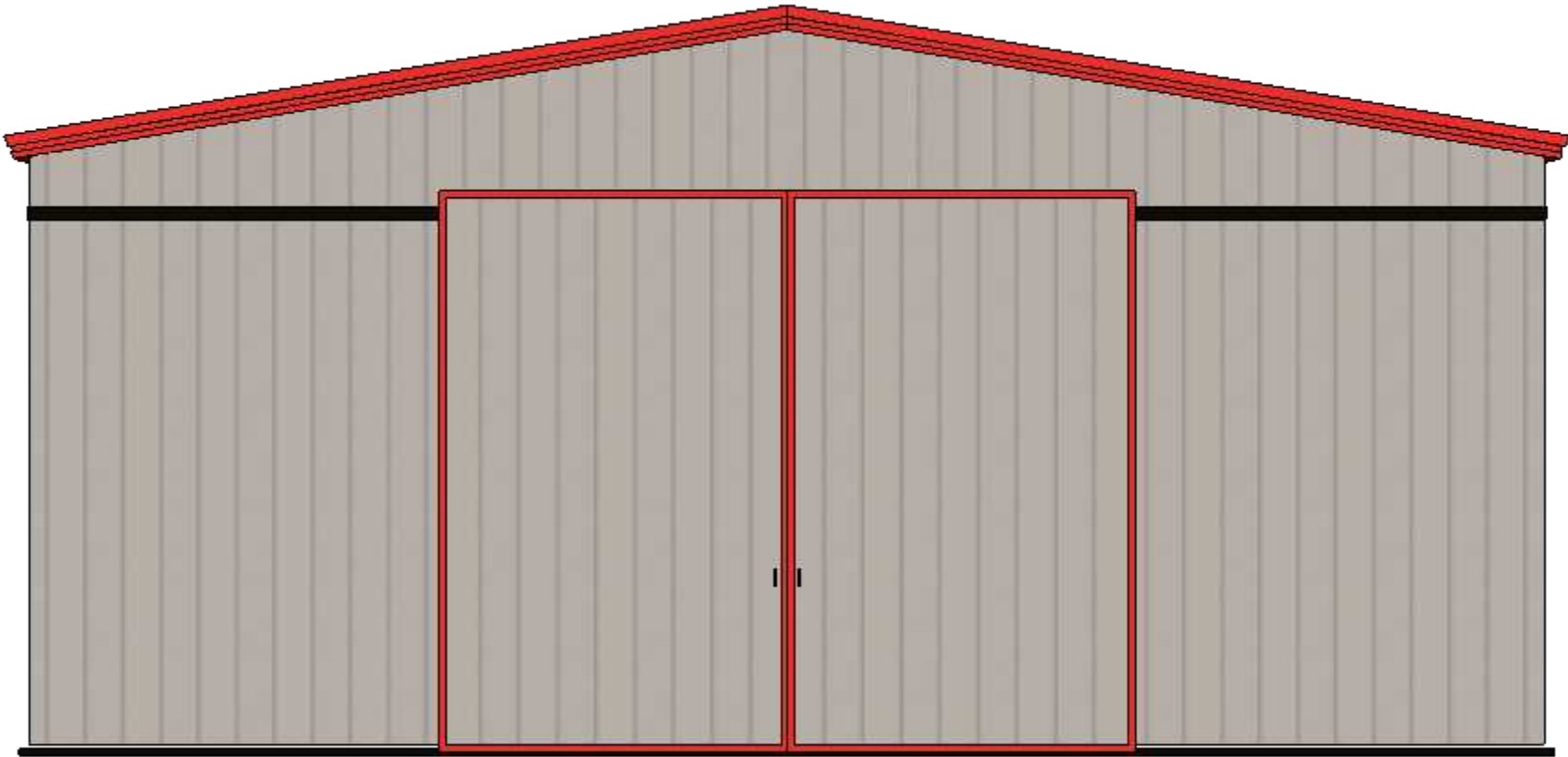
Elevations

A4

3

North Elevation

Scale: 1" : 10'



4

East Elevation

Scale: 1" : 10'



Revision	Date	Description	By
0	00-00-00		

ISSUE	PROJECT
06.28.24	
DRAWN BY	PROJECT NO.
BK	
CLIENT	

Elevations

A5



3 North Elevation
Scale: 1" : 10'



4 East Elevation
Scale: 1" : 10'



Koehn
CONSTRUCTION SERVICES
P 620.378.3002 F 620.378.2283 koehncs.com

Revision	Date	Description	By
0	00-00-00		

ISSUE	PROJECT
06.28.24	

DRAWN BY	PROJECT NO.
BK	

CLIENT

Site Plan

A7

Page 200 of 236

Quick Ref	Parcel Number	Situs	Taxing Unit	Function	Neighbor	Owner	Mailing Add	Mailing City	Mailing St	Mailing Zip	Orion Ac
R11087	631342000000000000	00000 CR 3300, Independen	108 INDEPENDENCE CITY	Agricultural U	400.R	CITY OF INDEPENDENCE	120 N 6TH ST	INDEPENDENCE	KS	67301	272.09
R11113	631352000000000000	00000 FREEDOM DR, Indepe	108 INDEPENDENCE CITY	Commercial	400.R	CITY OF INDEPENDENCE	120 N 6TH ST	INDEPENDENCE	KS	67301	248.82
R11033	631342000000000000	3623 CR 3100, Independenc	038 INDEPENDENCE TOWNSHIP	Agricultural U	400.R	BOYCE, MARC A; MCCARTNEY, CONNIE Y	5 KINGSLEY CT	GLEN CARBON	IL	62034	26.53
R11108	631352000000000000	00000 CR 3150, Independen	038 INDEPENDENCE TOWNSHIP	Agricultural U	400.R	MCMILLIN, SCOTT R	3537 CR 3875	INDEPENDENCE	KS	67301	135.75
R11114	631352000000000000	00000 CR 3300, Independen	108 INDEPENDENCE CITY	Commercial	400.C	INDEPENDENCE, CITY OF AIRPORT RUNWAY AREA	811 W LAUREL ST	INDEPENDENCE	KS	67301	192.3

ORDINANCE NO. _____

AN ORDINANCE REZONING A 5-ACRE PARCEL LOCATED AT 3100 CESSNA BOULEVARD FROM M-1 (LIGHT INDUSTRIAL) TO M-2 (HEAVY INDUSTRIAL), WITHIN THE CITY OF INDEPENDENCE, KANSAS

WHEREAS, Daniel Thorenson of Thorenson Enterprises LLC has submitted an application to rezone a 5-acre undeveloped parcel located at 3100 Cessna Boulevard from M-1 (Light Industrial) to M-2 (Heavy Industrial); and

WHEREAS, the Independence Planning Commission, after due notice and public hearing, has reviewed the application and determined that the rezoning conforms to the City's Comprehensive Plan, which encourages compatible industrial development near the airport; and

WHEREAS, the City of Independence has found the proposed rezoning to meet the criteria outlined in Sec. 2-101, including the character of the neighborhood, zoning and uses of nearby properties, suitability for heavy industrial use, and availability of necessary infrastructure and services to support this development; and

WHEREAS, the Planning Commission has recommended approval of the rezoning request based on its consistency with the Comprehensive Plan's goals for industrial growth and efficient land use around the airport area;

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

SECTION 1. REZONING

The following-described property in attached Exhibit A located at 3100 Cessna Boulevard, consisting of approximately 5 acres, is hereby rezoned from M-1 (Light Industrial) to M-2 (Heavy Industrial).

SECTION 2. ZONING MAP

The official Zoning Map of the City of Independence, Kansas, is hereby amended to reflect this rezoning.

SECTION 3. SEVERABILITY

If any section, clause, or provision of this ordinance is declared unconstitutional or invalid, it shall not affect the remainder of this ordinance.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

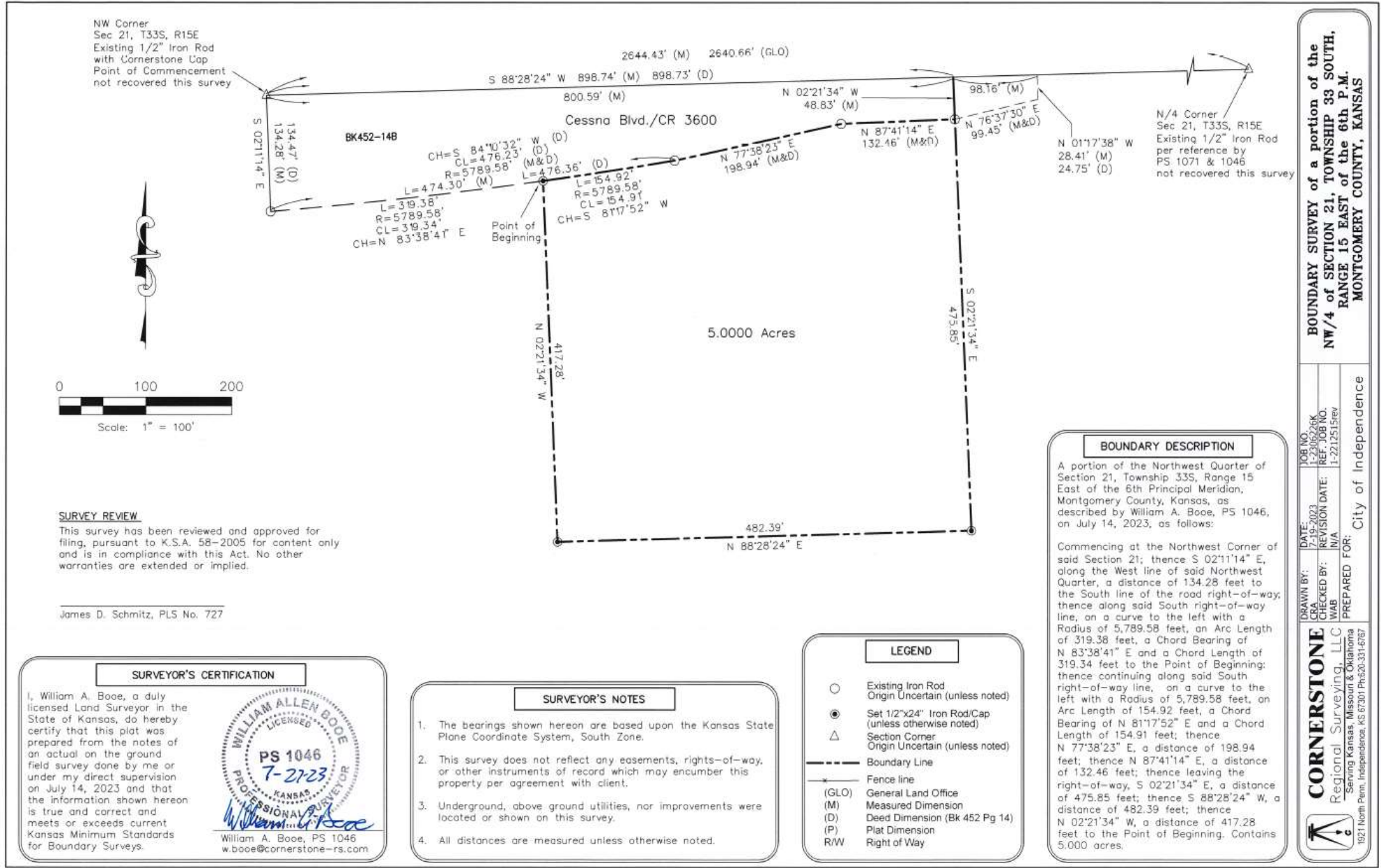
PASSED AND ADOPTED by the Governing Body of the City of Independence, Kansas, on this 12th day of December, 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk

Exhibit A





**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a resolution for a conditional use permit for a short term rental (AirBnB) at 940 Crescent Drive.

SUMMARY RECOMMENDATION The Planning and Zoning Commission conducted a public hearing on November 12, 2024, to review Case #2024/CUP/05 for a conditional use permit to allow a short term rental (Airbnb) at 940 Crescent Drive. The Commission voted to recommend approval of the request, subject to the conditions outlined in the attached resolution. Staff concurs with the recommendation and supports adopting the resolution.

BACKGROUND The applicants seek a conditional use permit to operate a short term rental (Airbnb) at their single-family residence. Short term rentals are conditionally permitted in R-3 Residential Districts to ensure compatibility with the surrounding neighborhood and mitigate potential adverse impacts.

Key Considerations:

1. Compatibility: The property is located in a neighborhood of single-family homes. Properly managed short term rental use can be compatible if conditions are enforced to maintain residential character.
2. Neighborhood Impact: Minimal impact is anticipated if guest noise and parking are properly controlled. The proposal includes sufficient on-site, hard-surfaced parking to avoid street congestion.
3. Code Compliance: The applicants must comply with all applicable building, fire, and safety codes.
4. Community Feedback: There were no public comments at the public hearing.

FINANCIAL INFORMATION Approval of the CUP will have no direct financial impact on the City. The applicants will be required to obtain and annually renew a City occupation license, generating a small revenue stream. Additionally, guests staying at the short term rental will contribute to local economic activity through spending on goods and services within the community.

SUGGESTED MOTION I move to adopt the resolution authorizing a conditional use permit for a short term rental located at 940 Crescent Drive as recommended by the Planning and Zoning Commission, and subject to the conditions specified in the resolution.

SUPPORTING DOCUMENTS

1. Resolution 2024-051 -CUP FOR A SHORT-TERM RENTAL AT 940 CRESCENT DRIVE
2. 11122024-Planning Commission 940 Crescent AirBnB

RESOLUTION NO. 2024 - 051

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL LOCATED AT 940 CRESCENT DRIVE, INDEPENDENCE, KANSAS.

WHEREAS, at a public hearing conducted on November 12, 2024, the Independence Planning and Zoning Commission considered and voted to approve a request for a conditional use permit for a short-term rental at 940 Crescent Drive, located in an R-3 zoned district;

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

Section 1: The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit for a short-term rental in an R-3 zoned district at 940 Crescent Drive is hereby approved, subject to the following conditions:

1. The conditional use permit is non-transferable to another property owner or location.
2. The applicant must obtain and renew an annual City occupation license, remaining in compliance with all City codes.
3. The property's exterior must be kept clean and comply with all environmental and nuisance codes.
4. Excessive noise from the property should not be audible beyond the property lines at any time.
5. On-site, hard-surfaced parking must be provided on the applicant's private property to accommodate guests.
6. Exterior lighting must not adversely affect neighboring properties by shining onto them.

Section 2: This resolution shall be in full force and effect from and after its adoption and approval by the Governing Body.

ADOPTED and approved by the Governing Body of the City of Independence, Kansas, on this 12th day of December 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk



REQUEST FOR PLANNING COMMISSION ACTION CONDITIONAL USE PERMIT CITY OF INDEPENDENCE NOVEMBER 12, 2024

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Case #: 2024/CUP/05 - Public hearing to consider a conditional use permit for a short term rental (AirBnB) to be located at 940 Crescent Drive.

SUMMARY RECOMMENDATION Staff recommends that the Planning Commission approve Conditional Use Permit CUP05-2024 for a short-term rental at 940 Crescent Drive, subject to the conditions listed.

BACKGROUND The applicants, Shawn and Tricia Couch, request approval for a conditional use permit to operate a short-term rental (Airbnb) at their single-family residence located at 940 Crescent Drive. The property is situated in a residential area zoned R-2, single-family dwelling district, where short-term rentals are permitted conditionally to ensure compatibility with neighborhood character and minimize any adverse impacts.





		Permitted Zoning District												
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Short term rentals not elsewhere listed		C	C	C	C	C	C	C	C	P	P	P		

STAFF ANALYSIS The proposal has been reviewed concerning compatibility with the surrounding neighborhood, adherence to city codes, and the expected impact on adjacent properties. The following points highlight staff's analysis:

1. **Compatibility:** The property is located in a residential zone that supports single-family homes. The short-term rental use can be compatible if managed properly, with conditions ensuring it does not disrupt the residential character.
2. **Impact on Surrounding Properties:** Staff anticipates that the use of this property as an Airbnb will have minimal impact if noise levels and guest numbers are controlled. Parking availability on-site should accommodate guests, minimizing street congestion.
3. **Safety Compliance:** Compliance with building, fire, and safety codes will be required before the issuance of the permit. Necessary inspections will be arranged to confirm compliance.

RECOMMENDED CONDITIONS OF APPROVAL To mitigate potential impacts and uphold community standards, staff recommends the following areas be considered for conditions for this CUP:

1. **Non-Transferability of Permit** - Add a condition stating that the conditional use permit is not transferable to another property owner or location. This will ensure that any new owner must apply for their own permit if they wish to continue operating a short-term rental.
2. **Annual Occupation License** - Include a requirement for the applicant to acquire and renew a City occupation license annually, ensuring continuous compliance with city regulations for short-term rentals.
3. **Exterior Maintenance** - Specify that the exterior of the property must remain clean and comply with all environmental and nuisance codes, which will address neighborhood concerns about the property's appearance and upkeep.
4. **Noise Control Refinement** - Instead of general quiet hours, specify that excessive noise should not be audible beyond the property boundaries at any time, as outlined in the previous permits.
5. **Off-Street, Hard-Surfaced Parking** - Specify that parking must be on hard-surfaced areas on the applicant's private property, preventing guests from parking on streets or unpaved areas.
6. **Exterior Lighting** - Require that exterior lighting does not adversely impact neighboring properties, preventing potential light pollution issues.

CONCLUSION With the conditions specified above, staff believes that the proposed short-term rental will integrate well within the residential community, promoting responsible property use. The Planning Commission should consider any additional public comments during the hearing and may modify conditions as appropriate based on community input.

SUGGESTED MOTION "I move that the Planning Commission recommend that the City Commission approve Conditional Use Permit Case #2024/CUP/05 for the operation of a short-term rental at 940 Crescent Drive, subject to the following conditions:

1. The conditional use permit is non-transferable to another property owner or location.
2. The applicant must obtain and renew an annual City occupation license.
3. The property's exterior must be well-maintained and free of environmental or nuisance code violations.
4. Excessive noise should not be audible beyond the property lines at any time.
5. On-site, hard-surfaced parking must be provided on the applicant's private property.
6. Exterior lighting must not shine onto neighboring properties.

This motion reflects staff's recommendation and incorporates relevant conditions from similar, previously approved permits."

SUPPORTING DOCUMENTS

1. CUP05-2024
2. AirBnB Application - 09232024
3. OWNER INFO CUP05
4. CUP FOR A SHORT-TERM RENTAL AT 940 CRESCENT DRIVE RESOLUTION NO

NOTICE TO THE PUBLIC



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

Tuesday, November 12, 2024 at 5:30 p.m.

To receive comments to consider a conditional use permit for a single-family residence located at 940 Crescent Drive, Independence KS 67301 for the intended use of short-term rental (AirBnB).

Legal Description: COLLEGE CREST NO 3, S25, T32, R15, Lot 82, 13153

Common Address: 940 Crescent Drive, Independence KS 6730

Applicant/Owners: Shawn & Tricia Couch

Case Number: 2024/CUP/05

The hearing will be conducted in the Commission/Municipal Court Room, City Hall, 120 North 6th Street, Independence, Kansas, on November 12, 2024, 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, Conference ID, 820754218# 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
City of Independence, Kansas

DATE FILED 09/24/2024
\$200 FEE PAID 09/24/2024

Shawn & Tricia Couch 940 Crescent Drive

940 Crescent Drive Independence ks. 67301

Air Bnb

Ranch house, wood siding

Signature of Applicant

Signature of Building Inspector

Payment Notification - Conditional Use

From noreply@municipalonlinepayments.com <noreply@municipalonlinepayments.com>

Date Tue 9/24/2024 5:52 AM

To Kelly Passauer <kellyp@independencesks.gov>



Independence, KS

This is your payment receipt.

Confirmation Number
N35KRTXCV5

Payer Contact Info
shawn.couch@smpcorp.com

Payment Method
*******7659**

Conditional Use

Name	Shawn Couch
Property Address	940 Crescent Dr. Independence Ks. 67301
Phone	620.330.4832

Base Price	\$200.00
Convenience Fee	\$1.25
Municipal Online Payments Fee	\$1.25
Total	\$202.50

[Municipal Online Services](#)

[Login](#)

Quick Ref	Parcel Number	Situs	Owner	Mailing Add	Mailing City	Mailin Mailing Zip	Sq Ft
R2689	630873000000000000	946 CRESCENT DR, Independence, KS 67301	LANE, JUSTIN	946 CRESCENT DR	INDEPENDENCE KS	67301	15,479
R2839	630873000000000000	1000 W BEECH ST, Independence, KS 67301	SCHWENKER, DAVID & LISA	1000 W BEECH ST	INDEPENDENCE KS	67301	13,988
R2581	630873000000000000	924 W BEECH ST, Independence, KS 67301	DAVID, BENNY & NOBLE, JAMIE	924 W BEECH ST	INDEPENDENCE KS	67301	15,056
R2582	630873000000000000	918 W BEECH ST, Independence, KS 67301	BURKHART, MONA; MAYHEW, TERI LYNN	918* W BEECH	INDEPENDENCE KS	67301	10,876
R2690	630873000000000000	953 CRESCENT DR, Independence, KS 67301	BYNUM, LEE A & JOAN E	953 CRESCENT DR	INDEPENDENCE KS	67301	15,716
R2844	630873000000000000	1024 N 17TH PL, Independence, KS 67301	SAUNDERS, JUANITA F	1024 N 17TH PL	INDEPENDENCE KS	67301	11,959
R2843	630873000000000000	1028 N 17TH PL, Independence, KS 67301	CUSTER, BILL I. & MYRA J. & BROWN, LORA M.	1028 N 17TH PL	INDEPENDENCE KS	67301	18,451
R2688	630873000000000000	940 CRESCENT DR, Independence, KS 67301	COUCH, SHAWN A. & TRICIA R.	5758 DECATUR RD	FREDONIA KS	66736	13,153
R2687	630873000000000000	934 CRESCENT DR, Independence, KS 67301	NORTH, JULIE K; FONSECA, TYLER M	934 CRESCENT DR	INDEPENDENCE KS	67301	9,812
R2686	630873000000000000	928 CRESCENT DR, Independence, KS 67301	WARD, DAVID A	928 W CRESCENT DR	INDEPENDENCE KS	67301	9,896
R2838	630873000000000000	1014 W BEECH ST, Independence, KS 67301	BETANCOURT, FERNANDO PATIN	1014 W BEECH ST	INDEPENDENCE KS	67301	12,894
R2674	630873000000000000	913 W BEECH ST, Independence, KS 67301	ESQUIVEL, FRANCISCO	913 W BEECH ST	INDEPENDENCE KS	67301	10,140
R2701	630873000000000000	930 CIRCLE DR, Independence, KS 67301	HERION, ELIZABETH CHRISTINE	930 CIRCLE DR	INDEPENDENCE KS	67301	11,489
R2702	630873000000000000	924 CIRCLE DR, Independence, KS 67301	DAVIDSON, GARY L	924 CIRCLE DR	INDEPENDENCE KS	67301	12,653
R2699	630873000000000000	958 CRESCENT DR, Independence, KS 67301	GUAN, RICHARD	958 CRESENT DR	INDEPENDENCE KS	67301	7,651
R2691	630873000000000000	959 CRESCENT DR, Independence, KS 67301	STULTZ, ROSALIND	959 CRESCENT DR	INDEPENDENCE KS	67301	11,030
R2700	630873000000000000	964 CRESCENT DR, Independence, KS 67301	WATTS, MINA B, TRSTE THE DELMAR R. WATTS & MINA B. WATTS TRST 7/20/2005	964 CRESCENT DR	INDEPENDENCE KS	67301	9,068
R2842	630873000000000000	1036 N 17TH PL, Independence, KS 67301	EMMOT, RAYMOND H & LORRAINE D REV LIV TRST 02-03-15	1036 N 17TH PL	INDEPENDENCE KS	67301	10,236
R2841	630873000000000000	1013 W BEECH ST, Independence, KS 67301	SUTTON, TODD L & BEACH, STACY D	1013 W BEECH ST	INDEPENDENCE KS	67301	12,326
R2840	630873000000000000	1001 W BEECH ST, Independence, KS 67301	MORRIS, JESSICA B	1001 W BEECH ST	INDEPENDENCE KS	67301	13,812
R2672	630873000000000000	925 W BEECH ST, Independence, KS 67301	RUTLAND, LORI M	925 W BEECH	INDEPENDENCE KS	67301	9,173
R2673	630873000000000000	919 W BEECH ST, Independence, KS 67301	JUBY, WILLIAM W TRST 1/25/94	919 W BEECH ST	INDEPENDENCE KS	67301	10,572
R2698	630873000000000000	952 CRESCENT DR, Independence, KS 67301	LAWRENCE, DAVE	952 CRESCENT DR	INDEPENDENCE KS	67301	8,031
R2697	630873000000000000	933 CRESCENT DR, Independence, KS 67301	HULL, THERESA	933 CRESCENT DR	INDEPENDENCE KS	67301	11,758
R2696	630873000000000000	929 CRESCENT DR, Independence, KS 67301	MINER, PHYLLIS J	929 CRESCENT DR	INDEPENDENCE KS	67301	11,780
R2845	630873000000000000	1016 N 17TH PL, Independence, KS 67301	KIRKS, ROBERT E	1016 N 17TH PL	INDEPENDENCE KS	67301	11,606
R2685	630873000000000000	922 CRESCENT DR, Independence, KS 67301	BARTHOLOMEW, JESSICA LEANN	922 CRESCENT DR	INDEPENDENCE KS	67301	8,507
R2695	630873000000000000	921 CRESCENT DR, Independence, KS 67301	JAY, AMANDA; ROGERS, ALLISON	921 CRESCENT DR	INDEPENDENCE KS	67301	11,941

RESOLUTION NO. 2024 - _____

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL LOCATED AT 940 CRESCENT DRIVE, INDEPENDENCE, KANSAS.

WHEREAS, at a public hearing conducted on November 12, 2024, the Independence Planning and Zoning Commission considered and voted to approve a request for a conditional use permit for a short-term rental at 940 Crescent Drive, located in an R-3 zoned district;

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

Section 1: The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit for a short-term rental in an R-3 zoned district at 940 Crescent Drive is hereby approved, subject to the following conditions:

1. The conditional use permit is non-transferable to another property owner or location.
2. The applicant must obtain and renew an annual City occupation license, remaining in compliance with all City codes.
3. The property's exterior must be kept clean and comply with all environmental and nuisance codes.
4. Excessive noise from the property should not be audible beyond the property lines at any time.
5. On-site, hard-surfaced parking must be provided on the applicant's private property to accommodate guests.
6. Exterior lighting must not adversely affect neighboring properties by shining onto them.

Section 2: This resolution shall be in full force and effect from and after its adoption and approval by the Governing Body.

ADOPTED and approved by the Governing Body of the City of Independence, Kansas, on this 12th day of December 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider adopting Ordinance No. 4474 vacating property not served by City water and/or sanitary sewer services.

SUMMARY RECOMMENDATION City Staff recommends adopting Ordinance 4474.

BACKGROUND City staff recommends that the City Commission adopt Ordinance 4474, granting authority to City officials to enforce sanitary living conditions in residences and requiring residents to vacate properties that lack water and sewer services. Code Enforcement has observed an ongoing issue with squatters, owners, and/or tenants living without essential utilities, creating significant public health and safety hazards. These include improper disposal or storage of human waste, unsanitary living conditions, and infestations of rodents and insects resulting from these conditions.

FINANCIAL INFORMATION No financial impact

SUGGESTED MOTION I move to adopt Ordinance 4474 to enforce sanitary living conditions in residences.

SUPPORTING DOCUMENTS

1. Ordinance 4474 - Vacating Property Not Served By City Water or Sewer Services

ORDINANCE NO. 4474

AN ORDINANCE THE VACATING OF PROPERTY WHICH IS NOT SERVED BY CITY WATER AND/OR SANITARY SEWER SERVICES

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

Section 1. This Ordinance shall be designated as part of Environmental Code of the City of Independence.

Section 2. Any persons living permanently or temporarily in a residence which does not have active city water and sanitary sewer services for a period of more than 60 days shall be required to vacate the property until such time as city water service and sanitary sewer service are reactivated to serve the residence.

Section 3. Before steps are taken to enforce this ordinance, written notice shall be given to the persons residing in any such residence stating that they are in violation of this ordinance and are required to vacate the residence no later than 72 hours from the date of the notice. Service of the notice may be made by the code enforcement officer, or designee, by personal service or by tacking the notice to the front door of the residence.

Section 4. The provisions of this ordinance may be enforced by the code enforcement officer with the assistance of the police department, as necessary, and shall include the authority to enter into the residence to remove persons in violation of this ordinance.

Section 5. This ordinance shall take effect upon its publication in the official city newspaper.

*Adopted by the Governing Body of the City of Independence, Kansas, on the 12th day of
December, 2024.*

TIMOTHY R. EMERT, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 12, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider adopting a Resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 1201 W. Pine Street.

SUMMARY RECOMMENDATION City staff recommends approval of the Resolution to abate 1201 W. Pine Street.

BACKGROUND The Code Enforcement Department is requesting approval of a resolution to abate a nuisance at 1201 W. Pine Street. Despite multiple notices issued for nuisance violations, the Code Enforcement Officer has been addressing ongoing issues at this location since November 2023.

The property is currently occupied by multiple individuals, and while contact was made with Wesley Markley, efforts to resolve the nuisance have been unsuccessful. Furthermore, the residence lacks City utilities and water service, which exacerbates the situation. Approval of the resolution is necessary to effectively address and abate the violations at this property.

FINANCIAL INFORMATION The City of Independence charges for the use of equipment, manpower, and landfill charges when abating a property. These costs range from \$750.00 to \$1,000.00, depending on the amount of debris to abate. The City bills the owner for these charges and turns the balance over to collections if the bill is not paid. The Sanitation budget will cover the landfill cost until payment is made.

SUGGESTED MOTION I move to adopt Resolution 2024-050 authorizing the abatement of unhealthy and unsafe exterior conditions at 1201 W. Pine Street.

SUPPORTING DOCUMENTS

1. Resolution 2024-050 - Abate - 1201 W. Pine
2. Consent-Abate-1201 W. Pine
3. 1201 W Pine Slide

RESOLUTION NO. 2024-050

A Resolution Authorizing Abatement of Unhealthy and Unsafe Exterior Conditions at 1201 W. Pine St.

Whereas, Welsey Markley and Nikki Gross own the following described real estate located at 1201 W. Pine St., Independence, Kansas:

Lot 7, Ziegler's Addition, City of Independence, Montgomery County, Kansas (commonly known as 1201 W. Pine, Independence, Kansas)

And Whereas, the City's Code Enforcement Officer has determined that the exterior condition of the property at 1201 W. Pine St. is in violation of City Code 42-66 due to the accumulation of debris, junk, abandoned motor vehicle parts, and appliances in the yard.

And Whereas, on all occasions, Welsey Markley and Nikki Gross were given 15 days' notice to alleviate the exterior condition as required by City Code 42-67 on November 26, 2024, November 20, 2023, March 01, 2024, and July 05, 2024.

And Whereas, Welsey Markley and Nikki Gross have taken no action to alleviate the condition of the exterior of the property at 1201 W. Pine St..

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

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

Section 1. Welsey Markley and Nikki Gross have been given four written notices and have failed to alleviate the exterior conditions of the yard at 1201 W. Pine St., Independence, Kansas.

Section 2. The Code Enforcement Officer or other agents of the City are hereby authorized to abate the exterior conditions at 1201 W. Pine St, Independence, Kansas, pursuant to City Code 42-69 and to have the costs of abatement assessed against the property pursuant to City Code 42-73.

Adopted by the Governing Body of the City of Independence, Kansas, on the 12th day of December, 2024.

Tim Emert, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

**CONSENT TO ABATEMENT
OF EXTERIOR YARD CONDITIONS
WHICH ARE UNHEALTHY AND UNSAFE**

COME NOW, Welsey Markley and Nikki Gross agree to the following:

Welsey Markley and Nikki Gross are the owners and occupants of the following described real estate:

Lot 7, Ziegler's Addition, City of Independence, Montgomery County, Kansas (commonly known as 1201 W. Pine, Independence, Kansas)

2. Four separate notices for violation of City Code 42-66 concerning the exterior condition of the yard at 1201 W. Pine St. have been issued on November 26, 2024, November 20, 2023, March 01, 2024, and July 05, 2024.

3. Welsey Markley and Nikki Gross hereby consent to abatement of the exterior condition of the yard at 1201 W. Pine St. which will entail removal of all unhealthy and unsafe trash, debris, abandoned motor vehicle parts, appliances and other rubbish located thereon which are in violation of City Code 42-66.

4. Welsey Markley and Nikki Gross acknowledge and understand that they will be contacted prior to the abatement process and that they will remove from the exterior yard of 1201 W. Pine St. any property which they feel is valuable and which they wish to retain, and further that any property left in the yard at 1201 W. Pine St. may be presumed by the City, its agents and employees, to be rubbish and debris in violation of City Code 42-66, subject to abatement by the City, and may be immediately disposed of by the City.

5. Welsey Markley and Nikki Gross hereby waive any and all claims of liability for injury and/or damages against the City, its agents and employees, arising from abatement of the

exterior condition of their yard, and agree to indemnify and hold harmless the City, its agents and employees from the same.

6. Wesley Markley and Nikki Gross understand that the cost of abatement may be assessed by the City against them as owners of the property in the same manner as taxes are assessed against property.

7. Wesley Markley and Nikki Gross acknowledge that they have the right to seek the advice of independent counsel and have executed this consent knowingly and voluntarily.

DATE

Wesley Markley

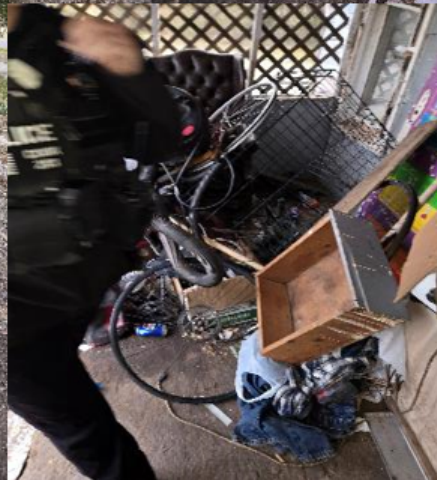
DATE

Nikki Gross

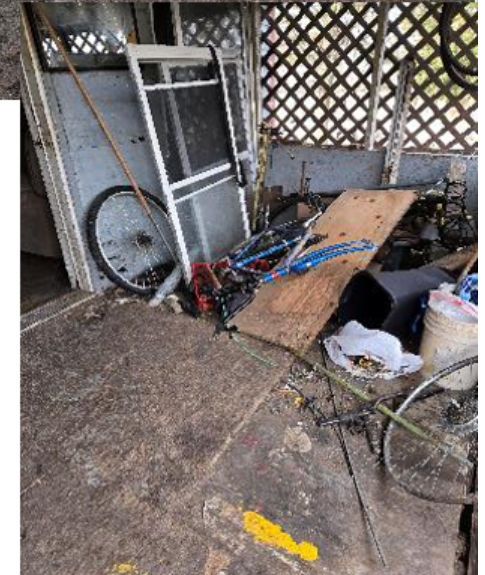
DATE

WITNESS SIGNATURE
Printed Name: _____

Consider adopting a Resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 1201 W. Pine St.



Suggested Motion: I move to adopt a Resolution authorizing the abatement of unhealthy and unsafe conditions at 1201 W. Pine Street.





Report
CITY OF INDEPENDENCE
December 12, 2024

Department Housing

Director Approval April Nutt

AGENDA ITEM Report on receiving the Tenant Based Rental Assistance Grant from the Kansas Housing Resources Corporation.

BACKGROUND The Independence Housing Authority (IHA) submitted a Tenant Based Rental Assistance (TBRA) Grant to Kansas Housing Resources Corporation (KHRC). KHRC awarded a TBRA grant in the amount of \$120,000 for the purpose of assisting low-income Independence community members with their rent. These funds should assist between 25 to 35 families over the next 12 months with their rent.

SUPPORTING DOCUMENTS

1. Independence Award Letter



November 12, 2024

April Nutt
City of Independence Housing Authority
120 North 6th Street
Independence, KS 67301

Re: 2024 TBRA Grants

Dear Mrs. Nutt:

Kansas Housing Resources Corp. has completed application reviews for the 2024 Tenant Based Rental Assistance Program. Independence has been awarded a grant in the amount of \$120,000. Your agency will also receive 7% above the award amount for fees to perform income certifications and HQS inspections, which makes the total grant \$128,400.

Please read our method of issuing the grant award documents. In order to condense the number of grants an agency has open, we are requiring only two open grants at a time. Additionally, when requesting your grant document for 2024, any previous grants should be at least 75% expended.

Be aware that HOME funding is subject to Congressional appropriations, but funding has remained level the past few years. However, grantees need to make certain they do not over commit.

Please contact me at srockett@kshousingcorp.org or 785-217-2045 should you have any questions. Thank you for your valued partnership with KHRC in the Tenant Based Rental Assistance Program.

Sincerely,

A handwritten signature in blue ink that reads 'Shyla Rockett'.

Shyla Rockett
TBRA Program Manager



CITY OF INDEPENDENCE
December 12, 2024

Department

Director Approval Kelly Passauer

AGENDA ITEM City Board Minutes

BACKGROUND

SUPPORTING DOCUMENTS

1. 10032024 IHPRC Minutes
2. 11202024 Library Board Minutes
3. 11202024 Rec Commission Minutes

October 03, 2024
Independence Historic Preservation Resource Commission

Members Present: Darin Axthelm, Bill Gour, Brea Sanford, Tim White, Brett Richards, Jason Rutledge

City Staff: David Cowan, Maurice Garlet

Ex Officio- Tabatha Snodgrass, Lisa Wilson

Absent: Gary Hogsett

Special Guest: Robert Hall

Darin Axthelm called the meeting to order at 12:00 p.m.

Brea Sanford motioned to approve the minutes of the August 26, 2024 meeting as presented. Bill Gour seconded the motion and all were in favor.

III. a. Certificate of Appropriateness for 224 North Pennsylvania Avenue (Old Twigs)
Owner of the building, Mr. Robert Hall, was present for the meeting. He spoke to the committee regarding the condition of the paint and awning on the front of the building and wants to change the awning to a navy blue awning, since the old one had rotted through. He also wanted to ask about suggested paint colors for the exterior, stating that he had begun the job with a tan color on the wood work, but after speaking with the neighbors, he had changed his idea to a burgandy/dark red color. He wants to put a pottery shop in the building and does not plan to do much changing of the historic footprint of the building. The outdoor work will be majorly cosmetic and to secure the front windows. Jason Rutledge suggested that Hall speak with Miranda Burning to work on design ideas. Brett Richards voiced his concerns that the job will be done correctly. Maurice Garlet, City of Independence Building Inspector, stated that he would be keeping an eye on the project to assure that everything is done up to code. Brea Sanford asked the owner whether or not he was planning to reglaze the windows, as he had stated that there has been some major water damage from past leaks. Hall answered that at this time, there were no plans on it.

Brett Richards motioned to approve the certificate of appropriateness. Bill Gour seconded the motion and all were in favor.

b. Certificate of Appropriateness for 106 East Myrtle Street- Joy Co. Rental Company
David Cowan shared that the renter of the building had no idea that they were supposed to come to the IHRPC to receive the Certificate. The Certificate that would be issued this day would be after the fact. It was determined that no historic aspects are remaining in this building.

Brea Sanford motioned to approve the certificate of appropriateness. Brett Richards seconded the motion and all were in favor.

IV. Discussion

David Cowan shared that a new business would be moving into the old Fleas-n-Tiques building, located at 107 West Main Street. The renter is currently working on painting

the inside of the building. He shared that the only historical aspect that remained in the building was the ceiling. The renter would be installing a floating floor. It will be a shirt printing/wi-fi gaming establishment.

Brett Richards motioned to adjourn the meeting at 12:27 p.m. Tim White seconded the motion and all were in favor.

INDEPENDENCE PUBLIC LIBRARY
Board of Trustees Regular Meeting
Wednesday, November 20, 2024

REGULAR SESSION

Board Members Present: Michelle Avery, Chairman, Trustees: Carolyn Torrance, Tom Sewell, Andy Taylor, Ron Schwatken

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

I CALL TO ORDER: The regular session was called to order at 5:19 p.m. by Chairman Michelle A.

- **Adoption of Agenda:** Carolyn T. moved and Ron S. seconded to approve the agenda as printed. Motion carried
- **Approval of Minutes:** The minutes of the last meeting was approved.

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

- **Approval of Accounting** for the previous month was adopted as presented.
- **Approval of Bills** for previous month was adopted. Total expense for bills for month of October were **\$53,760.72**.
- **Approval of Payroll** for previous month was adopted.

III REPORTS

- 1. Youth Coordination Position** has been filled by Amanda Carr. She will start on **16 December 2024**, after giving notice to present employment. She is excited to work with us as we are to have her as the new Youth Coordinator.
- 2. Tyro Christian Church Field Trip for preschoolers:** **Wednesday, December 11, 2024**, the Tyro Christian school will

have a field trip to our Library. They will be coming for our **Storytime**.

3. Business Center Open House: Tomorrow, November 21, 2024, the Business Center will be displaying all the new equipment that will be available to the patrons. Also, the **Conference Room** will be open to see all the new additions and changes that have been made.

4. Winter Reading Festival – Kick-off December 6, 2024

- Activities will be planned such as Holiday Slime, Graham Cracker House Kits, Snow Flake Station, etc.
- Reading Challenges will begin and they can win prizes.

5. Thanksgiving meal today: Staff brought various treats. Lots of participation. Everyone enjoyed it!

6. Holiday Parade – The Library will be marching in the Holiday Parade held Sunday, **November 24, 2024**, meeting at the library at 4:30

IV OLD BUSINESS: NONE

V NEW BUSINESS: NONE

VI STAFF UPDATES:

- **STAFF REPORTS:**
- **CHANGES TO THE 3rd Floor:** **Brandon W.** has spent a lot of time re-organizing the 3rd floor, making it safer for toddlers as well as making it easier to locate books.
- **LIBRARY PRESENCE IN COMMUNITY:** Director indicated that we have had a presence in the community a lot since Halloween.

VII COMMENTS FROM THE BOARD: Board member Andy T. would like copies of the strategic plan that the library is planning. Director will work on that for him.

VIII ADJOURNMENT: Meeting adjourned at 545 p.m. The next meeting regular meeting is planned for Wednesday, December 18, 2024 at 5:15

RON SCHWATKEN

DATE OF APPROVAL

INDEPENDENCE USD #446 RECREATION COMMISSION

Monthly Meeting November 20, 2024

Ash Youth Center
1501 N. 10th Street
Independence, KS 67301

MEMBERS PRESENT:

Christy Mavers
Greg Kelley
Dustin Woodward

OTHERS PRESENT

Brent Julian
Lori Bromley
Nick McBride
Galen Palmer
Lacie Lies, City of Independence
Leadership Independence
Attendees: Samantha Ringle
Jessica Jaimes
Rebecca Gilcrist
Michelle McCormick

Christy Mavers opened the meeting at 11:30 a.m.

ROUTINE

Agenda

The agenda was amended to move D. Employee Holiday Bonus to E. Under Business/Finance and add D. Ash Center Digital Sign Report to Business/Finance. Greg Kelley moved to approve the agenda as amended. Dustin Woodward seconded. Motion carried 3-0.

Minutes

Dustin Woodward moved to approve the board minutes from the October 16, 2024 meeting. Greg Kelley seconded. Motion carried 3-0.

Bills

Greg Kelley moved to approve the November 2024 invoices and checks for payment as presented in the amount of \$5,612.94 as well as the bills and employee benefit paid since the previous board meeting in the amount of \$20,183. Dustin Woodward seconded. Motion carried 3-0.

Treasurer's Report

Galen Palmer reported the following bank balances as of October 31, 2024: First Oak Bank – Checking; \$71,768.02, First Oak Bank – Petty Cash; \$500.00, and Equity Bank – Savings; \$5,806.37. Dustin Woodward moved to approve the treasurer's report as presented. Greg Kelley seconded. Motion carried 3-0.

PROGRAMS/OPERATIONS

Maintenance Report

Brent Julian answered any questions the board had on the maintenance report in Jim Butts' absence. Christy Mavers asked if Jim had a check sheet to use for upcoming maintenance projects throughout the winter, and Brent stated that he does and even though the winter is slower they do discuss projects regularly. Brent stated Jim has been keeping the walking trail and workout facility cleaned off and leaves blown at the Central Park Sports Complex as well as taking care of the trash; however, TLC is doing the field maintenance. Greg Kelley stated that the acorns on the north end of the walking trail can be a problem as well, but it is well lit at night although the east side tends to be darker. Lacey Lies, with the City of Independence, stated the city also has a park employee based out of the Central Park Sports Complex that checks things and keeps an eye out.

Programs/Sports Report

Nick McBride answered any questions the board had on the programs and sports report. Christy Mavers informed Nick that she has heard lots of compliments on the fall youth volleyball season. Brent stated that Nick did a great job and ended up hosting All-star tournaments for both volleyball and flag football. Christy asked about admission fees to the All-star tournaments and Nick stated that admission fees were \$3.00 for ages 12 and up, and \$2.00 for under 12, and under two years was free. Nick stated that all the SEK teams charged the same amount and all players were free. Christy asked if Nick has hired enough referees for youth basketball and he stated that yes, he had been able to hire a few new officials and should be ok. Brent informed the board that they will offer a one-on-one basketball clinic for all new officials.

Director/Aquatics Report

Brent Julian answered any questions the board had on the director's report. Christy suggested Brent contact Lisa Wilson, at the Chamber, and ask about hosting a Chamber of Commerce Business After Hours and to see if she will send out flash emails to all members on upcoming sporting events.

BUSINESS/FINANCE

Central Park Sports Comple Update

Lacey Lies, City Financial Director, was present to update the commission on phase II of the new Central Park Sports Complex and to answer any questions. Lacey began by passing out a map of Phase 2 to all board members and informed them that Crossland Construction should get approval to begin the project in December. Lacey stated that phase 2 will include token operated batting cages, pickleball courts, renovations and expansion to the basketball courts as well as fencing and a new concessions area and restrooms for the soccer complex. Christy asked about lighting and Lacey stated the lighting around all courts will all be like what the existing tennis courts have now and Sycamore Street will be getting new streetlights that will help. Lacey stated that if the budget allows, they may also add benches, a change machine and

water fountains. A discussion was held on more parking areas including ADA. Greg Kelley asked about mesh netting around the pickleball courts due to high winds and Lacey stated she would check on it, and Greg stated that is what the country club uses on their courts. Lacey stated the city is hoping IRC can help with new tables and furniture for the patio of the new concessions area as well as any fixtures, refrigerators, freezers and storage.

Annual Audit

Brent informed the commission that Jarred, Gilmore & Phillips, CPA was in to do the annual audit of IRC last week. Brent stated that he does not anticipate any deficiencies but invited them back to speak at an upcoming board meeting once the audit is completed.

Bids for Painting of the Ash Pool

Brent reminded the board that it is about time to get the indoor pool painted again as discussed over the past few months. Brent stated it is always best to paint it during the winter and throughout the holidays when things are slower and save on those high winter utility bills. Brent stated he would like to put the pool painting out for bids as soon as possible with a timeline of December or January if it doesn't interfere with high school swim team. Brent stated he is estimating the painting to be between \$5,000-\$7,500 not including the purchase of paint. Dustin Woodward moved to approve obtaining bids for the painting of the indoor pool. Greg Kelley seconded the motion. Motion carried 3-0.

Ash Center Digital Sign

Brent updated the board members as to what he has been able to find out on a new digital sign for in front of the Ash Youth Center. Brent stated he has reached out to the school district and hasn't had much luck, he also spoke with current board member, Moises Rivera, regarding a company called LED Lights out of Florida, but does not think that is what IRC is really looking for. Brent stated he contacted Karen Stoner, at Commercial Bank, and they use CDL out of Pittsburg and are happy with their sign. Brent stated he will meet with CDL on Friday and get more information. Greg Kelley stated that the Independence Museum uses SignLink out of Springfield, MO and is also very happy. Greg stated he would get Brent their information so he can check with them as well.

Employee Holiday Bonus

Christy Mavers suggested recessing into executive session with IRC board members to discuss staff holiday bonuses.

Executive Session

A. Personnel matters of non-elected personnel.

On the motion of Christy Mavers, seconded by Greg Kelley the Commission recessed for an executive session to discuss an employee's performance pursuant to the non-elected personnel

exception, K.S.A. 75-4319(b)(1). The open meeting will resume at 12:28 p.m. in the Ash Center's Meeting Room.

Aye: Christy Mavers, Greg Kelley, Dustin Woodward

Nay: None

The open meeting resumed at 12:28 p.m.

Action After Executive Session

On the motion of Greg Kelley, seconded by Dustin Woodward the commission authorized annual holiday bonuses to full-time and regular part-time staff as amended by the commission.

Aye: Christy Mavers, Greg Kelley, Dustin Woodward

Nay: None

Items From the Commission

Dustin Woodward *Asked about the operating procedures of the board and stated his main concern is when Christy Mavers gets off the board this coming July, how do they decide who will take the Chairman's place and so on. Brent explained the procedure and how the board votes each July for positions and how the school district selects two board members for four-year terms, the city selects two members, and the recreation commission has one member that the board itself selects. Christy stated she will start working on a to-do list of things she does for the board and is responsible for so they will have a general guideline once she is gone.

Agreement for Action on Items from the Commission

There were no agreements for action on items from the commission.

Dustin Woodward filled in as secretary in Joe Housel's absence.

Adjournment

Greg Kelley moved to adjourn the meeting. Dustin Woodward seconded. Christy Mavers adjourned the meeting at 12:52 p.m.

Respectfully Submitted,

Dustin Woodward
Acting Secretary