

INDEPENDENCE CITY COMMISSION

**REGULAR SESSION AGENDA**

February 12, 2026

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. 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 of the January 21st, 22nd and 28th regular and special meetings
- B. Consider authorizing the closure of certain streets within Riverside Park for the annual Run4Fun 4K on May 9th, 2026.
- C. Consider allowing bidding for the 2026 Street Marking project.
- D. Consider allowing bidding for the 2026 Salt-Sand Storage project.
- E. Consider allowing bidding of airport apron pavement maintenance.
- F. Consider authorizing disposal by auction of various items of City property.

III. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 700 N. 12th Street as dangerous and unsafe.
- B. Public Hearing to consider condemnation of 1116 W. Main Street as dangerous and unsafe.
- C. Public Hearing to consider condemnation of 300 Westminster Place as dangerous and unsafe.
- D. Public Hearing to consider condemnation of 721 Washington Street as dangerous and unsafe.
- E. Public Hearing to consider condemnation of 1300 W. Myrtle Street as dangerous and unsafe.
- F. Public Hearing to consider condemnation of 828 W. Cottonwood Street as dangerous and unsafe.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider a resolution to rescind the condemnation action of 521 N. 24th Street and 518 N. 9th Street.
- B. Consider setting the date of April 9, 2026 for a Public Hearing to consider the condemnation of 1014 W. Beech as dangerous and unsafe.
- C. Consider setting the date of April 9, 2026, for a Public Hearing to consider the condemnation of 608 E. Cedar Street.
- D. Consider authorizing the City of Independence to acquire the Martin Estate LLC homes using funds provided by the Independence Housing Authority, with the properties to be managed by the Housing Authority.

- E. Consider awarding disposal of the Water Treatment Plant residuals to Midwest Injection, Inc.
- F. Consider the recommendation of the Economic Development Advisory Board to acknowledge expiration of the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications, decline to extend or revive the Agreement, and allow continued construction under the existing City permit.
- G. Consider changes to Transformative Art in Public Places (TAPS) electrical box art projects.
- H. Consider canceling the February 18, 2026 Special Commission Meeting.

V. REPORTS

- A. City Board Minutes

VI. CITY MANAGER'S COMMENTS

VII. COMMISSIONERS' COMMENTS

VIII. PUBLIC CONCERNS

IX. EXECUTIVE SESSION

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

X. ADJOURNMENT





**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department City Clerk**

**Director Approval David Schwenker**

**AGENDA ITEM** Consider approving the minutes of the January 21st, 22nd and 28th regular and special meetings

**SUMMARY RECOMMENDATION** Approve the minutes.

**BACKGROUND**

**FINANCIAL INFORMATION**

**SUGGESTED MOTION** I move to approve the minutes of the January 21st, 22nd and 28th 2026 regular and special meetings

**SUPPORTING DOCUMENTS**

1. January 21 2026 Special Commission Meeting Minutes
2. January 22 2026 Minutes
3. January 28 2026 Special Commission Meeting Minutes

## Minutes of the City Commission's January 21, 2026 Meeting

### I. SPECIAL SESSION

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

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; Lacey Lies, Finance Director; John Garris, City Engineer/Director of Public Works and David Schwenker, City Clerk/City Treasurer.

Visitors Present: None

#### A. Call to Order

**Mayor Hayse called the meeting to order.**

### II. EXECUTIVE SESSION

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

**Motion:**

**On the motion of Dean Hayse, seconded by Scott Smith, the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception, KSA 75-4319(b)(2). The open meeting will resume at 9:20 a.m. in the Commission Room of City Hall.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

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

**Motion:**

**On the motion of Dean Hayse, seconded by Scott Smith, the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception, KSA 75-4319(b)(2). The open meeting will resume at 9:25 a.m. in the Commission Room of City Hall.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

**The open meeting resumed at 9:25 a.m.**

**Motion:**

**On the motion of Dean Hayse, seconded by Scott Smith, the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception, KSA 75-4319(b)(2). The open meeting will resume at 9:30 a.m. in the Commission Room of City Hall.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

**The open meeting resumed at 9:30 a.m. with no action taken.**

**III. ITEMS FOR DISCUSSION**

**A. Discuss idle meter fee.**

**The purpose of this worksession is to provide the City Commission with an updated overview of staff's evaluation of an idle water meter fee, summarize prior Commission discussion and direction, and present financial and operational considerations to determine whether the Commission wishes to provide additional policy direction or take no further action at this time.**

**Since the Commission has reorganized and includes one new Commissioner who has not previously reviewed this information, this item is intended to ensure a common baseline understanding of the issue, prior discussion, and policy considerations.**

**No formal action is requested at this meeting.**

**As part of the City's Beautification – Assist Homes initiative, staff was directed to establish a process to evaluate data and policy options related to the potential implementation of an idle water meter fee. The concept has been explored as a mechanism to address system costs associated with inactive or vacant properties that remain connected to the municipal water system.**

**The item was added to the City's Goals and discussed by the City Commission at a Special Meeting on February 26, 2025. At that meeting, staff presented preliminary concepts related to inactive meters, potential fee structures, and related enforcement considerations. Following discussion, a majority of the Commission indicated they did not wish to move forward with an idle meter**

**Minutes of the City Commission's January 21, 2026 Meeting**

**fee at that time but requested additional evaluation and a structured timeline before revisiting the issue.**

**Director Lies led the discussion.**

**B. Discuss sanitation services.**

**Engineer Garris and Director Lies led the discussion.**

**IV. ADJOURNMENT**

**Motion:**

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

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

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**Dean A. Hayse, Mayor**

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**W. Scott Smith, Commissioner**

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**Tim White, Commissioner**

**Attest:**

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**City Clerk/Treasurer**

## Minutes of the City Commission's January 22, 2026 Meeting

### I. REGULAR SESSION

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

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; Dustin Stafford, Chief of Police and Jordan Bagley, IT Technician Coordinator.

Visitors Present: Larry McHugh, Breanna Sanford, Ned Stichman, Lisa Drumeller, Dick Drumeller, Alaina Birde, Antonio Jackson and Eric Bennett.

#### A. Call to Order

**Mayor Hayse called the meeting to order.**

#### B. Pledge of Allegiance to the United States of America

#### C. Adoption of Agenda

**Motion:**

**On the motion of Scott Smith, seconded by Tim White, the Commission adopted the agenda.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

### II. CONSENT AGENDA

**Motion:**

**On the motion of Tim White, seconded by Scott Smith, the Commission adopted the consent agenda.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

#### A. Consider approving the minutes of the January 8th, 9th and 12th regular and special meetings

**Suggested Motion:**

**I move to approve the minutes of the January 8th, 9th and 12th 2026 regular and special meetings.**

## Minutes of the City Commission's January 22, 2026 Meeting

- B. Consider authorizing the submittal of the KAIP grant application to KDOT to replace airfield guidance signage at the Independence Municipal Airport.

**Kansas Department of Transportation (KDOT) Kansas Airport Improvement Program (KAIP) is accepting applications for state fiscal year 2027/2028 are due on January 31, 2026. The following project has been suggested for submission:**

**Replace Airfield Guidance Signage:**

| <b>Estimated Cost</b> | <b>Estimated City Match</b> |
|-----------------------|-----------------------------|
| <b>\$485,000</b>      | <b>\$48,500</b>             |

**A number of the existing signs at the Independence Municipal Airport no longer meet FAA standards for sign color due to fading over time. 25 of them are recommended for replacement in this KAIP grant application, as the others are currently scheduled for replacement when 17-35 is reconstructed.**

**This project will not replace the electrical circuitry of the entire system, but rather just circuitry in the immediate vicinity of the replaced signs.**

**Suggested Motion:**

**I move to authorize the submittal of the KAIP grant application to KDOT to replace airfield guidance signage at the Independence Municipal Airport.**

- C. Consider authorizing acceptance for a Safe Streets for All (SS4A) grant contract from KDOT for a multiuse path along West Main, between 10th Street and the railroad overpass.

**The City was selected by the Federal Highway Administration (FHWA) for a SS4A grant. As a part of the application, KDOT approved the matching funds required by the FHWA for the City in the amount of \$321,000.00.**

**As a reminder, the planned scope of the SS4A grant is:**

- o Addition of a multiuse path as an alternative to walking in the street. This path will be along West Main, between 10<sup>th</sup> Street and the railroad overpass.**
- o Curb extensions. The curb extensions will be on wider roadways with higher traffic.**
- o High-visibility crosswalks, lighting, signing, and pavement markings.**
- o Modification of stoplight signal timing in all signals that the design identifies do not meet current standards or best practices.**
- o Installation of Rectangular Rapid Flashing Beacons (RRFBs).**

- o Edge delineation using reflective strips on signposts, object marker delineators, and pavement markings.
- o Improve visibility of intersections and traffic control devices by adding signing, backplates for signals, replacing pavement markings, and reflective sheeting.
- o Use of radar speed feedback signs
- o Collection of pedestrian volume/exposure data to understand travel patterns around the high injury network.

The high injury network is identified as:

- Poplar, between 6<sup>th</sup> and 8<sup>th</sup>
- Walnut, between 6<sup>th</sup> and 8<sup>th</sup>
- Maple, between 6<sup>th</sup> and Park
- Magnolia, between 9<sup>th</sup> and 10<sup>th</sup>
- Maple, between Park and 8<sup>th</sup>
- Maple, between 10<sup>th</sup> and 17<sup>th</sup>
- Main, (entirety)
- Myrtle, between 10<sup>th</sup> and 11<sup>th</sup>
- Laurel, between 6<sup>th</sup> and 22<sup>nd</sup>
- 11<sup>th</sup> between Main and Chestnut
- Chestnut between 6<sup>th</sup> and Chestnut
- 10<sup>th</sup>, between southern city limits and Taylor
- Locust between 2<sup>nd</sup> and 10<sup>th</sup>
- Penn between Chestnut and northern city limits
- Sycamore between 9<sup>th</sup> and 13<sup>th</sup>
- Oak, (entirety)
- Park, Locust to Oak
- North 2<sup>nd</sup>, Parkhurst to Oak
- Fairway, (entirety)

KDOT has requested that we execute the grant contract with them. As the City has not yet received final grant paperwork from the FHWA, KDOT has assured us that should the SS4A grant from the FHWA not be executed, there would be no obligation.

**Suggested Motion:**

I move to authorize acceptance of the KDOT matching grant for the SS4A Grant Program for a multiuse path along West Main, between 10th Street and the railroad overpass, and to allow the execution of any necessary

documents.

- D. Consider approving a change order with BCI Mechanical, Inc. for a replacement hot water system for Memorial Hall.

The existing hot water system at Memorial Hall has failed, with the existing heater having failed due to corrosion leading to a breach of containment. The existing system was used to power showers, hot water for handwashing, and hot water for dishes in the kitchen. It is proposed to replace the existing 80 gallon hot water single unit with two 40 gallon units operating in parallel. The reason to make the change is to move to two more commercially available units. Future hot water tank replacements will be able to be done in a manner and cost similar to residential hot water tank replacements, rather than at the cost required for the larger, more industrial units. Had this system been plumbed in this fashion previously, the hot water system would not be out of service, and the unit could have been replaced via a stock item by a local plumber purchased from a local store.

This change requires modification to the flue, natural gas feed, water system, and expansion system. Cost is \$24,598.00.

**Suggested Motion:**

I move to authorize a change order in the amount of \$24,598.00 for the replacement hot water system at Memorial Hall and for the execution of any necessary documents.

III. PUBLIC HEARING

- A. Public Hearing to consider the condemnation of 817 W. Cottonwood Street as dangerous and unsafe.

On September 25, 2025, the City Commission adjourned the hearing for 60 days to allow the owner to continue work on the structure. The owner continues to work with the building inspector as he makes repairs. The owner is making repairs because he has the funds to purchase the necessary materials. The building inspector said progress continues but is continuing but funding is an issue. The building inspector recommends adjourning the hearing for 90 or 120 days.

**Motion:**

On the motion of Scott Smith, seconded by Tim White, the Commission adjourned the public hearing to consider condemnation of 817 W.



## **Minutes of the City Commission's January 22, 2026 Meeting**

**Cottonwood Street as dangerous and unsafe until May 28, 2026, at 5:30 p.m.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

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

**On September 25, 2025, the City Commission voted to adjourn the condemnation hearing to January 22, 2026, at 5:30 p.m. The property owner was directed to meet with David Cowan, submit a detailed timeline of proposed repairs, and initiate either the repair or removal of the structure. The owner has submitted the attached timeline.**

**City staff met with the owner on January 13, 2026. At that time, the owner advised that work is ongoing; however, progress has been slower than anticipated. The owner will be present at the meeting to review the progress with the Commission and to discuss his proposed timeline for completion of the repairs. Staff has updated the property photographs as of January 14, 2026.**

**Motion:**

**On the motion of Scott Smith, seconded by Tim White, the Commission adjourned the public hearing to consider condemnation of 314 N. 5th Street as dangerous and unsafe to May 28, 2026 at 5:30 p.m.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- C. Public hearing to consider the condemnation of 800 W. Chestnut Street as dangerous and unsafe.

**The property located at 800 W. Chestnut Street has been previously reported to the City for issues involving the condition of the primary structure, debris and code enforcement issues. Upon inspection, City staff observed that the structure is in significant disrepair, poses safety hazards, and has not had city utilities since 2010. The basement had approximately 4' of water in it during our initial visit. The foundation and basement walls exhibit significant deterioration.**

**City staff recommends condemnation as dangerous and unsafe.**

## **Minutes of the City Commission's January 22, 2026 Meeting**

### **Motion:**

**On the motion of Scott Smith, seconded by Tim White, the Commission adjourned the public hearing to consider condemnation of 800 W. Chestnut Street as dangerous and unsafe to March 12, 2026 at 5:30 p.m.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- D. Public hearing to consider the condemnation of 814 W. Chestnut Street as dangerous and unsafe.

**The property located at 814 W. Chestnut Street has previously been reported to the City for issues related to the condition of the primary structure, accumulation of debris, and other code enforcement concerns. Upon inspection, City staff observed that both structures on the property are in significant disrepair, pose safety hazards, and are currently being used for storage purposes.**

**Hannah's House has applied for a building permit and has submitted plans to remodel the property for use as a thrift store. Building Permit No. 025.221 was approved on December 2, 2025.**

**City staff recommends that the Commission adjourn the public hearing to allow sufficient time for Hannah's House to complete the proposed remodel.**

### **Motion:**

**On the motion of Tim White, seconded by Scott Smith, the Commission adjourned the Public Hearing for 814 W. Chestnut until May 28, 2026, at 5:30 pm.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- E. Public hearing to consider the condemnation of 212 W. Laurel Street as dangerous and unsafe.

**The property located at 212 W. Laurel Street has previously been reported to the City for issues related to the condition of the primary structure, accumulation of debris, and other code enforcement concerns. Upon inspection, City staff observed that both structures on the property are in**

significant disrepair, pose safety hazards, and had been occupied by squatters despite the absence of active water service.

The City subsequently evicted the occupants due to the lack of water service. During the eviction process, City staff found the interior of the structure to be in substantial disrepair and not suitable for human habitation. The house was occupied by about 7-10 people when the eviction occurred.

City staff recommends condemnation of the property as dangerous and unsafe.

**Motion:**

On the motion of Tim White, seconded by Scott Smith, the Commission adopted a resolution condemning 212 W Laurel Street as dangerous and unsafe.

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- F. Public hearing to consider the condemnation of 809 W. Main Street as dangerous and unsafe.

The structure located at 809 W. Main Street has previously been reported to the City for issues related to squatters, as well as the condition of the primary structure and detached garage. City staff conducted an exterior review of the structures and found them to be in disrepair and to pose dangerous and unsafe conditions.

City staff has made contact with the property owner, who is in the process of scheduling an Nspire inspection. The owner has indicated an intent to rehabilitate the structure and is also considering selling the residence.

City staff will schedule the inspection prior to the January 22, 2026, Commission meeting and will provide an update at that meeting regarding the status of the residence and whether a timeline for repairs has been established.

**Motion:**

On the motion of Scott Smith, seconded by Tim White, the Commission adopted a resolution condemning 809 W. Main Street as dangerous and unsafe.

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- G. Public hearing to consider the condemnation of 805 W. Sycamore Street as dangerous and unsafe.

**The property located at 805 W. Sycamore Street has been previously reported to the City for issues involving squatters and concerns regarding the condition of the primary structure and detached garage. Upon inspection, City staff observed that both structures are in significant disrepair, pose safety hazards, and show evidence of animal intrusion. The property has not had active City utility service since 2016.**

**City staff recommends the commission adopt a Resolution condemning the structure as dangerous and unsafe.**

**Motion:**

**On the motion of Tim White, seconded by Scott Smith, the Commission adopted a resolution condemning 805 W. Sycamore Street as dangerous and unsafe.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- H. Public hearing to consider the condemnation of 705 Washington Street as dangerous and unsafe.

**The property located at 705 Washington Street has been previously reported to the City for issues involving the condition of the primary structure, debris and code enforcement issues. Upon inspection, City staff observed that both structures are in significant disrepair, pose safety hazards, and the owner has vacated the structure in the last couple of months.**

**City staff recommends adopting the Resolution condemning the structure as dangerous and unsafe.**

**Motion:**

**On the motion of Scott Smith, seconded by Tim White, the Commission adopted a resolution condemning 705 Washington Street as dangerous and unsafe.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

## **Minutes of the City Commission's January 22, 2026 Meeting**

- I. Public hearing to consider the condemnation of 733 Washington Street as dangerous and unsafe.

**The structure at 733 Washington Street has been reported to the City regarding squatters and the condition of the structure. City Staff have reviewed the exterior of the structures and found them to be in disrepair, dangerous and unsafe. City Staff is recommending the condemnation of the structure as dangerous and unsafe.**

**Motion:**

**On the motion of Tim White, seconded by Scott Smith, the Commission adopted a resolution condemning 733 Washington Street as dangerous and unsafe.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- J. Public hearing to consider condemnation of 401 S. 2nd Street as dangerous and unsafe.

**On May 3, 2025, a structure located at 401 S. 2nd Street sustained extensive damage as the result of a fire. The incident caused significant fire damage to the second floor and substantial water damage to both the first and second floors. At the time of the fire, the structure was uninsured. The most recent communication with the property owner prior to the incident indicated an intent to sell the property.**

**Subsequent communication suggested that the property may have been sold. City staff worked to verify this information and has since confirmed that the property has been sold. The City has been in contact with the realtor involved in the transaction. The new owner is not fluent in English; therefore, the realtor will be present at the meeting to assist with communication and to respond to questions from the Commission. Staff has been informed that the owner's son purchased the property with the intent to remodel the residence and relocate his mother into the home.**

**Motion:**

**On the motion of Scott Smith, seconded by Tim White, the Commission adjourned the public hearing for 401 S. 2nd Street until May 28, 2026, at 5:30 pm.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

IV. ITEMS FOR COMMISSION ACTION

- A. Consider adopting a resolution for a conditional use permit to allow a kennel in a C-2, commercial services district, at 112 S 25th Street.

**Mark Ferrell submitted an application for a Conditional Use Permit to operate a kennel at 112 S 25th Street. The property is currently zoned C-2 (General Commercial), and kennels require a conditional use permit under the Independence Zoning Code.**

**Planning Commission Action**

- The Planning and Zoning Commission held a public hearing on January 6, 2026.
- One individual attended with the intent to speak regarding concerns; however, after reviewing the information provided by the applicant, the individual stated the concerns were resolved and expressed support for the request moving forward.
- Staff also received a call from an additional individual who raised concerns related to waste and noise. The individual was encouraged to either attend the public hearing (in person or by phone) to present those concerns to the Planning Commission, or to submit a written summary for inclusion in the meeting materials (with the option to be provided anonymously). The individual did not attend the hearing and did not submit written comments for the record.
- To address concerns raised during the review process, conditions of approval for the CUP are recommended by staff and the planning board related to operational limits, outdoor activity, and sanitation (these conditions are listed in the next section and are fully laid out in the attached resolution).
- After discussion, the Planning Commission voted 9-0 to recommend approval of the Conditional Use Permit.

**Recommended Conditions of Approval**

**City staff and the planning board recommends the following conditions to the conditional use permit, which have been included in the attached resolution:**

- **Maximum Capacity.** The maximum number of dogs permitted on-site at any one time shall not exceed the limit allowed under applicable Kansas kennel regulations
- **Hours of Operation.** Operations are limited to 7:00 a.m. to 10:00 p.m.

## **Minutes of the City Commission's January 22, 2026 Meeting**

- **Outdoor Activity.** Dogs may be outdoors only for brief, supervised periods; dogs shall not be left unattended outdoors.
- **Screening.** Screening and fencing shall be installed and maintained in compliance with the zoning code.
- **Sanitation / Waste.** Waste shall be removed promptly; outdoor areas shall be cleaned and maintained to control odor and pests; compliance with applicable county/state health requirements is mandatory.

### **Motion:**

**On the motion of Tim White, seconded by Scott Smith, the Commission adopted Resolution 2026-017 authorizing a Conditional Use Permit for a kennel (boarding only) at 112 South 25th Street as recommended by the Planning and Zoning Commission, subject to conditions.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- B. Consider setting the date of March 26, 2026, for a Public Hearing to consider the condemnation of 1312 N. 10th Street as dangerous and unsafe.**

**The property located at 1312 N. 10th Street has been previously reported to the City for issues related to the condition of both the primary structure and the garage. City Code Enforcement and the Building Inspector have issued violation notices concerning the deteriorated exterior conditions. The residence last had water service on 08/15/2022 and is currently vacant.**

**Based on these conditions, City staff recommends setting a public hearing to consider the condemnation of the structure.**

### **Motion:**

**On the motion of Scott Smith, seconded by Tim White, the Commission adopted a resolution setting the date of March 26, 2026, at 5:30 pm for a Public Hearing to consider the condemnation of 1312 N. 10th Street as dangerous and unsafe.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

- C. Consider setting the date of March 26, 2026, for a Public Hearing to consider the condemnation of 1924 N. 10th Street as dangerous and unsafe.**

## **Minutes of the City Commission's January 22, 2026 Meeting**

On January 5, 2026, a vehicle fire at 1924 N. 10th Street extended to the residence, causing extensive damage to two bedrooms. Upon further investigation by Fire-EMS, the structure was determined to be in poor condition, uninhabitable, and unsafe. City staff recommends setting a public hearing for March 26, 2026, at 5:30 p.m. to consider condemnation of the structure.

### **Motion:**

On the motion of Tim White, seconded by Scott Smith, the Commission adopted a resolution setting the date of March 26, 2026, at 5:30 pm for a Public Hearing to consider the condemnation of 1924 N. 10th Street as dangerous and unsafe.

**Aye:** Dean Hayse, Scott Smith, Tim White

**Nay:** None

- D. Consider accepting a High-Risk Urban Road grant for safety enhancements at high-traffic intersections.

An analysis by KDOT showed that most fatal and serious injury crashes at stop-controlled intersections occurred on the local network within urban area boundaries, especially on roads classified as a major collector or minor arterial.

As such, KDOT has initiated a grant program for improving the safety of these intersections. They will order new stop signs, new “stop ahead” signs, reflective sheeting for posts, and thermoplastic stop bars. The City’s responsibility would be the installation of the materials within 6 months and maintaining them for three years. As these are the busiest intersections in the City that are not part of the KDOT system, this grant would enhance the safety of those intersections at minimal cost to the City.

There are six locations entirely within the City applied for, and one shared with the County. The County agreed to install the signs that are on County roads if the application was successful. KDOT has awarded this grant to the City. A contract with KDOT for execution is attached.

### **Motion:**

On the motion of Scott Smith, seconded by Tim White, the Commission authorized acceptance of the High Risk Urban Road grant for safety enhancements at high-traffic intersections, and for the execution of any necessary documents.



**Aye:** Dean Hayse, Scott Smith, Tim White

**Nay:** None

- E. Consider contracting with Hauler Hero for software licensing to assist with the management of sanitation collection logistics.

**A search was started due to dissatisfaction with the existing routing software. Four primary companies were evaluated on the basis of capabilities. The selected provider, Hauler Hero, was found to have the closest match to the perceived needs of the sanitation department.**

**There are several elements driving the adoption of the software. Although the current leadership of the Sanitation Department is able to keep reports of missed trash on most weeks to a range of zero to eight, this is not done without a significant amount of effort and some inefficiency.**

**Prior to 2023, the department had been dependent upon longer-term employers to know and drive the routes without significant intervention or correction: the employees knew and were familiar with the routes. Given that there has been significant turnover (only one of the drivers has more than two years' experience with the City in Sanitation) that implicit knowledge is lost. This makes route disruptions difficult to recover from on days when the planned collections are interrupted.**

**Attempts to create maps to guide new drivers have had mixed results, and do not provide a mechanism to verify service or provide significant data to determine the efficiency of the routes. The software will provide routing for new or replacement drivers on a real-time basis. Additionally, this will provide data to uncover opportunities to increase efficiency and provide data versus intuition as the basis for future Sanitation Department decisions.**

**Based on the evaluation of the capabilities of the software, it appears that routes can be economically and quickly created and service can be verified. Additionally, the software can also be adapted to more fairly distribute costs among users based upon actual service consumption if required.**

**The software will be integrated with the existing accounting software suite, Tyler Technologies, so that customer addresses can be verified. Implementation is estimated to take 8 to 12 weeks, based on Hauler Hero's previous experience.**

## Minutes of the City Commission's January 22, 2026 Meeting

The implementation fee for the software is \$20,000. The license costs for the service is \$388 per vehicle per month. For a fleet of three trucks, this would be a cost of \$13,968 a year, with an escalation clause of 3% per year. The contract would be year-to-year with a six-month notice required for cancellation.

### **Motion:**

**On the motion of Tim White, seconded by Scott Smith, the Commission licensed the Hauler Hero software for use in the Sanitation Department and to allow the execution of any necessary documents.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

## V. REPORTS

### A. City Board Minutes

**December 17, 2025 Library Board of Trustees Minutes.**

### B. Monthly Projects and Public Works Report

**Engineer Garris discussed the report.**

## VI. CITY MANAGER'S COMMENTS

City Manager Passauer reviewed the dates of upcoming events like the chamber banquet, the main street. banquet, a special meeting to consider a new community based stratigec plan, a combined Commission and Planning and Zoning meeting, a list of upcoming commission meetings and City Hall will be closed on February 16, 2026 for Presidents Day.

Assistant City Manager Cowan provided a weather update on the coming winter storm and noted that the Wesley Center will be open as a warming shelter.

## VII. COMMISSIONERS' COMMENTS

None.

## VIII. PUBLIC CONCERNS

**Minutes of the City Commission's January 22, 2026 Meeting**

None.

**IX. ADJOURNMENT**

**Motion:**

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

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

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**Dean A. Hayse, Mayor**

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**W. Scott Smith, Commissioner**

---

**Tim White, Commissioner**

**Attest:**

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**City Clerk/Treasurer**

## Minutes of the City Commission's January 28, 2026 Meeting

### I. SPECIAL SESSION

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

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

Visitors Present: None

#### A. Call to Order

**Mayor Hayse called the meeting to order.**

### II. ITEMS FOR COMMISSION ACTION

#### A. Consider authorizing an interfund transfer to the airport fund.

**The Airport Operating Fund experienced cash flow pressures during calendar year 2025 attributable to a combination of revenue fluctuations, expenditure timing, and other operational factors. As a result, the Airport Fund is reporting a cash balance deficit as of December 31, 2025.**

**While the Airport Fund generated significant revenues during the year, total cash outflows exceeded inflows. In addition, approximately \$85,000 in accounts receivable related to invoiced fuel sales had been billed but not yet collected as of year-end. These receivables are expected to be received; however, they do not eliminate the cash balance deficit reported at December 31, 2025.**

**To address the reported year-end cash position and ensure accurate financial reporting, staff is requesting City Commission authorization to record an interfund transfer from the Water/Sewer Capital Fund to the Airport Fund in the amount of \$125,000, effective as of December 31, 2025.**

**The City Commission may authorize the transfer as either:**

- **a one-time transfer of financial support, or**
- **an interfund loan, with repayment terms established by the City Commission**

## **Minutes of the City Commission's January 28, 2026 Meeting**

**Authorization of the transfer with an effective date of December 31, 2025 will allow the transaction to be properly reflected in the City's 2025 financial records and clearly document Commission intent.**

**Motion:**

**On the motion of Scott Smith, seconded by Tim White, the Commission authorized a one-time interfund transfer in the amount of \$125,000 from the Water/Sewer Capital Fund to the Airport Fund, effective as of December 31, 2025, to provide operating support and restore a positive cash balance.**

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

### **III. ITEMS FOR DISCUSSION**

- A. Discuss progress of the Community-Based Strategic Plan and sanitation modifications.**

**City Manager Passauer gave a quick update on the Community-Based Strategic Plan and requested direction on the timing of sanitation modifications.**

### **IV. ADJOURNMENT**

**Motion:**

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

**Aye: Dean Hayse, Scott Smith, Tim White**

**Nay: None**

**Minutes of the City Commission's January 28, 2026 Meeting**

---

**Dean A. Hayse, Mayor**

---

**W. Scott Smith, Commissioner**

---

**Tim White, Commissioner**

**Attest:**

---

**City Clerk/Treasurer**



**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Park, Zoo & Cemetery**

**Director Approval Scott Patton**

**AGENDA ITEM** Consider authorizing the closure of certain streets within Riverside Park for the annual Run4Fun 4K on May 9th, 2026.

**SUMMARY RECOMMENDATION** I recommend that the commission approve the request for the closure of certain streets within Riverside Park for the annual Run4Fun 5K on May 9th, 2026.

**BACKGROUND** The Run4Fun 5K is an annual event that takes place in Riverside Park. Run4Fun is a non-profit organization whose goal is to promote a healthy lifestyle. The event is specifically intended for children ages K-6th. This will be the fourth year of the event, which was well attended last year. The event requires that streets along the race route be closed to traffic from 7:30 a.m. to 11:00 a.m. The date of the event is May 9, 2026.

**FINANCIAL INFORMATION** The only financial impact on the City will be the labor required of park employees to set out barricades and trash receptacles. This will take two staff members approximately one hour to complete.

**SUGGESTED MOTION** I move to authorize the request for the closure of certain streets in Riverside Park on May 9th from 7:30 a.m. to 11:00 a.m. for the annual Run4Fun 5K.

**SUPPORTING DOCUMENTS**

1. 05092026-Run4Fun\_Redacted

City of Independence  
Park Activity Application

Event Date: May 9, 2026

Size of Group: 100

Time: Start 7:30 Ending 11:00

Type of Event: Concert: ☐

Display: ☐

Exhibit: ☐

Other: 5K / Fun Run

Individual/Business/Organization: Run4Fun

Individual/Business Address: 3773 CR 3000 Independence

Non-Profit Organization

☒ Yes

☐ No

If yes - provide documentation.

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

If not for profit complete the following:

Contact Person: Tammy Roth

Phone Number: [REDACTED]

Are you renting a building? NO

Please describe your event: Fun Run & 5K for kids running club  
This is our 4th annual event "Saturday In The Park"

Area of the park you are planning on using: 5K Course & Oval

Services Needed: Barricades ☒ Yes ☐ No If yes, provide a map for placement.

**Barricades must be manned during the event. During breaks of event participants those that are renting facilities must be given access. Barricades must be removed 15 minutes past the end of the event.**

Street Closing Needed: ☒ Yes ☐ No If yes, provide a map for location.

Time of street closing: From: 8:00 To: 10:30

Times must be approved by park staff.

Electricity ☐ Yes ☒ No If so provide the location.



Trash Containers Needed: Yes

Special Arrangements: \_\_\_\_\_

Police, EMS or Fire Department Needed: \_\_\_\_\_ Yes ✓ No If yes, please provide details. \_\_\_\_\_

Other City Equipment Requested: \_\_\_\_\_

Attachments:

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

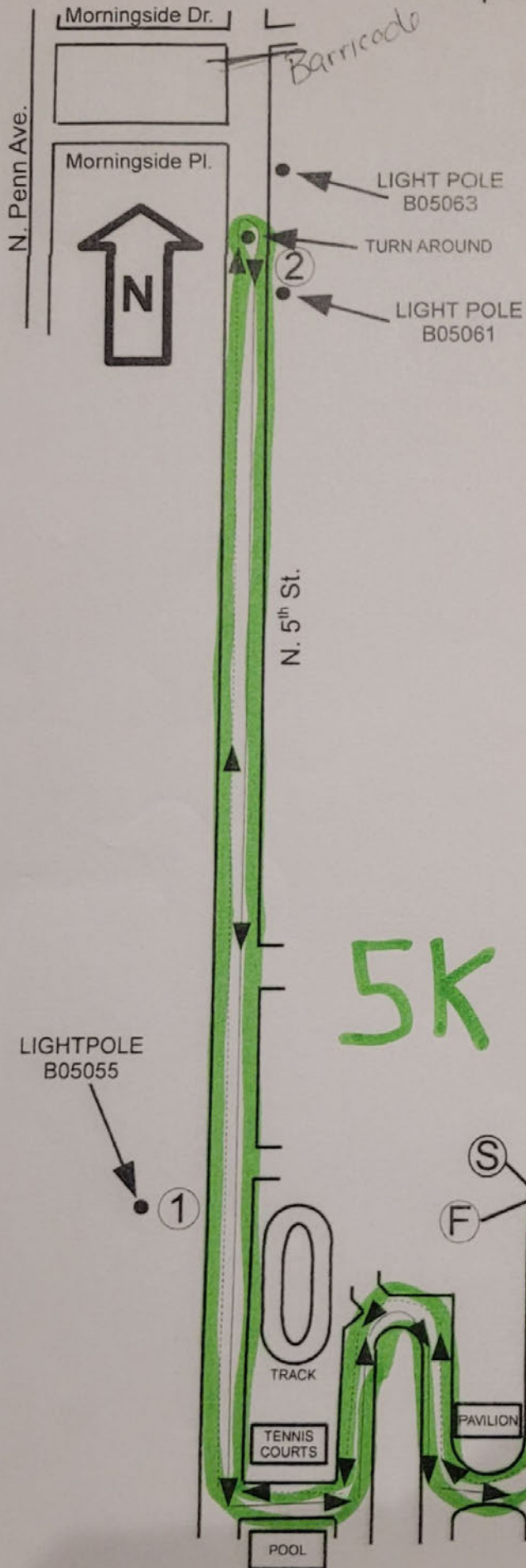
Signature of Renter: Johnny P. O.

Date: 12/15/25

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

# Neewollah 5k Independence, KS



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

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

## Start/Finish Detail



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



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department Public Works & Utilities**

**Director Approval John Garris**

**AGENDA ITEM** Consider allowing bidding for the 2026 Street Marking project.

**SUMMARY RECOMMENDATION** Authorize bidding.

**BACKGROUND** It has been requested to refresh existing paint marking on several road segments. Given that the volume of painting requested likely exceeds the capacity of the Street Department since they have a relatively small window when they have time, a private contractor is the best alternative to get the work done. The bids would be opened on March 19, 2026 at 2 PM.

**FINANCIAL INFORMATION** No costs will be incurred to bid the work.

**SUGGESTED MOTION** I move to authorize bidding of the 2026 Street Marking project as described in the attached Request for Proposals.

**SUPPORTING DOCUMENTS**

1. REQUEST FOR PROPOSALS - Street Marking

# **REQUEST FOR PROPOSALS (RFP)**

## **City Street Striping and Pavement Marking Project**

### **City of Independence, Kansas**

#### **ADVERTISEMENT FOR BIDS**

The City of Independence, Kansas, is accepting sealed bids for **street striping and pavement marking on various City streets**.

Bids must be submitted to the Office of the City Clerk, 120 N. 6th Street, Independence, Kansas 67301, on or before **2:00 p.m., March 19, 2026**. Bids shall be enclosed in a sealed envelope clearly marked on the outside **“Street Striping and Pavement Marking Bid.”** If a bid is mailed, the original envelope shall be enclosed in a separate envelope addressed to the City Clerk and marked as stated above. E-mail or fax bids will not be accepted.

The apparent low bid will be evaluated for responsiveness and completeness and presented to the Independence City Commission at a regular meeting for formal action.

A pre-bid meeting is **not required** for this project.

The City reserves the right to accept or reject any or all bids, or to waive any informalities or irregularities as may best serve the interests of the City. No bidder may withdraw a bid for a period of forty-five (45) days after the date and hour set for opening bids.

**John Garris**  
City Engineer

## SECTION 1 – INTRODUCTION AND PROJECT SUMMARY

The City of Independence is seeking proposals from qualified contractors to furnish all labor, materials, equipment, and incidentals necessary to complete **street striping and pavement marking on multiple City streets**.

This project consists primarily of repainting existing pavement markings, including centerlines, edge lines, lane lines, turn arrows, stop bars, crosswalks, and other standard traffic control markings. Streets included in this project are shown in the photo documentation provided as part of the bid package.

The total project cost is anticipated to be **less than \$75,000**.

## SECTION 2 – SCOPE OF WORK

### General Requirements

The Contractor shall provide all labor, materials, traffic control, and equipment required to complete pavement marking in accordance with this RFP.

Work shall include, but is not limited to:

- Re-striping of existing pavement markings on designated City streets
- Pavement surface cleaning and preparation prior to striping
- Layout and application of traffic markings
- Temporary traffic control as required to safely perform the work
- Final cleanup of the work area

### Pavement Marking Standards

All pavement marking materials and application methods shall conform to:

- **Kansas Department of Transportation (KDOT) Standard Specifications for State Road and Bridge Construction**, latest edition
- **Manual on Uniform Traffic Control Devices (MUTCD)**, as applicable

### Materials

All pavement marking materials shall conform to the **Kansas Department of Transportation (KDOT) Standard Specifications for State Road and Bridge Construction**, latest edition, including **Section 820 – Pavement Marking** and **Section 821 – Glass Beads**, as well as the current **KDOT Approved Materials Lists**.

## Acceptable Epoxy Pavement Marking Materials

Pavement markings shall be applied using a **two-component epoxy pavement marking system** approved by KDOT. Acceptable products include, but are not limited to, the following or approved equals:

- Ennis-Flint **HPS-8** or **HPS-2** Epoxy Pavement Marking
- PPG Industries **PSX / Epoxy Pavement Marking System**
- Sherwin-Williams **Fast Track™ Epoxy Pavement Marking**
- 3M or Ozark Materials epoxy pavement marking systems listed on the KDOT Approved Products List

All proposed products must appear on the KDOT Approved Materials List at the time of bid or be approved by KDOT prior to application. Listing of specific manufacturers is for reference only and shall not be construed as proprietary.

The epoxy pavement marking system shall:

- Be a true two-component epoxy material mixed in accordance with the manufacturer's recommendations
- Be suitable for application on both asphalt and Portland cement concrete pavements
- Be capable of meeting KDOT durability and retroreflectivity requirements

## Color Requirements

- **White markings** shall comply with KDOT requirements for lane lines, edge lines, crosswalks, stop bars, and pavement symbols.
- **Yellow markings** shall comply with KDOT requirements for centerlines and no-passing zones.
- All colors shall meet KDOT chromaticity and luminance requirements.

## Minimum Thickness Requirements

Epoxy pavement markings shall be applied at the following **minimum dry film thicknesses**, unless otherwise required by current KDOT specifications:

- **Line markings (white or yellow):** 20 mils minimum
- **Stop bars, crosswalks, arrows, and symbols:** 25 mils minimum

Thickness shall be measured in accordance with KDOT testing procedures. Markings not meeting minimum thickness requirements shall be replaced at the Contractor's expense.

## Glass Beads

- Reflective glass beads shall comply with **KDOT Section 821 – Glass Beads**.
- Beads shall be listed on the KDOT Approved Materials List.

- Beads shall be applied at the manufacturer's recommended rate and in accordance with KDOT specifications to achieve required retroreflectivity.

### **Application Requirements**

- Pavement surfaces shall be clean, dry, and free of debris, oil, dust, curing compounds, and loose material prior to application.
- Application shall occur only when pavement and ambient temperatures, humidity, and weather conditions meet KDOT requirements.
- All materials shall be applied using equipment capable of producing uniform lines with proper bead embedment.
- Markings shall be protected from traffic until sufficiently cured in accordance with manufacturer and KDOT requirements.

### **Pavement Marking Warranty**

The Contractor shall warrant all epoxy pavement markings against failure due to defective materials or workmanship for a period of **one (1) year** from the date of final acceptance by the City.

Failure shall include, but not be limited to:

- Excessive wear
- Peeling, flaking, or delamination
- Loss of adhesion
- Premature loss of retroreflectivity inconsistent with KDOT performance expectations

Any pavement markings found to be defective during the warranty period shall be replaced by the Contractor at no additional cost to the City. Replacement work shall comply with the same specifications and standards as the original installation.

### **Streets Included**

The streets to be striped under this project are illustrated in the document titled **"Paint Areas"**, which contains photographs and general limits of work. Contractors shall review these images prior to submitting a bid and include all associated work in their price.

### **Schedule**

- Work shall be coordinated with the City Engineer.
- The Contractor shall propose a start date and anticipated completion date.
- All work shall be completed within the time frame approved by the City following notice to proceed.



## SECTION 3 – CONTRACTOR RESPONSIBILITIES

The Contractor shall be responsible for:

- Verifying field conditions prior to striping
- Providing all traffic control and safety measures
- Compliance with all applicable federal, state, and local regulations
- Protection of existing pavement and adjacent property
- Correction of any defective work at no additional cost to the City

## SECTION 4 – PROPOSAL CONTENT

Proposals shall include the following information:

1. **Contractor Information** – Company name, address, contact person, phone number, and email.
2. **Experience and Qualifications** – Description of similar projects completed within the past five (5) years.
3. **Materials and Methods** – Confirmation that epoxy paint meeting KDOT specifications will be used.
4. **Project Schedule** – Estimated start and completion dates.
5. **Cost Proposal** – Lump sum bid for all work described in this RFP.
6. **Insurance Documentation** – Proof of required insurance coverage.

## SECTION 5 – BONDING REQUIREMENTS

Because the total project cost is expected to be **less than \$75,000, no bid bond, performance bond, or payment bond will be required** for this project.

## SECTION 6 – INSURANCE REQUIREMENTS

The Contractor shall provide proof of the following minimum insurance coverage prior to beginning work:

- **Workers' Compensation Insurance** in accordance with Kansas law
- **Commercial General Liability Insurance** with limits of not less than:
  - \$1,000,000 per occurrence
  - \$2,000,000 aggregate
- **Automobile Liability Insurance** with a combined single limit of \$1,000,000

The City of Independence shall be named as an additional insured. Certificates of insurance shall provide thirty (30) days' written notice prior to cancellation or non-renewal.



## SECTION 7 – BID FORM

### Street Striping and Pavement Marking Project

Lump Sum Bid Price: \_\_\_\_\_

(In Words): \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

## SECTION 8 – TERMS AND CONDITIONS

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

## CONTACT INFORMATION

For questions or additional information, please contact:

### **John Garris**

City Engineer

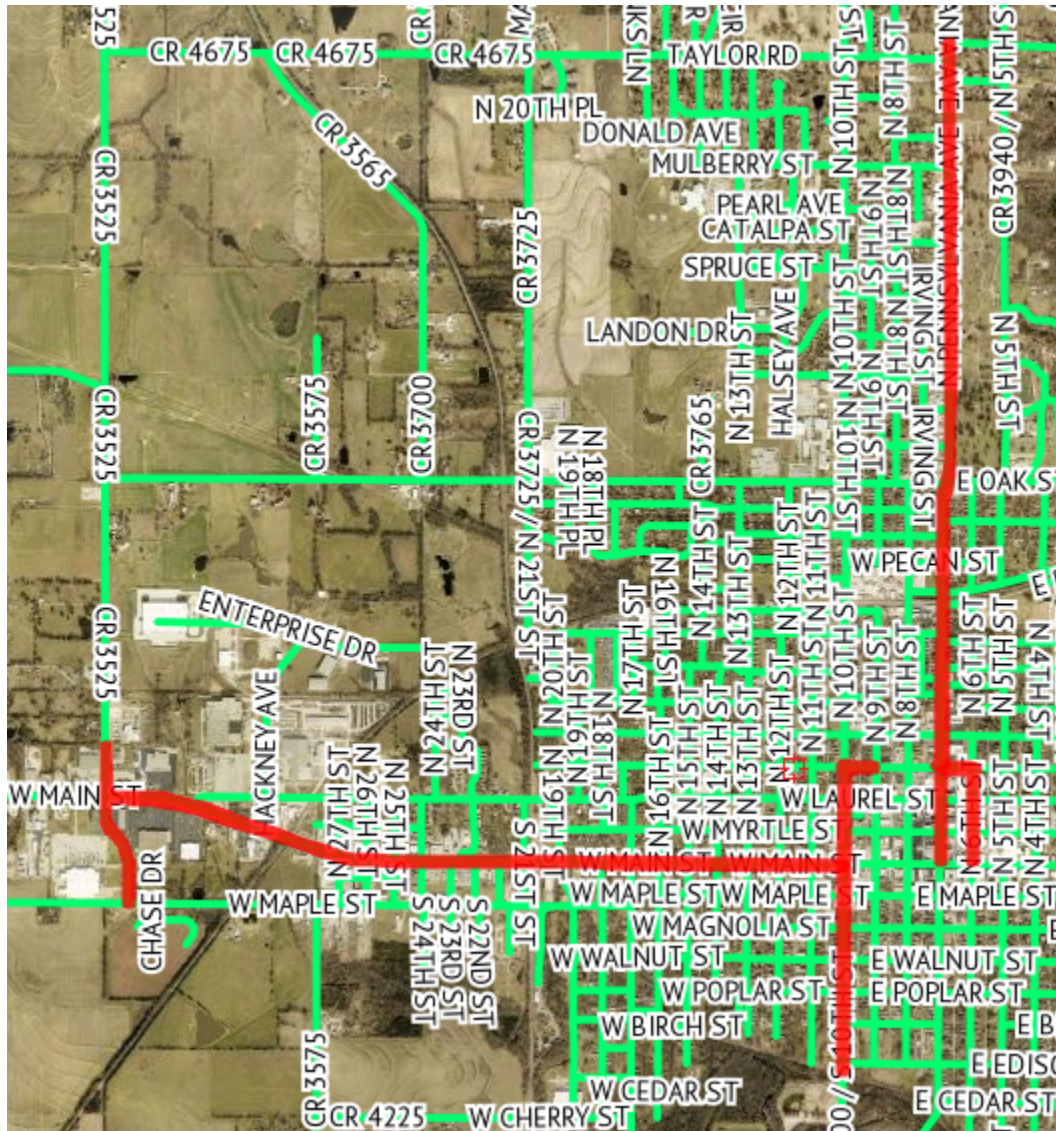
City of Independence

120 N. 6th Street

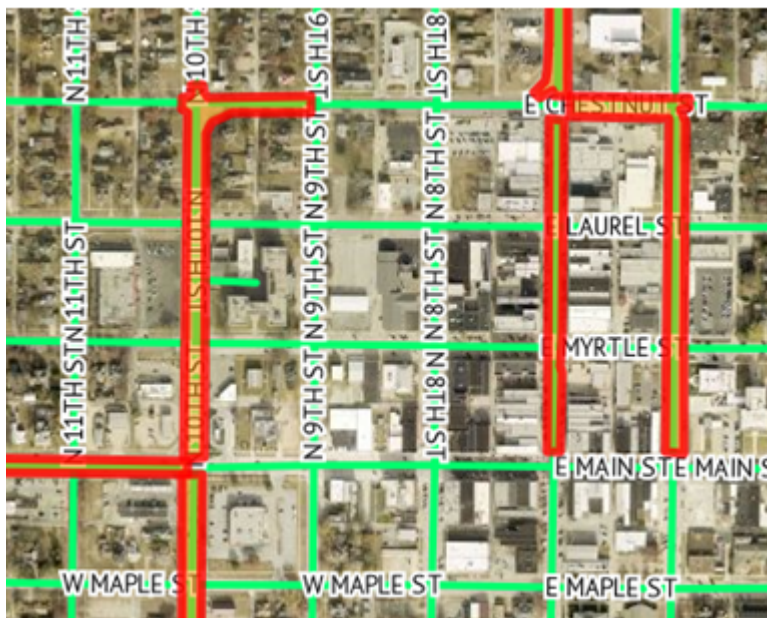
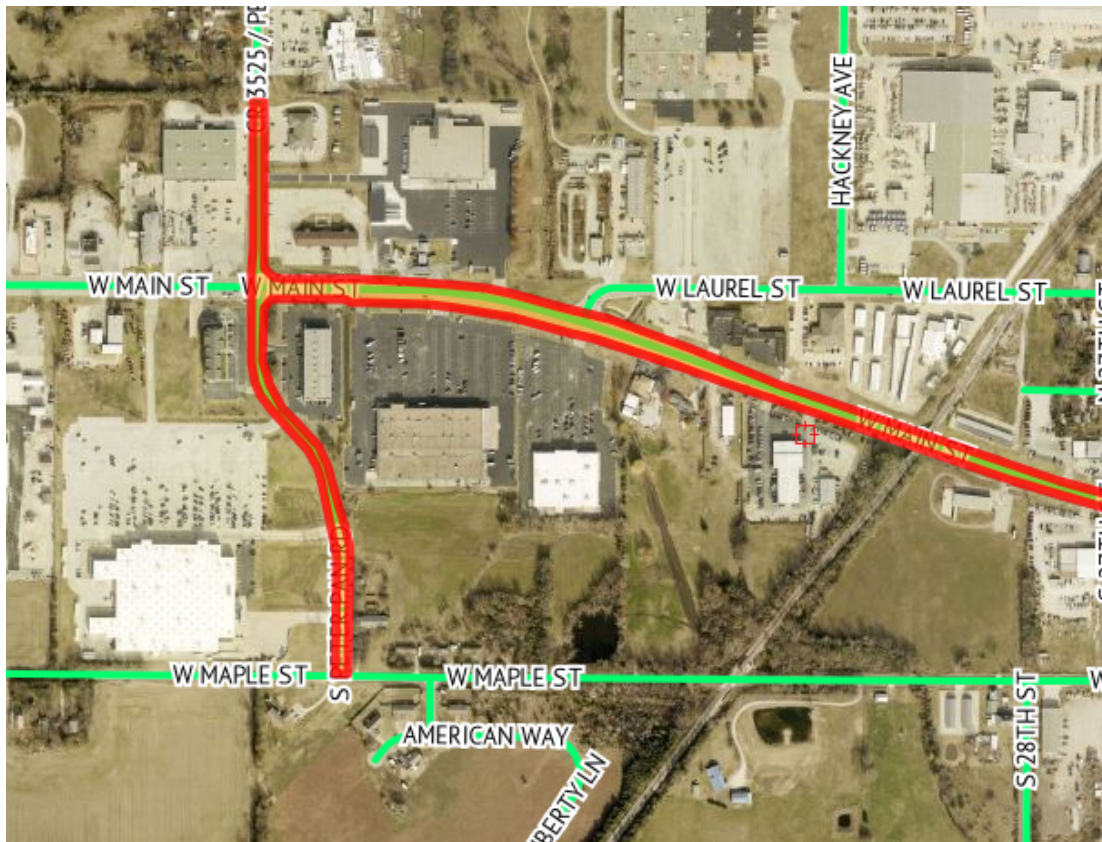
Independence, KS 67301

Email: [engineer@independenceks.gov](mailto:engineer@independenceks.gov)

## Streets Included:



## Additional Detail:







**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Public Works & Utilities**

**Director Approval John Garris**

**AGENDA ITEM** Consider allowing bidding for the 2026 Salt-Sand Storage project.

**SUMMARY RECOMMENDATION** Authorize bidding.

**BACKGROUND** The consolidated public works building was purchased in August. In order to bring full functionality to the facility, a location is needed to store road salt and aggregate to provide melting/friction surfaces. The currently existing facility is slated to be sold, and it is recommended to place the new storage facility at the new public works building. The bids would be opened on March 19, 2026 at 2 PM.

**FINANCIAL INFORMATION** No costs will be incurred to bid the work.

**SUGGESTED MOTION** I move to authorize bidding of the 2026 Salt-Sand Storage project as described in the attached Invitation to Bid.

**SUPPORTING DOCUMENTS**

1. Salt Sand Storage ITB v2

# INVITATION TO BID (ITB)

**Salt and Sand Storage Building, 2143 Enterprise Drive**

**City of Independence, Kansas**

## ADVERTISEMENT FOR BIDS

The City of Independence, Kansas, is accepting sealed bids for the **construction and installation of a Salt and Sand Storage Building**.

Bids must be submitted to the Office of the City Clerk, 120 N. 6th Street, Independence, Kansas 67301, on or before **2:00 p.m., March 19, 2026**. Bids shall be enclosed in a sealed envelope clearly marked on the outside **“Salt and Sand Storage Building Bid.”** If a bid is mailed, the original envelope shall be enclosed in a separate envelope addressed to the City Clerk and marked as stated above. E-mail or fax bids will not be accepted.

Bids will be publicly opened and read aloud. The apparent low bidder will be evaluated for responsiveness and responsibility and presented to the Independence City Commission for formal action.

A non-mandatory pre-bid meeting will be held at 2pm, February 25 at the project site, 2143 Enterprise Drive, Independence, Kansas.

The City reserves the right to reject any or all bids, to waive informalities or irregularities, and to accept the bid deemed most favorable to the City. No bidder may withdraw a bid for a period of forty-five (45) days after the date and time set for bid opening.

**John Garris**  
City Engineer

## SECTION 1 – PROJECT DESCRIPTION

The City of Independence is seeking bids from qualified contractors for the **design, construction, and installation of a covered salt and sand storage facility** to support municipal street maintenance operations.

The project includes all labor, materials, equipment, engineering (as required), permits, and incidentals necessary to deliver a complete and operational structure.



## SECTION 2 – SCOPE OF WORK

### General

The Contractor shall furnish all labor, materials, equipment, engineering, and supervision required to complete the project in accordance with this Invitation to Bid.

### Building Requirements

- **Size:** One (1) building approximately **40 feet by 40 feet**. An alternate configuration of **two (2) buildings approximately 20 feet by 40 feet each** may be proposed.
- **Interior Clearance:** Minimum clear interior height of **13 feet**.
- **Structure Type:** Pre-engineered metal building, fabric-covered structure, or pole barn style structure with clear-span interior.
- **Design Loads:** Wind, snow, and seismic loads appropriate for the project location. Structural design drawings shall be sealed by a Professional Engineer licensed in the State of Kansas.
- **Foundation Design:** Design of the foundation shall included and should match the proposed structure.

## Roof and Walls

- **Roof:** Pitched metal roof or engineered fabric roof suitable for snow and rain runoff.
- **Walls:** Three (3) enclosed sides with one (1) open or partially open side for equipment access.
- **Wall Construction:** Concrete walls (poured-in-place or prefabricated blocks) designed to withstand incidental contact with front-end loaders, minimum wall height of six (6) feet.

## Foundation and Slab

The Contractor shall provide foundation and slab construction as required for the structure and as specified herein.

- A new concrete slab of **8 inches minimum depth** with engineered reinforcement to support a rubber-tired front-end loader of **30,000 lbs** weight shall be included.
- Bearing capacity of native soil may be assumed to be **2000 PSF**.
- A concrete access pad is included and shall follow the same specifications as the building slab.
- Slab shall be graded at a **1% grade toward the west**.

## Earthwork and Base:

- Excavate the existing backfill material to a depth of **18 inches below finished grade** and remove from site to an approved disposal site.
- Place compacted **AB-3** material with optimum moisture to a depth of **12 inches below finished grade** and to a **95% Proctor density**.

## Reinforcement:

- Rebar will be provided, with **#5 rebar at 12-inch centers** with a minimum lap of **3 feet**.
- Rebar shall be elevated a minimum of **2 inches** above the final floor elevation.

## Concrete:

- Place **8 inches of PCCP High Early Strength Concrete** with a minimum of **5000 psi** strength and protect from freezing or high temperatures depending upon time of year.
- Provide a **broom finish**.

## Submittals (Concrete and Base):

- A concrete **mix design** shall be submitted a minimum of **10 days prior to placement**.
- The proposed source/location of **AB-3** material shall be submitted **10 days prior to excavation** for approval of the City Engineer.

#### **Field Verification:**

- Before excavation of the selected sites, the Contractor shall verify the dimensions specified on the attached documents. If any variation is found, the Contractor must obtain prior approval from the City prior to any work being performed in that area, or the excess area and cost will be on the Contractor.

#### **Durability**

- The building and all components shall be designed for exposure to road salt.
- All steel components shall be **hot-dipped galvanized in accordance with ASTM A123** or provided with an equivalent corrosion-resistant coating.
- Building components shall carry manufacturer warranties consistent with industry standards.

#### **Optional Features**

- Optional sliding or roll-up door systems on the open side may be proposed as bid alternates.

## **SECTION 3 – CONTRACTOR RESPONSIBILITIES**

The Contractor shall be responsible for:

- Site coordination and construction sequencing
- Obtaining all required permits and inspections
- Compliance with all applicable federal, state, and local regulations
- Jobsite safety and protection of adjacent facilities
- Final cleanup and removal of construction debris

## **SECTION 4 – BID SUBMITTAL REQUIREMENTS**

Each bid shall include the following:

1. Completed and signed Bid Form
2. Bid Bond
3. List of proposed subcontractors
4. Construction schedule
5. Description of proposed building system and materials



## SECTION 5 – BONDING REQUIREMENTS

The following bonds are required for this project:

- **Bid Bond:** Five percent (5%) of the total bid amount.
- **Performance Bond:** One hundred percent (100%) of the contract amount.
- **Statutory Payment Bond:** One hundred percent (100%) of the contract amount, in accordance with **K.S.A. 60-1412 through 60-1414.**

Bond forms are included in this bid package in **Appendix A – Bond Forms** and shall be used.

## SECTION 6 – INSURANCE REQUIREMENTS

The Contractor shall procure and maintain, at their own expense, insurance coverage meeting the following minimum requirements:

- **Workers' Compensation Insurance:** As required by Kansas law
- **Commercial General Liability Insurance:**
  - \$1,000,000 per occurrence
  - \$2,000,000 general aggregate
- **Automobile Liability Insurance:** \$1,000,000 combined single limit
- **Umbrella or Excess Liability Insurance:** \$5,000,000 minimum

The City of Independence shall be named as an additional insured. Certificates of insurance shall provide thirty (30) days' written notice prior to cancellation or non-renewal.

## SECTION 7 – WARRANTY

The Contractor shall warrant all workmanship for a period of **one (1) year** from the date of final acceptance.

Manufacturer warranties for building components, coatings, and structural systems shall be provided and assigned to the City upon project completion. Statements of expected service life are performance goals and shall not be construed as additional contractor warranties.

## SECTION 8 – BID FORM

### Salt and Sand Storage Building

Base Bid Price: \_\_\_\_\_

(In Words): \_\_\_\_\_

Alternate (Two 20' x 40' Buildings): \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Addenda Acknowledged (if any): \_\_\_\_\_

## SECTION 9 – TERMS AND CONDITIONS

- The City reserves the right to reject any or all bids.
- Late bids will not be considered.
- All costs incurred in preparing a bid are the responsibility of the bidder.

## CONTACT INFORMATION

Questions regarding this Invitation to Bid shall be directed to:

**John Garris**

City Engineer

City of Independence

120 N. 6th Street

Independence, KS 67301

Email: [engineer@independencets.gov](mailto:engineer@independencets.gov)

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## **APPENDIX A – BOND FORMS**

## A-1. BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,

\_\_\_\_\_ as Principal, and

\_\_\_\_\_ as Surety, are hereby held  
and firmly bound unto **The City of Independence, Kansas**, as OWNER, in the penal sum of

\_\_\_\_\_ (\$ \_\_\_\_\_) for the payment of  
which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and  
assigns.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

The Condition of the above obligation is such that whereas the Principal has submitted to The  
City of Independence, Kansas, a certain BID, attached hereto and hereby made a part hereof, to  
enter into a contract in writing, for the **Salt and Sand Storage Building**.

NOW, THEREFORE,

(a) If said BID shall be rejected,

(b) If said BID shall be accepted and the Principal shall execute and deliver a contract in the Form of  
Contract attached hereto (properly completed in accordance with said BID) and shall furnish BONDS for  
faithful performance of said contract, and for the payment of all persons performing labor or furnishing  
materials in connection therewith, and shall in all other respects perform the agreement created by the  
acceptance of said BID,

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly  
understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event,  
exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its  
bond shall be in no way impaired or affected by any extension of the time within which the OWNER may  
accept such BID; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals, and such of  
them as are corporations have caused their corporate seals to be hereto affixed and these presents to be  
signed by their proper officers, the day and year first set forth above.

\_\_\_\_\_ (L.S.)  
Principal

\_\_\_\_\_  
Surety

By: \_\_\_\_\_

IMPORTANT – Surety companies executing bonds must appear on the U.S. Treasury Department’s most  
current list (Circular 570, as amended) and be authorized to transact business in the State of Kansas.

## A-2. PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: that

---

(Name of Contractor)

---

(Address of Contractor)

hereinafter called Principal, and

---

(Name of Surety)

---

(Address of Surety)

hereinafter called Surety, are held and firmly bound unto **CITY OF INDEPENDENCE, KANSAS**, hereinafter called OWNER, in the penal sum of

\_\_\_\_\_ dollars (\$\_\_\_\_\_)

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the OWNER, dated the \_\_\_\_\_ day of \_\_\_\_\_, 2026, a copy of which is hereto attached and made a part hereof, for the construction of:

### **Salt and Sand Storage Building**

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the OWNER, with or without notice to the Surety, and during the one-year guaranty period, and if the Principal shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the OWNER from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the OWNER all outlay and expense which the OWNER may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same shall in any wise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition.

PROVIDED, FURTHER, that no final settlement between the OWNER and CONTRACTOR shall abridge the right of any beneficiary hereunder whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in four (4) counterparts, each of which shall be deemed an original, this the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

\_\_\_\_\_ By \_\_\_\_\_

(Seal)

(Principal)

\_\_\_\_\_  
(Witness as to Principal)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Surety)

ATTEST:

\_\_\_\_\_ (Surety) Secretary (SEAL)

\_\_\_\_\_ By \_\_\_\_\_

(Witness to Surety) (Attorney-in-Fact)

\_\_\_\_\_  
(Address)

NOTE: Date of bond must not be prior to date of Contract. If Contractor is a partnership, all partners should execute bond.

IMPORTANT – Surety companies executing bonds must appear on the U.S. Treasury Department’s most current list (Circular 570, as amended) and be authorized to transact business in the State of Kansas.

### A-3. STATUTORY PAYMENT BOND (KANSAS)

(For Use in Kansas – K.S.A. 60-1412 to 60-1414, and applicable Kansas statutes.)

KNOW ALL MEN BY THESE PRESENTS: That we \_\_\_\_\_  
of \_\_\_\_\_, as **Principal**, and \_\_\_\_\_ a **corporation**  
**organized and existing under the laws of the State of \_\_\_\_\_ as Surety, are hereby held**  
**and firmly bound unto the STATE OF KANSAS in the sum of \_\_\_\_\_**  
**DOLLARS (\$\_\_\_\_\_)** lawful money of the United States of America, for the use and  
benefit of all persons entitled thereto, for the payment of which well and truly to be made, we  
hereby bind ourselves, our successors, heirs, executors and administrators, jointly and severally,  
firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that whereas, the said Contractor  
has entered into a written contract with the **CITY OF INDEPENDENCE, KANSAS** dated  
\_\_\_\_\_, 2026, for the **Salt and Sand Storage Building**, according to the contract and  
specifications attached hereto and made a part hereof.

NOW THEREFORE, if the said \_\_\_\_\_ Contractor, or  
the subcontractors of said Contractor shall pay all indebtedness incurred for supplies, materials,  
or labor furnished, used or consumed in connection with or in or about the construction of said  
improvements, including gasoline, lubricating oils, fuel oils, greases, coal, and similar items used  
or consumed directly in furtherance of such improvement, then this obligation to be null and  
void; otherwise to remain in full force and effect.

The said Surety, for value received, hereby agrees that no change, extension of time, alteration,  
or addition to the terms of the contract or to the work to be performed thereunder or the  
specifications accompanying the same shall in any wise affect its obligations on this bond, and it  
does hereby waive notice of any such change, extension of time, alteration, or addition.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed and  
delivered this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

---

Surety Principal

---

By / Title By / Title





**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department Public Works & Utilities**

**Director Approval John Garris**

**AGENDA ITEM** Consider allowing bidding of airport apron pavement maintenance.

**SUMMARY RECOMMENDATION** Authorize bidding.

**BACKGROUND** The City was awarded a Kansas Department of Transportation (KDOT) Kansas Airport Improvement Program (KAIP) grant to maintain pavement integrity. This project is to maintain the surface of the apron directly adjacent to the Textron manufacturing facility. Our consultant, H.W. Lochner has prepared bid documents for this work.

Bids for this project would be due on Tuesday, March 10<sup>th</sup> at 3 PM.

**FINANCIAL INFORMATION** Costs associated with bidding the project have been previously approved.

**SUGGESTED MOTION** I move to authorize bidding for airport pavement maintenance as described in the attached Invitation to Bid.

**SUPPORTING DOCUMENTS**

1. IDP Apron Rehab Invitation To Bid
2. Apron Drawing

**INVITATION FOR BIDS**  
**FOR IMPROVEMENTS TO**  
**INDEPENDENCE MUNICIPAL AIRPORT (IDP)**  
**REHABILITATE ASPHALT APRON PAVEMENT**  
**INDEPENDENCE, KANSAS**

**KAIP NO. AV-2026-23**

**Online** bids for improvements to the Independence Municipal Airport will be received by the City of Independence through QuestCDN until **3:00 P.M. (CDT), Tuesday, March 10<sup>th</sup>, 2026**. Bid results will be available through QuestCDN after the bidding closes.

The work involved includes the following:

Base Bid

Crack Seal and Re-Mark Asphalt Apron Pavement

Add Alternate No. 1

Apply Rapid-Cure Seal Coat Surface Treatment

Add Alternate No. 2

Apply Emulsified Asphalt Seal Coat Surface Treatment

A digital download of Project Documents and other related contract information may be ordered online at [www.QuestCDN.com](http://www.QuestCDN.com). These project documents may be downloaded for \$60.00. Payment must be made directly to QuestCDN. This cost includes access to online bidding. There will be no refunds. The QuestCDN project number is **9949144**. Bid quantities and schedules may be viewed prior to purchase under the "view bid documents" section on QuestCDN.

Plans and Specifications are on file and may be examined at the office of the City Engineer, 120 N. 6<sup>th</sup> Street, Independence, Kansas, 67301, and at the office of the Consulting Engineers, Lochner, 15717 College Boulevard, Lenexa, Kansas 66219.

Each online bid submittal must include a PDF copy of a Bid Bond executed by a Surety Company in an amount not less than five (5) percent of the total bid made payable to the City of Independence, Kansas and uploaded to QuestCDN as part of the bid submittal process.

The Bidder must supply all the information required by the proposal forms and specifications and must bid on all items of every schedule. The City of Independence, KS reserves the right to waive any informality in, or to reject any or all portions of, the various bid items. No proposal may be withdrawn for a period of **ninety (90) calendar days** from the opening thereof.

A non-mandatory virtual pre-bid meeting for all prospective bidders will be held via Microsoft Teams at **2:00 P.M. (CST), Thursday, February 26<sup>th</sup>, 2026**. You may request an invitation to the pre-bid meeting by contacting Jordan Hairgrove with Lochner at [jordan.hairgrove@hwlochner.com](mailto:jordan.hairgrove@hwlochner.com). Prospective bidders that would like to tour the project site shall schedule your visit with John Garriss, City Engineer, at 620-332-2542.

This project will involve the following work items and estimated quantities. Prospective bidders are hereby advised that the quantities indicated herein are approximate and are subject to change:

| ITEM NO.                                             | SPEC.  | ITEM DESCRIPTION                                                          | QTY.    | UNIT |
|------------------------------------------------------|--------|---------------------------------------------------------------------------|---------|------|
| <b><u>BASE BID</u></b>                               |        |                                                                           |         |      |
| <b>CRACK SEAL AND RE-MARK ASPHALT APRON PAVEMENT</b> |        |                                                                           |         |      |
| 1                                                    | C-105  | MOBILIZATION (NTE 10% OF TOTAL BID AMOUNT)                                | 1       | L.S. |
| 2                                                    | S-1    | TEMPORARY MARKING, LIGHTING, AND BARRICADES                               | 1       | L.S. |
| 3                                                    | MO-622 | CLEAN AND SEAL JOINTS AND CRACKS IN ASPHALT PAVEMENT (1/4" TO 1 1/2")     | 134,000 | L.F. |
| 4                                                    | MO-622 | CLEAN AND SEAL JOINTS AND CRACKS IN ASPHALT PAVEMENT (LARGER THAN 1 1/2") | 500     | L.F. |
| 5                                                    | P-620  | SURFACE PREPARATION, PAVEMENT MARKING REMOVAL                             | 18,200  | S.F. |
| 6                                                    | P-620  | PERMANENT REFLECTORIZED PAVEMENT MARKING (YELLOW)                         | 4,850   | S.F. |
| 7                                                    | P-620  | PERMANENT NON-REFLECTORIZED PAVEMENT MARKING (WHITE)                      | 577     | S.F. |
| 8                                                    | P-620  | PERMANENT NON-REFLECTORIZED PAVEMENT MARKING (YELLOW)                     | 3,053   | S.F. |
| 9                                                    | P-620  | PERMANENT NON-REFLECTORIZED PAVEMENT MARKING (BLACK)                      | 9,700   | S.F. |
| 10                                                   | P-620  | TEMPORARY NON-REFLECTORIZED PAVEMENT MARKING (WHITE)                      | 577     | S.F. |
| 11                                                   | P-620  | TEMPORARY NON-REFLECTORIZED PAVEMENT MARKING (YELLOW)                     | 7,903   | S.F. |

| ITEM NO.                                            | SPEC.   | ITEM DESCRIPTION                       | QTY.   | UNIT |
|-----------------------------------------------------|---------|----------------------------------------|--------|------|
| <b><u>ADD ALTERNATE NO. 1</u></b>                   |         |                                        |        |      |
| <b>APPLY RAPID-CURE SEAL COAT SURFACE TREATMENT</b> |         |                                        |        |      |
| 1                                                   | P-608-R | RAPID-CURE SEAL COAT SURFACE TREATMENT | 92,000 | S.Y. |

| ITEM NO.                                                    | SPEC. | ITEM DESCRIPTION                               | QTY.   | UNIT |
|-------------------------------------------------------------|-------|------------------------------------------------|--------|------|
| <b><u>ADD ALTERNATE NO. 2</u></b>                           |       |                                                |        |      |
| <b>APPLY EMULSIFIED ASPHALT SEAL COAT SURFACE TREATMENT</b> |       |                                                |        |      |
| 1                                                           | P-608 | EMULSIFIED ASPHALT SEAL COAT SURFACE TREATMENT | 92,000 | S.Y. |

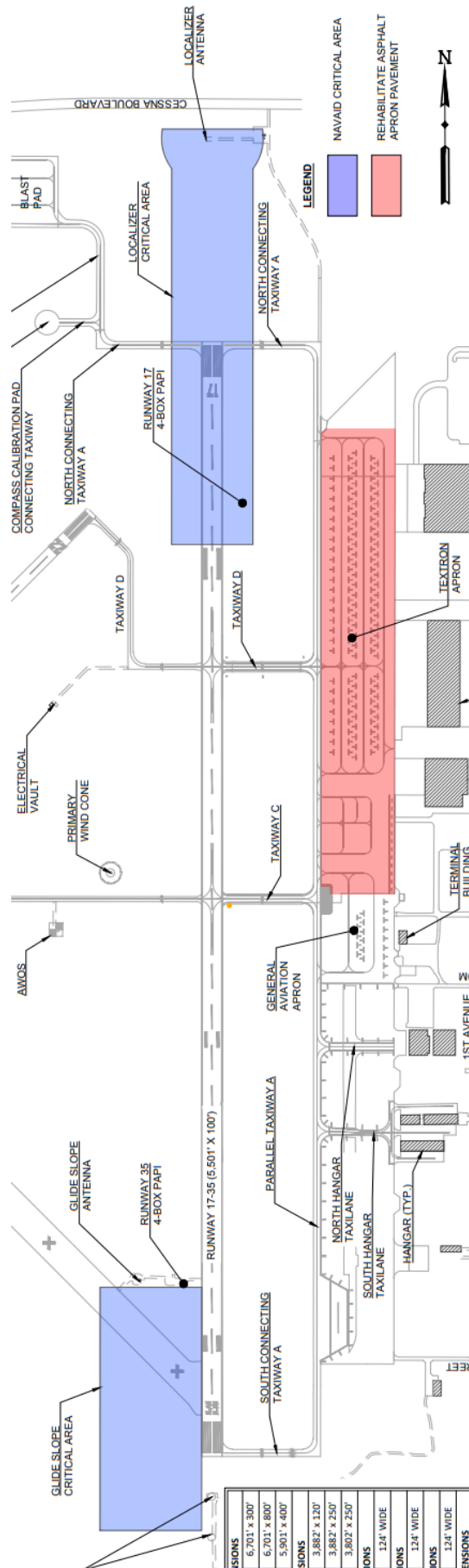
The Owner has established a contract performance time of **forty-four (44) calendar days from the date of the Notice-to-Proceed. Phase 1 shall be completed in thirty-five (35) calendar days or less, Phase 2 shall be completed in seven (7) calendar days or less, and Phase 3 shall be completed in two (2) calendar days or less.** All project work shall be substantially completed within the stated timeframe. This project is subject to liquidated damages as prescribed herein. **The phases may not run concurrently and shifting of contract time between phases will not be permitted.**

The proposed contract is subject to:

- Buy American Preference (Title 49 USC § 50101, Executive Order 14005, Pub. L. No. 117-58, and BABA)
- Civil Rights Title VI Assurance (49 USC § 47123 and FAA Order 1400-11)
- Davis Bacon Act (40 USC §§ 3141-3144, 3146, and 3147), as amended
- Debarment and Suspension restrictions (2 CFR Part 180)
- Federal Fair Labor Standards Act – Federal Minimum Wage (29 USC § 201, et seq, 2 CFR § 200.430).
- Lobby Federal Employee restrictions (21 USC § 1352)
- Procurement of Recovered Materials requirements (Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and the regulatory provisions of 40 CFR Part 247)
- Trade Restriction Certification

Minimum wage rates as established by the Secretary of Labor and State of Kansas are applicable to all schedules awarded for this project.

Any questions regarding this project are to be directed to Ian Wright at [iwright@hwlochner.com](mailto:iwright@hwlochner.com) or 316-518-9244.



|      |               |
|------|---------------|
| IONS | 6,701' x 300' |
| IONS | 6,701' x 800' |
| IONS | 5,901' x 400' |
| IONS | 3,882' x 120' |
| IONS | 3,882' x 250' |
| IONS | 3,882' x 250' |
| IONS | 124' WIDE     |
| IONS | 124' WIDE     |
| IONS | 124' WIDE     |
| IONS | 124' WIDE     |



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department Admin**

**Director Approval John Garris**

**AGENDA ITEM** Consider authorizing disposal by auction of various items of City property.

**SUMMARY RECOMMENDATION** Authorize auctions.

**BACKGROUND** Fifty-four items have been selected as potentially having enough value for sale by auction. These are listed in the attachment, and have been reviewed by all departments in the City and none of them are felt to be of further use. Please note that values attached to the items are only approximations, and are not based on a third-party professional appraisal, and it is not known what value any individual item will bring.

It is recommended that these items be placed for auction on Purple Wave, an internet auction site for disposal with all net proceeds returning to the City. As this is the first time staff has used this method of equipment auction, a few items at a time will be sold until we are familiar with the process.

A contract with Purple Wave is also attached.

**FINANCIAL INFORMATION** This will generate funds for the City.

**SUGGESTED MOTION** I move to authorize disposal by auction of the items described in the attached list, and to execute the contract with Purple Wave to act as the auctioneer.

**SUPPORTING DOCUMENTS**

1. Auction Item List
2. Purple Wave Contract (1)

| Department                  | #       | Year | Make          | Model       | Vin               | Description | Est. Value  |
|-----------------------------|---------|------|---------------|-------------|-------------------|-------------|-------------|
| Waste Water Treatment Plant | 404     | 1982 | Ford          | F700        | 1FDNF0GXCVA37997  | 30984       | \$4,500.00  |
| Waste Water Treatment Plant |         |      | John Deere    | Ztrak       | 1TC960RDTDT010087 |             | \$2,500.00  |
| Waste Water Treatment Plant |         | 2007 | John Deere    | 3203        | LVS203H395847     |             | \$9,500.00  |
| Waste Water Treatment Plant |         |      | H&S           | V2202T      | 405180            |             | \$1,500.00  |
| Water/Sewer                 |         | 2003 | Belshe        | Trailer     | 16JF0202721037637 | 84367       | \$3,200.00  |
| Water/Sewer                 | 403     | 2005 | Ford          | Ecoline Van | 1FTRE14W95HA16574 | 58042       | \$3,500.00  |
| Street                      | 515     | 1983 | Sullair       | 185GPZ      | 682004681         |             | \$4,000.00  |
| Street                      | 524     | 1983 | Caterpillar   | 963         | 06Z01021          |             | \$15,000.00 |
| Street                      | 530     | 2018 | Wanco         |             | 072492-4          |             | \$4,000.00  |
| Street                      | 501     | 2008 | Ford          | F250        | 1FTNF21518EE36378 |             | \$12,000.00 |
| Airport                     | Old 701 | 1987 | Ford          | MHV         | 1FDNF70H6HVA54657 |             | \$8,000.00  |
| Airport                     |         |      | Ford          | TW-25       | A918871           |             | \$10,000.00 |
| Airport                     |         |      |               | FT 9500     |                   |             | \$8,500.00  |
| Sanitation                  | Old 604 | 2013 | International | Workstar    | 1HWGAAT3DJ146982  | 92441       | \$45,000.00 |
| Sanitation                  | 606     | 2000 | Ford          | F450        | 1FDXE46FXEYA54299 | 92463       | \$18,000.00 |
| Sanitation                  | 608     | 1987 | Case          | 580 Super K | JJGO181773        | 6269        | \$20,000.00 |
| Sanitation                  | 609     | 2007 | International | 7400        | 1HTWGAST77J562641 | 84839       | \$60,000.00 |
| Park/Zoo                    |         |      |               |             |                   |             | \$50/each   |
| Park/Zoo                    |         |      |               |             |                   |             | \$100.00    |
| Park/Zoo                    |         |      |               |             |                   |             | \$150.00    |
| Park/Zoo                    |         |      |               |             |                   |             | \$100/each  |
| Park/Zoo                    |         |      |               |             |                   |             | \$300/each  |
| Park/Zoo                    |         |      |               |             |                   |             | \$300/each  |
| Park/Zoo                    |         |      |               |             |                   |             | \$50.00     |
| Park/Zoo                    |         |      |               |             |                   |             | \$5/each    |
| Park/Zoo                    |         |      |               |             |                   |             | \$20.00     |
| Park/Zoo                    |         |      |               |             |                   |             | \$50.00     |
| Park/Zoo                    |         |      |               |             |                   |             | \$250.00    |
| Park/Zoo                    |         |      |               |             |                   |             | \$50/each   |
| Park/Zoo                    |         |      |               |             |                   |             | \$50.00     |
| Park/Zoo                    |         |      |               |             |                   |             | \$200.00    |
| Park/Zoo                    |         |      |               |             |                   |             | .25/each    |
| Park/Zoo                    |         |      |               |             |                   |             | \$300.00    |
| Park/Zoo                    |         |      |               |             |                   |             | \$300.00    |
| Park/Zoo                    |         |      |               |             |                   |             | \$2,000.00  |
| Park/Zoo                    |         |      |               |             |                   |             | \$500.00    |
| Park/Zoo                    |         |      |               |             |                   |             | \$50.00     |
| Park/Zoo                    |         |      |               |             |                   |             | \$200.00    |

|          |  |      |                 |                              |                   |                                          |            |
|----------|--|------|-----------------|------------------------------|-------------------|------------------------------------------|------------|
| Park/Zoo |  |      |                 |                              |                   | Push Behind Leaf Vacuum                  | \$1,000.00 |
| Park/Zoo |  |      |                 |                              |                   | Push Behind Edger                        | \$200.00   |
| Park/Zoo |  |      |                 |                              |                   | Four Compartment Stainless Steel Sink    | \$1,000.00 |
| Park/Zoo |  |      |                 |                              |                   | 3 HP Briggs & Stratton Walk-Behind Edger | \$400.00   |
| Park/Zoo |  |      |                 |                              |                   | 6.5 HP Snapper Push Mower                | \$300.00   |
| Park/Zoo |  |      |                 |                              |                   | Commercial Sink - 3 Compartment          | \$500.00   |
| Park/Zoo |  |      |                 |                              |                   | Craftsman Portable Table Saw w/Stand     | \$100.00   |
| Park/Zoo |  |      |                 |                              |                   | Stihl Backpack Blower                    | \$500.00   |
| Park/Zoo |  |      |                 |                              |                   | Echo PB-200 Leaf Blower                  | \$200.00   |
| Park/Zoo |  |      |                 |                              |                   | John Deere 22" Push Mower                | \$200.00   |
| Park/Zoo |  |      |                 |                              |                   | 3 Point Blade Attachment                 | \$500.00   |
| Fire/EMS |  | 2010 | Ford            | Crown Vic Police Interceptor | 2FABP7BV6AX118181 | CVPI                                     | \$6,595.00 |
| Fire/EMS |  |      |                 |                              |                   | Hydraulic Extrication Equipment          | \$3,000.00 |
| Fire/EMS |  | 2001 | Eagle Air Talon | T208E3C2E                    | 43294401          | Breathing Air Compressor                 | \$2,600.00 |
| IPD      |  | 2010 | Ford            | Crown Vic                    | 2FABP7BV8AX118182 |                                          | \$2,500.00 |
| IPD      |  | 2004 | Ford            | Explorer                     | 1FMZU72K34ZA90146 |                                          | \$1,700.00 |



# INTERNET AUCTION AGREEMENT



purplewave.com  
Straight. Simple. Sold.®

This Internet Auction Agreement ("Agreement") is made by and between the Seller identified below and Purple Wave, Inc. 825 Levee Dr., Manhattan, KS 66502, 866-608-9283 ("Auctioneer"), together, ("Parties"). For good and valuable consideration, Auctioneer authorizes Seller's use of Auctioneer's website, [www.purplewave.com](http://www.purplewave.com), as an online auction platform where Auctioneer will list Seller's property ("Property") as Seller makes available to Auctioneer on any valid Exhibit 1, online account, or any Property list, as set forth below:

ANTICIPATED AUCTION DATE(S): \_\_\_\_\_ TITLE: \_\_\_\_\_

SELLER INFORMATION: Customer Number: 550329 Segment: Government

Seller Legal Name: \_\_\_\_\_ Company Name: \_\_\_\_\_

Seller Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Representative Name: \_\_\_\_\_ Title: \_\_\_\_\_

**SETTLEMENT:** The Auctioneer will distribute auction proceeds to Seller within 15 business days of auction or receipt of all title or ownership documents, whichever is later. The Auctioneer will deduct its fees directly from the auction proceeds prior to settlement. All settlements are subject to the Auctioneer's ability to collect auction proceeds from buyers and subject to lawful encumbrances, withholding orders, or security interests. In the event of a dispute about Property ownership, claims affecting the property, or settlement, the Seller authorizes the auctioneer to hold money in escrow pending the resolution of any such claim.

**SELLER FEES:** Seller shall pay a listing fee of \$100 per lot, if applicable, Seller will also pay a service fee(s) of 0 %

Of the winning bid(s). Other: Listing Fee Waived

Internal  
Use Only

G

**OWNERSHIP:** - Does the Seller own all of the Property to be sold at Auction? Yes No

If No, please provide documentation with the Seller's legal authority to sell the Property: \_\_\_\_\_

- Is a separate parent or subsidiary legal entity involved? Yes No

If Yes, Please identify the name of the related entity: \_\_\_\_\_

- Does the Seller owe any money on the Property? Yes No

- Is the Property pledged as collateral or securing a debt or line of credit? Yes No

**IF MONEY IS OWED OR IF THE PROPERTY IS PLEDGED AS COLLATERAL, PLEASE IDENTIFY ALL LENDERS OR FINANCIAL INSTITUTIONS:**

Lending Institution: \_\_\_\_\_ Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Lending Institution: \_\_\_\_\_ Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

**OTHER CLAIMS AGAINST PROPERTY:** Seller represents and warrants it has listed all encumbrances and security interests affecting the Property, Seller, or owner (if different). Seller hereby provides Seller's written consent for Auctioneer to work directly with any financial institution, government agency, encumbering party, or otherwise to clear or manage any security interest or lien affecting the Property or Property transferability. Seller authorizes Auctioneer to perform, at its discretion, title, lien, or UCC searches related to the sale of Property. Seller's authorization for Auctioneer to check security interests in no way relieves the Seller of the duty to accurately disclose security interests or encumbrances affecting the Property or Property owner. Seller represents and warrants that Seller owns and has the authority to sell the Property without consent of any third party and without condition except as noted above. Unless otherwise agreed, Seller will ensure Property is, or will be, free and clear of encumbrances or liens before the conclusion of the Auction. Seller agrees to defend and indemnify the Auctioneer for any claim made against the Property in the event a third party claims to have any interest in the Property. To the extent a government agency cannot agree to indemnification by law, this indemnification duty shall not apply.

**PROCEEDINGS AFFECTING PROPERTY:** Does the Seller have a recent, current, or pending bankruptcy, lawsuit, tax lien, SBA Covid-19 EIDL loan, or any other circumstance that could result in another party making a claim against the Property or the auction proceeds. Yes No

**SIGNATURES:** The Parties execute this Agreement effective the last date written below. This Agreement, including the accompanying exhibits or documents referred to in this Agreement, if any, is the entire agreement between the Parties and all prior discussions, agreements or understandings are completely merged into and superseded by this Agreement. Seller's representative below has authority to commit the Seller contractually and agrees to the Agreement including the Terms & Conditions on the following page.

Seller: \_\_\_\_\_  
Signature Printed Title Date

Auctioneer: Roy Green  
Signature Printed Title Date

# TERMS AND CONDITIONS

**EXCLUSIVE LISTING AND HOSTING.** As agreed upon, the Seller shall host inspections, answer bidder questions about the Property, and coordinate the release of Property directly with the buyer. As of the effective date of this Agreement, the Seller shall cease all use of the Property to be sold at auction unless otherwise communicated to Auctioneer in writing. Seller shall withdraw the Property from any other selling service. The Seller will list the Property for sale exclusively with the Auctioneer. The Seller will not withdraw any portion of the Property from the Auction except with (a) prior written consent of the Auctioneer and only after (b) reimbursing Auctioneer for Compensation described below based on a 3rd party appraisal and all expenses for advertising retractions and similar expenditures to cancel the Auction. The Auctioneer shall refuse consent to withdraw Property at auction if doing such would be in violation of any rule, regulation, or industry standard. If Seller withdraws Property without the Auctioneer's consent, the Seller agrees to pay Auctioneer liquidated damages of 50% of the estimated sale price plus the buyer's premium of 10% on the estimated sale price. To the extent allowed by law, the Auctioneer shall be entitled to reasonable attorney fees for collection costs associated with the Seller's failure to sell or release the Property to the highest bidder as set forth in this Agreement. The Parties acknowledge that the liquidated damages are reasonable and account for reputational damages to Auctioneer.

**USE OF THE WEBSITE.** The Property will be sold in an Internet-only auction on the Auctioneer's website at [www.purplewave.com](http://www.purplewave.com). The Auctioneer, in its sole and absolute discretion, will manage the website listing based on the information Seller provides to the Auctioneer. If Seller notices missing or incorrect information in the Property description on the website or auction advertising, the Seller will notify Auctioneer immediately. The Seller agrees Auctioneer may post the Auction results and listings on Auctioneer's affiliates and syndicates' website both before and after the auction.

**TITLES.** Seller authorizes the Auctioneer, as Seller's agent and power of attorney, to execute any documents necessary to transfer, or document the transfer, of the Property sold at this Auction, including bills of sale, titles, or requests for duplicate titles. If required, the Seller shall execute any additional powers of attorney as may be required to transfer lawful title to any buyer.

**RIGHT TO POSTPONE.** In event of a technical failure, bidding error, or other unforeseen emergency, Auctioneer may, at its discretion, cancel or postpone any item(s) in the Auction and may take actions, such as re-listing items in a future Auction, to allow a natural conclusion to the sale.

**PROPERTY CONDITION.** The Property will be represented and sold in its "AS IS, WHERE IS" condition, without warranties of any kind by Seller or Auctioneer. Notwithstanding, Seller agrees to accurately disclose all Property information and condition disclosures and represents that Property is in safe and working order unless specifically disclosed otherwise in the description. Seller represents the Property has not been modified or tampered with in violation of any laws, including tampering with emission control devices. The Seller agrees to pay for all costs and fines for any violation of applicable emission laws, ordinances, or regulations. If there is a dispute with a winning bidder over the condition of the Property, Auctioneer will attempt to resolve the issue on behalf of Seller but may, if necessary, seek Seller's assistance in the resolution. Seller agrees that Auctioneer shall not be liable for any losses or claims related to the Property except in situations where Auctioneer, or its agents, are at fault. Seller shall otherwise assume full responsibility for such Property losses or claims. Seller should maintain casualty insurance (including self-insurance) for the Property until possession is transferred to the winning bidder or the Property is deemed abandoned by the buyer pursuant to Auctioneer's buyer terms and conditions.

**UNRESERVED AUCTION.** The Property will be sold "absolute" and "without reserve." Once Auctioneer has placed the Property on [www.purplewave.com](http://www.purplewave.com) and received a bid on it, the Auction has begun, and the Property must and will be sold for the highest bid received at the end of the Auction. Auctioneer will use words indicating the absolute nature of the auction in event advertising. Although the Auctioneer will use its best efforts, no guarantees or representations regarding the level of bidder interest the Property may attract, number of bids or ultimate price that may be received are made by Auctioneer. The Seller will accept for the Property the highest winning bid accepted by the Auctioneer (also called the hammer price), less the Compensation due Auctioneer. For Illinois Auctions, unless otherwise agreed upon, the Auctioneer shall pay auction advertising costs. If applicable, the Auctioneer shall pay actual advertising costs exceeding 120% of the estimated costs, unless otherwise agreed in writing. Illinois Auction Firm License # 444.000465.

**SKILL BIDDING PROHIBITED.** It is illegal and against Auctioneer's policies for the Seller, Auctioneer (acting as Seller's agent), or anyone else acting on Seller's behalf to bid on the Property. If an innocent third party is declared the winning bidder, the Auctioneer may complete the sale to that innocent third party and adjust the purchase price to reflect the last good faith bid. In the event the Auctioneer determines the Seller or someone bidding on Seller's behalf, bids on the Property, the Seller will pay Auctioneer an additional administrative fee of two-times the combined Seller Commission and Buyer's Premium the Auctioneer would have otherwise collected from the final winning bid for the Property as compensation for the expense and effort of any related corrective action taken by the Auctioneer, regardless of whether Seller, Seller's agent or an innocent third party is the declared winner of the Property.

**COLLECTIONS.** Auctioneer will use reasonable efforts to qualify bidders and collect payments from winning bidders however, Auctioneer does not guarantee collection of payment. The Auctioneer will collect and remit sales taxes in accordance with state and local regulations. The Auctioneer will pay all banking fees and retain any interest or credits earned related to collection of the auction proceeds. In the event of a default, the Auctioneer shall be authorized to relist the Property for the Seller on the same terms as contained herein unless the Seller objects to the relist as soon as practicable after the default.

**COMPENSATION.** Seller agrees to pay Auctioneer the Seller fee previously stated, if any, applied against the winning bid(s) received and collected for the Property. Seller also agrees Auctioneer shall collect and retain from winning bidders a standard buyer's premium of 10% of the winning bid(s) for the Property. Lastly, Seller agrees that Auctioneer may charge and collect late payment or similar reasonable administrative fees from winning bidders when warranted and retain those fees as compensation for additional efforts to address such issues.

**RELEASE TO BUYERS.** After collecting payment for the Property, the Auctioneer will notify the Seller. After receiving notice of proof of payment, the Seller shall coordinate and release the Property to the winning bidder. The Seller shall notify Auctioneer if there are removal issues, or the buyer has not removed the Property by the removal deadline. If Seller fails to release the Property, the Seller agrees to pay Auctioneer liquidated damages of 50% of the Property's sale price. To the extent allowed by law, the Auctioneer shall be entitled to reasonable attorney fees for the Seller's failure to release the Property. The Parties acknowledge that the liquidated damages are reasonable and account for reputational damages to Auctioneer. In the event the Seller fails to release Property, the Parties agree that the Auctioneer may seek equitable or legal relief at the Seller or Auctioneer's location. The Parties agree to waive any bond requirement for any type of action related to securing the release of the Property.

**LIMITATION OF LIABILITY FOR PROPERTY LOSSES OR DAMAGES.** EXCEPT AS SET FORTH IN THIS AGREEMENT, NEITHER PARTY WILL BE LIABLE TO THE OTHER UNDER OR IN CONNECTION WITH THIS AGREEMENT FOR ANY INCIDENTAL, SPECIAL, CONSEQUENTIAL, EXEMPLARY, PUNITIVE, OR INDIRECT DAMAGES OF ANY NATURE, FOR ANY REASON CLAIMED BY THE OTHER PARTY, INCLUDING WITHOUT LIMITATION, THE BREACH OF THIS AGREEMENT, WHETHER THIS LIABILITY IS ASSERTED ON THE BASIS OF CONTRACT, TORT (INCLUDING NEGLIGENCE OR STRICT LIABILITY), OR OTHERWISE, EVEN IF THE PARTY HAS BEEN WARNED OF THE POSSIBILITY OF THESE DAMAGES. AUCTIONEER'S LIABILITY FOR DAMAGE TO PROPERTY IS LIMITED TO THE LESSER OF (I) THE ACTUAL COST TO REPAIR THE DAMAGE CAUSED BY THE NEGLIGENCE OF AUCTIONEER; OR (II) THE ORDERLY LIQUIDATION FAIR MARKET VALUE OF THE PROPERTY CAUSED BY THE NEGLIGENCE OF AUCTIONEER. IN NO EVENT WILL AUCTIONEER BE LIABLE FOR ANY DAMAGE TO PROPERTY DUE TO A WEATHER EVENT OR OTHER AN ACT OF GOD.

**JURISDICTION.** Agreement shall be governed by the law of the auction location. The auction location shall be the location where the asset is sold from. Auctioneer may waive any provision of this Agreement that benefits the Auctioneer at any time, but no such waiver shall affect any other provisions, nor shall it amount to a permanent waiver of that particular provision. This Agreement may be executed in duplicate and in counterparts, but all counterpart signatures shall constitute one original. Facsimile signatures scanned or electronic signatures on this Agreement shall be as sufficient as original ink signatures.



# EXHIBIT 1 PROPERTY LIST

Seller: \_\_\_\_\_ Customer Number: 550329

This Exhibit 1 established the assets that will be auctioned under the terms and conditions of the attached Auction Agreement and includes by reference any other assets the Seller makes available to the Auctioneer for sale, included on any subsequent or updated Property List, and posted for bidding on the purplewave.com website.

| Description of asset(s) | Additions              |
|-------------------------|------------------------|
| Example: Cat D8R dozer  | Example: Cat D8R dozer |
|                         |                        |
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☐ You will provide a separate list of assets to be consigned as Exhibit 1.

Seller Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Public Hearing to consider condemnation of 700 N. 12th Street as dangerous and unsafe.

**SUMMARY RECOMMENDATION** City Staff recommends condemnation as dangerous and unsafe.

**BACKGROUND**

The property located at 700 N. 12th Street has previously been reported to the City for issues involving the condition of the primary structure, debris, and code enforcement issues. Upon inspection, City staff observed that both structures are in significant disrepair, pose safety hazards, and no city utilities since 11/19/2018.

City staff recommends condemnation of the structure as dangerous and unsafe.

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

**SUGGESTED MOTION** I move to adopt a resolution condemning 700 N. 12th Street as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION NO 2026-021 - CONDEMNATION - DAYS - 700 N 12th
2. 700 N. 12th Photos
3. 2026 - Notice of Public Hearing Date - 1st Letter - Cert - 11282025
4. 2025-060 - Condemnation - P\_H - 700 N 12th
5. 2026 - 700 N. 12th - Setting Date of Public Hearing
6. Parcel - 700 N. 12th
7. 3159947\_OE\_Report
8. 700 N. 12th - Determination of Unsafe or Dangerous Structure

## RESOLUTION NO. 2026-021

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 90 feet of Lot 9, Block 7, Bunkers Addition to the City of Independence, Montgomery County, Kansas

### Common Address

700 N. 12th Street

### Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, 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. #2025—060**, dated **November 20, 2025**, 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 **November 26, 2025 and December 3, 2025**, 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 90 feet of Lot 9, Block 7, Bunkers Addition to the City of Independence, Montgomery County, Kansas

Common Address

700 N. 12th 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 12<sup>th</sup> day of February, 2026.

(SEAL)

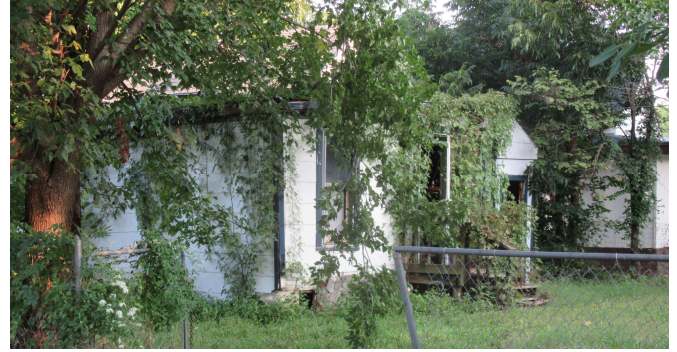
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Mayor

---

City Clerk





700 N. 12<sup>th</sup> Street

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## NOTICE OF PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY

Date: November 28, 2025

TO: **Cody Brooks**

Lien Holder:

RE: Unsafe or Dangerous Structure at: **700 N. 12<sup>th</sup> Street**

Property records reflect that you are the owner or occupant of the above-described Property. This letter is being provided to you pursuant to K.S.A. 12-1751 et seq to advise you that staff for the City of Independence, Kansas, has determined that the Property is “unsafe or dangerous” and subject to condemnation or being ordered to be repaired or demolished.

On **November 20, 2025**, the City Commission adopted a Resolution for a public hearing to be held on **February 12, 2026, at 120 N. 6th Street**, Commission Room, Independence, Kansas 67301. The public hearing will commence at 5:30 p.m. At such hearing, the owner of the Property, the owner’s agent, lienholders or record, and any occupant may appear and show cause why the structure(s) on the Property should not be condemned and ordered repaired or demolished.

On the date of the hearing, the Governing Body shall hear the evidence (if any) presented. If the Governing Body finds that the Property is unsafe or dangerous, then the Governing Body may direct the structure(s) to be repaired or removed and the Property made safe and secure. The Governing Body shall also fix a reasonable time within which the repair or removal shall be commenced and, if the owner fails to commence the repair or removal within the time stated, or fails to diligently prosecute the same to completion, the Governing Body will cause the structure to be repaired or razed and removed.

Please contact us as soon as possible so that we may review the steps that must be undertaken to bring the Property into compliance and no longer be regarded as unsafe or dangerous. To that end, please find enclosed a proposed Remediation Agreement. With a signed Remediation Agreement—together with a scope of work and proof of funds—City staff will can recommend to the Governing Body that further enforcement actions be stayed pending compliance with the Remediation Agreement.

Thank you for your prompt attention to this matter.

David Cowan





Department of Building & Code Enforcement

120 N. 6<sup>th</sup> Street

Independence, Kansas 67301

Assistant City Manager – Building & Code Enforcement

Attachments/Enclosures: Resolution No. **2025.060**  
Draft Remediation Agreement

cc:



State of Kansas, Montgomery County  
This instrument was filed for  
Record on November 21, 2025 11:03 AM  
Recorded in Book 752 Page 396 - 396  
Fee: \$0.00 202503674



*Marilyn Calhoun*

Marilyn Calhoun, Register of Deeds

## RESOLUTION NO. 2025-060

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

\ **Legal:** The West 90 feet of Lot 9, Block 7, Bunkers Addition to the City of Independence, Montgomery County, Kansas.

**Common Address:** 700 N. 12<sup>th</sup> Street.

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

*W. J. Smith*  
\_\_\_\_\_  
Mayor

*Daniel Schuch*  
\_\_\_\_\_  
City Clerk

(SEAL)



**CITY OF INDEPENDENCE, KANSAS**

**Office of the Building Official**

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** November 7, 2025

**To:**

**Cody Brooks**

700 N. 12<sup>th</sup>

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 700 N. 12th

**Lien Holder:** N/A

Dear Mr. Brooks:

On **November 20, 2025**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **700 N. 12th Street** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The City has received reports from Code Enforcement staff and neighboring residents indicating that the structure(s) at this address are **vacant, deteriorated, and in disrepair**. Observed conditions include **open, overgrown vegetation, trash and debris accumulation**, and the fact that **City utility services were last active in 2018**.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including **regular mowing, trimming of vegetation, and removal of all trash and debris**.
4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.



**Commission Meeting – Setting the Date:**

- **Date: November 20, 2025**
- **Time: 5:30 PM**
- **Location: 120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor**

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at **(620) 332-2528** (office), **(620) 330-0056** (mobile), or via email at **davidc@independenceks.gov**.

Your prompt cooperation in addressing this matter is appreciated.  
Sincerely,

**David J. Cowan**  
Assistant City Manager  
Building Official / Director  
City of Independence, Kansas

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**The Parcel Number for this Property is 063-087-25-0-40-13-008.00-0**

**Quick Ref ID: 3222**

### Owner Information

|                   |                                      |
|-------------------|--------------------------------------|
| <b>Owner Name</b> | BROOKS, CODY M                       |
| <b>Address</b>    | 700 N 12TH ST INDEPENDENCE, KS 67301 |

### Property Situs Address

|                |                                       |
|----------------|---------------------------------------|
| <b>Address</b> | 700 N 12TH ST, Independence, KS 67301 |
|----------------|---------------------------------------|

### Land Based Classification System

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

### General Property Information

|                       |                 |
|-----------------------|-----------------|
| <b>Prop Class</b>     | Residential - R |
| <b>Living Units</b>   | 1               |
| <b>Zoning</b>         |                 |
| <b>Neighborhood</b>   | 108.F           |
| <b>Tax Unit Group</b> | 108             |

### Property Factors

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

### 2025 Appraised Value

| Class           | Land         | Building     | Total         |
|-----------------|--------------|--------------|---------------|
| Residential - R | 3,900        | 7,060        | 10,960        |
|                 |              |              |               |
| <b>Total</b>    | <b>3,900</b> | <b>7,060</b> | <b>10,960</b> |

### 2024 Appraised Value



| Class           | Land  | Building | Total  |
|-----------------|-------|----------|--------|
| Residential - R | 3,900 | 6,440    | 10,340 |
| Total           | 3,900 | 6,440    | 10,340 |

### Tract Description

BUNKERS ADD, S25, T32, R15, W 90' LOT 9 BLK 7; Lot Width: 090.0 Lot Depth: 050.0 Plat Book/Page 4 /3 Deed Book/Page 622 /446 456 /059 386 /104 356 /550

### Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 734   | 995   | 622   | 446   |       |       |       |       |

### 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                   | 1895                    | 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              | 834                     | Foundation             | Brick - 5 |
| Main Floor Living Area       | 834                     |                        |           |
| Upper Floor Living Area Pct. |                         |                        |           |
| CDU                          | PR                      |                        |           |
| Phys/Func/Econ               | PR/ /                   |                        |           |
| Ovr Pct Gd/RCN               | /108,610                |                        |           |
| Remodel                      |                         |                        |           |
| Percent Complete             |                         |                        |           |
| Assessment Class             |                         |                        |           |
| MU Cls/Pct                   |                         |                        |           |

### Dwelling Components

| Code                                            | Units | Pct | Quality | Year |
|-------------------------------------------------|-------|-----|---------|------|
| Wall Furnace                                    |       | 100 |         |      |
| Frame, Siding/Shingle                           |       | 100 |         |      |
| Raised Subfloor (% or SF)                       |       | 100 |         |      |
| Plumbing Rough-ins (#)                          | 1     |     |         |      |
| Raised Enclosed Porch (SF), Knee Walls w/ Glass | 90    |     |         |      |
| Enclosed Porch (SF), Screened Walls             | 90    |     |         |      |
| Enclosed Wood Deck (SF), Solid Wall             | 40    |     |         |      |

|                                 |  |     |  |  |
|---------------------------------|--|-----|--|--|
| Composition Shingle             |  | 100 |  |  |
| Plumbing Fixtures (#)           |  | 5   |  |  |
| Automatic Floor Cover Allowance |  |     |  |  |

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## Report Cover Page

|                 |                                                                                     |                   |                                                  |
|-----------------|-------------------------------------------------------------------------------------|-------------------|--------------------------------------------------|
| Date:           | <b>11/07/2025</b>                                                                   | Prepared For:     | <b>City of Independence</b>                      |
| Order No.:      | <b>3159947</b>                                                                      | Owner(s):         | <b>Cody M. Brooks</b>                            |
| Issuing Office: | <b>Security 1st Title<br/>114 N. Pennsylvania Avenue<br/>Independence, KS 67301</b> | Property Address: | <b>700 N 12th St, Independence, KS<br/>67301</b> |

**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:

[087-25-0-40-13-008.00-0](#)



Date: November 07, 2025  
Property Address: 700 N 12th St, Independence, KS  
67301

File No.: 3159947  
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 10, 2025 at 7:00 A.M.

On Real Estate described as:

**The West 90 feet of Lot 9, Block 7, Bunkers 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:

Cody M. Brooks

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 2024 in the amount of \$197.80, NOT PAID.

Tax Parcel No. # 087-25-0-40-13-008-00-0-01

PIN # IC 2115

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

General taxes and special assessments for the year 2023 in the amount of \$191.90, NOT PAID.

Tax Parcel No. # 087-25-0-40-13-008-00-0-01

PIN # IC 2115

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

General taxes and special assessments for the year 2022 in the amount of \$176.18, NOT PAID.

Tax Parcel No. # 087-25-0-40-13-008-00-0-01

PIN # IC 2115

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

General taxes and special assessments for the year 2021 in the amount of \$159.08, NOT PAID.

Tax Parcel No. # 087-25-0-40-13-008-00-0-01

PIN # IC 2115

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

General taxes and special assessments for the year 2020 in the amount of \$173.32, NOT PAID.

Tax Parcel No. # 087-25-0-40-13-008-00-0-01

PIN # IC 2115

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

General taxes and special assessments for the year 2019 in the amount of \$170.68, NOT PAID.

Tax Parcel No. # 087-25-0-40-13-008-00-0-01

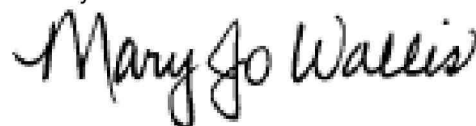
PIN # IC 2115

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

## DETERMINATION OF UNSAFE OR DANGEROUS STRUCTURE

Date: **November 7, 2025**  
Address: **700 N. 12th**  
Owner: **Cody Brooks**  
Parcel No.: **087-25-0-40-13-008-00-0-01**  
Legal Description: **The West 90 feet of Lot 9, Block 7, Bunkers Addition to the City of Independence, Montgomery County, Kansas**

Date of Inspection:

**The City of Independence, Kansas, has determined that the above-described structures or property are “unsafe”, “dangerous”, “hazardous”, and/or “unfit for human occupancy” under the City Codes and Ordinance 4466 as adopted for the following reasons:**

### UNSAFE STRUCTURES

- ☒ Does not provide minimum safeguards to protect or warn occupants in the event of fire.  
☒ Such structure contains unsafe infrastructure, structure or equipment  
☒ Such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Additional Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **DANGEROUS STRUCTURES**

- ☐ Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the City as related to the requirements for existing buildings.
- ☐ The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- ☐ Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- ☐ Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

**xx** ☐ The building or structure, or part of the building or structure, because of dilapidation,



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deterioration, decay, faulty construction, the removal or movement of some portion of the ground

necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

☒ The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

☒ The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children that might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

☐ Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

☐ Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**STRUCTURES UNFIT FOR HUMAN OCCUPANCY**

☒ A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by City Code and IBC, as adopted by the City, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.



**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Public Hearing to consider condemnation of 1116 W. Main Street as dangerous and unsafe.

**SUMMARY RECOMMENDATION** City Staff recommends condemnation as dangerous and unsafe.

**BACKGROUND**

The property located at 1116 W Main Street has been previously reported to the City for issues involving the condition of the primary structure, debris and code enforcement issues. Upon inspection, City staff observed that the structure is in significant disrepair, pose safety hazards, and no city utilities since 09/22/2022. The owner is wanting the structure removed and should be present at the meeting to review with the commission her plans.

City staff recommends condemnation of the structure as dangerous and unsafe.

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

**SUGGESTED MOTION** I move to adopt a resolution condemning 1116 W. Main Street as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION 2026-022 - CONDEMNATION - DAYS - 1116 W Main
2. 1116 W. Main Photos
3. 2026 - Notice of Public Hearing Date - 1st Letter - Cert - 11242025
4. 2025-061 - Condemnation - P\_H - 1116 W Main
5. 2026 - 1116 W. Main - Setting Date of Public Hearing
6. 1116 W Main - Determination of Unsafe or Dangerous Structure
7. 3159954\_OE\_Report
8. Notes & Parcel - 1116 W Main

## RESOLUTION NO. 2026-022

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 40, West Side Addition to the City of Independence, Montgomery County, Kansas

### Common Address

1116 W. Main Street

### Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, 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. #2025—061**, dated **November 20, 2025**, 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 **November 26, 2025 and December 3, 2025**, 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 40, West Side Addition to the City of Independence, Montgomery County, Kansas

Common Address

1116 W. Main 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 12<sup>th</sup> day of February, 2026.

(SEAL)

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Mayor

---

City Clerk





1116 W. Main Street





## NOTICE OF PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY

Date: November 28, 2025

TO: **Amanda Gann**

Lien Holder:

RE: Unsafe or Dangerous Structure at: **1116 W. Main Street**

Property records reflect that you are the owner or occupant of the above-described Property. This letter is being provided to you pursuant to K.S.A. 12-1751 et seq to advise you that staff for the City of Independence, Kansas, has determined that the Property is “unsafe or dangerous” and subject to condemnation or being ordered to be repaired or demolished.

On **November 20, 2025**, the City Commission adopted a Resolution for a public hearing to be held on **February 12, 2026, at 120 N. 6th Street**, Commission Room, Independence, Kansas 67301. The public hearing will commence at 5:30 p.m. At such hearing, the owner of the Property, the owner’s agent, lienholders or record, and any occupant may appear and show cause why the structure(s) on the Property should not be condemned and ordered repaired or demolished.

On the date of the hearing, the Governing Body shall hear the evidence (if any) presented. If the Governing Body finds that the Property is unsafe or dangerous, then the Governing Body may direct the structure(s) to be repaired or removed and the Property made safe and secure. The Governing Body shall also fix a reasonable time within which the repair or removal shall be commenced and, if the owner fails to commence the repair or removal within the time stated, or fails to diligently prosecute the same to completion, the Governing Body will cause the structure to be repaired or razed and removed.

Please contact us as soon as possible so that we may review the steps that must be undertaken to bring the Property into compliance and no longer be regarded as unsafe or dangerous. To that end, please find enclosed a proposed Remediation Agreement. With a signed Remediation Agreement—together with a scope of work and proof of funds—City staff will can recommend to the Governing Body that further enforcement actions be stayed pending compliance with the Remediation Agreement.

Thank you for your prompt attention to this matter.

David Cowan



Department of Building & Code Enforcement

120 N. 6<sup>th</sup> Street

Independence, Kansas 67301

Assistant City Manager – Building & Code Enforcement

Attachments/Enclosures: Resolution No. **2025.061**  
Draft Remediation Agreement

cc:



State of Kansas, Montgomery County  
This instrument was filed for  
Record on November 21, 2025 11:04 AM  
Recorded in Book 752 Page 397 - 397  
Fee: \$0.00 202503675



*Marilyn Calhoun*

Marilyn Calhoun, Register of Deeds

## RESOLUTION NO. 2025-061

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

↓ **Legal:** Lot 40, West Side Addition to the City of Independence, Montgomery County, Kansas.

**Common Address:** 1116 W. Main Street.

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

*W. L. Smith*  
\_\_\_\_\_  
Mayor

*David H. Smith*  
\_\_\_\_\_  
City Clerk

(SEAL)





## CITY OF INDEPENDENCE, KANSAS

### Office of the Building Official

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** November 7, 2025

**To:**

**Amanda Gann**

**1120 W. Main Street**

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 700 N. 12th

**Lien Holder:** N/A

Dear Mr. Brooks:

On **November 20, 2025**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **1116 W. Main Street** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The City has received reports from Code Enforcement staff and neighboring residents indicating that the structure(s) at this address are **vacant, deteriorated, and in disrepair**. Observed conditions include **open, and in disrepair**, and the fact that **City utility services were last active in 2022**.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including **regular mowing, trimming of vegetation, and removal of all trash and debris**.
4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.



**Commission Meeting – Setting the Date:**

- **Date: November 20, 2025**
- **Time: 5:30 PM**
- **Location: 120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor**

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at **(620) 332-2528** (office), **(620) 330-0056** (mobile), or via email at **davidc@independenceks.gov**.

Your prompt cooperation in addressing this matter is appreciated.  
Sincerely,

**David J. Cowan**  
Assistant City Manager  
Building Official / Director  
City of Independence, Kansas

## DETERMINATION OF UNSAFE OR DANGEROUS STRUCTURE

Date: **November 7, 2025**  
Address: **1116 W. Main**  
Owner: **Amanda Gann**  
Parcel No.: **087-36-0-20-06-027-00-0-01**  
Legal Description: **Lot 40, West Side Addition to the City of Independence,  
Montgomery County, Kansas**

Date of Inspection:

**The City of Independence, Kansas, has determined that the above-described structures or property are “unsafe”, “dangerous”, “hazardous”, and/or “unfit for human occupancy” under the City Codes and Ordinance 4466 as adopted for the following reasons:**

### UNSAFE STRUCTURES

- ☒ Does not provide minimum safeguards to protect or warn occupants in the event of fire.  
☒ Such structure contains unsafe infrastructure, structure or equipment  
☒ Such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Additional Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **DANGEROUS STRUCTURES**

- ☐ Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the City as related to the requirements for existing buildings.
- ☐ The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- ☐ Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- ☐ Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

**xx** ☐ The building or structure, or part of the building or structure, because of dilapidation,



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deterioration, decay, faulty construction, the removal or movement of some portion of the ground

necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

☒ The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

☒ The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children that might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

☐ Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

☐ Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**STRUCTURES UNFIT FOR HUMAN OCCUPANCY**

☒ A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by City Code and IBC, as adopted by the City, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

## Report Cover Page

|                 |                                                                                     |                   |                                                   |
|-----------------|-------------------------------------------------------------------------------------|-------------------|---------------------------------------------------|
| Date:           | <b>11/07/2025</b>                                                                   | Prepared For:     | <b>City of Independence</b>                       |
| Order No.:      | <b>3159954</b>                                                                      | Owner(s):         | <b>Amanda Gann</b>                                |
| Issuing Office: | <b>Security 1st Title<br/>114 N. Pennsylvania Avenue<br/>Independence, KS 67301</b> | Property Address: | <b>1116 W Main St, Independence, KS<br/>67301</b> |

**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:

[087-36-0-20-06-027.00-0](#)



Date: November 07, 2025  
Property Address: 1116 W Main St, Independence, KS  
67301

File No.: 3159954  
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 10, 2025 at 7:00 A.M.

On Real Estate described as:

**Lot 40, West Side 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:

Amanda Gann

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 2024 in the amount of \$390.24, HALF PAID.

Tax Parcel No. # 087-36-0-20-06-027-00-0-01

PIN # IC 4986

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

*Mary Jo Wallis*

Licensed Abstracter

Address: 1116 W Main

Utility Account: Y ☒ N

Last Active Service Date: 9/29/2022

Parcel: ☒ Y N

Pictures: Structure-House-Yard-Sides-Rear-Rear Yard

Holes in Roof: ☒ Y N

Notes:

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Missing Windows: ☒ Y N

Notes:

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Open Doors: ☒ Y N

Notes:

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Yard ~~Not~~ Mowed: ☒ Y N

Trash or Debris: ☒ Y N

Notes:

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Other Notes:

Dumpster in front, people clearing out  
the house. Unsure of a plan for it.

[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 063-087-36-0-20-06-027.00-0**  
**Quick Ref ID: 4264**

### Owner Information

|                   |                                       |
|-------------------|---------------------------------------|
| <b>Owner Name</b> | GANN, AMANDA                          |
| <b>Address</b>    | 1120 W MAIN ST INDEPENDENCE, KS 67301 |

### Property Situs Address

|                |                                        |
|----------------|----------------------------------------|
| <b>Address</b> | 1116 W MAIN ST, Independence, KS 67301 |
|----------------|----------------------------------------|

### Land Based Classification System

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

### General Property Information

|                       |                 |
|-----------------------|-----------------|
| <b>Prop Class</b>     | Residential - R |
| <b>Living Units</b>   | 1               |
| <b>Zoning</b>         |                 |
| <b>Neighborhood</b>   | 108.F           |
| <b>Tax Unit Group</b> | 108             |

### Property Factors

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

### 2025 Appraised Value

| Class           | Land         | Building      | Total         |
|-----------------|--------------|---------------|---------------|
| Residential - R | 4,530        | 17,120        | 21,650        |
| <b>Total</b>    | <b>4,530</b> | <b>17,120</b> | <b>21,650</b> |

### 2024 Appraised Value

| Class           | Land         | Building      | Total         |
|-----------------|--------------|---------------|---------------|
| Residential - R | 4,530        | 15,890        | 20,420        |
| <b>Total</b>    | <b>4,530</b> | <b>15,890</b> | <b>20,420</b> |

### Tract Description

WESTSIDE ADD, S36, T32, R15, Lot 40, ACRES 0.18, Lot Width: 050.0 Lot Depth: 150.0 Plat Book/Page A /3 Deed Book/Page 722 /579 675 /984 651 /1224 352 /437

## Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 722   | 579   | 675   | 984   | 651   | 1224  | 722   | 579   |

## Market Land Information

| Method | Type             | AC/SF | Eff FF | Depth | D-Fact | Inf1 | Fact1 | Inf2 | Fact2 | Ovrd | Class | Value Est |
|--------|------------------|-------|--------|-------|--------|------|-------|------|-------|------|-------|-----------|
| Sqft   | Primary Site - 1 | 7841  |        |       |        |      |       |      |       |      |       | 4,530     |

## Dwelling Information

| Dwelling Information         |                         | Comp Sales Information |           |
|------------------------------|-------------------------|------------------------|-----------|
| Res Type                     | Single-family Residence | Arch Style             | Bungalow  |
| Quality                      | FR                      | Bsmt Type              | Crawl - 2 |
| Year Built                   | 1933                    | 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              | 1,305                   | Foundation             | Stone - 4 |
| Main Floor Living Area       | 1,004                   |                        |           |
| Upper Floor Living Area Pct. | 30                      |                        |           |
| CDU                          | PR-                     |                        |           |
| Phys/Func/Econ               | VP/ /                   |                        |           |
| Ovr Pct Gd/RCN               | /139,440                |                        |           |
| Remodel                      |                         |                        |           |
| Percent Complete             |                         |                        |           |
| Assessment Class             |                         |                        |           |
| MU CIs/Pct                   |                         |                        |           |

## Dwelling Components

| Code                             | Units | Pct | Quality | Year |
|----------------------------------|-------|-----|---------|------|
| Frame, Siding, Wood              |       | 100 |         |      |
| Raised Subfloor (% or SF)        |       | 100 |         |      |
| Plumbing Fixtures (#)            | 5     |     |         |      |
| Automatic Floor Cover Allowance  |       |     |         |      |
| Raised Slab Porch (SF) with Roof | 140   |     |         |      |
| Composition Shingle              |       | 100 |         |      |
| Warmed & Cooled Air              |       | 100 |         |      |
| Plumbing Rough-ins (#)           | 1     |     |         |      |
| Raised Slab Porch (SF) with Roof | 262   |     |         |      |

## Building Improvement Components

| Id | Code                        | Units | Pct | Size | Other | Rank | Year |
|----|-----------------------------|-------|-----|------|-------|------|------|
| 16 | No HVAC                     |       |     |      |       |      |      |
| 16 | Single -Metal on Wood Frame |       | 100 |      |       |      |      |

## Other Improvements

| No | Occupancy               | MSCIs | Rank | Qty | Yr Blt | Eff Yr | LBCS | Area | Perim | Hgt | Dimensions | Stories | Phys | Func | Econ | OVR% | Rsn | Cls | RCN    | %Gd | Value |
|----|-------------------------|-------|------|-----|--------|--------|------|------|-------|-----|------------|---------|------|------|------|------|-----|-----|--------|-----|-------|
| 16 | Farm Implement Building | P     | 2.00 | 1   | 1993   |        |      | 720  | 108   | 12  | 30 X 24    | 1       | 2    | 3    |      |      |     |     | 15,430 | 31  | 4,780 |

**Other Improvement Components**

| No | Code                        | Units | Pct | Size | Other | Rank | Year |
|----|-----------------------------|-------|-----|------|-------|------|------|
| 16 | No HVAC                     |       |     |      |       |      |      |
| 16 | Single -Metal on Wood Frame |       | 100 |      |       |      |      |

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TECHNOLOGIES



**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Public Hearing to consider condemnation of 300 Westminster Place as dangerous and unsafe.

**SUMMARY RECOMMENDATION** City Staff recommends condemnation as dangerous and unsafe.

**BACKGROUND**

The property located at 300 Westminster Place has previously been reported to the City for issues related to the condition of the primary structure, debris accumulation, and code enforcement violations. Upon inspection, City staff observed that both structures on the property are in significant disrepair and pose safety hazards. City utility services have been discontinued since January 27, 2025.

The City has communicated with the property owner regarding the circumstances; however, she did not indicate her intentions for addressing the property during that discussion.

City staff recommends that the Commission condemn the structure(s) as dangerous and unsafe.

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

**SUGGESTED MOTION** I move to adopt a resolution condemning 300 Westminster Place as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION 2026-023 - CONDEMNATION - DAYS - 300 Westminster
2. 300 Westminster Place Pictures
3. 2026 - Notice of Public Hearing Date - 1st Letter - Cert - 11242025
4. 2025-062 - Condemnation - P\_H - 300 Westminster Place
5. RESOLUTION 2025-062 - CONDEMNATION - PH - 300 Westminster Place
6. 2026 - 300 Westminster Place - Setting Date of Public Hearing
7. 300 Westminster Place - Determination of Unsafe or Dangerous Structure
8. 3162621\_OE\_Report
9. Notes & Parcel - 300 Westminster

## RESOLUTION NO. 2026-023

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 27, Westminster Sub-division to the City of Independence, Montgomery County, Kansas

### Common Address

300 Westminster

### Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, 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. #2025—062**, dated **November 20, 2025**, 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 **November 26, 2025 and December 3, 2025**, 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 27, Westminster Sub-division to the City of Independence, Montgomery County, Kansas

Common Address

300 Westminster

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 12<sup>th</sup> day of February, 2026.

(SEAL)

---

Mayor

---

City Clerk

# 300 Westminster Place

---





## NOTICE OF PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY

Date: November 28, 2025

TO: **Johna Wood**

Lien Holder:

RE: Unsafe or Dangerous Structure at: **300 Westminster Pl**

Property records reflect that you are the owner or occupant of the above-described Property. This letter is being provided to you pursuant to K.S.A. 12-1751 et seq to advise you that staff for the City of Independence, Kansas, has determined that the Property is “unsafe or dangerous” and subject to condemnation or being ordered to be repaired or demolished.

On **November 20, 2025**, the City Commission adopted a Resolution for a public hearing to be held on **February 12, 2026, at 120 N. 6th Street**, Commission Room, Independence, Kansas 67301. The public hearing will commence at 5:30 p.m. At such hearing, the owner of the Property, the owner’s agent, lienholders or record, and any occupant may appear and show cause why the structure(s) on the Property should not be condemned and ordered repaired or demolished.

On the date of the hearing, the Governing Body shall hear the evidence (if any) presented. If the Governing Body finds that the Property is unsafe or dangerous, then the Governing Body may direct the structure(s) to be repaired or removed and the Property made safe and secure. The Governing Body shall also fix a reasonable time within which the repair or removal shall be commenced and, if the owner fails to commence the repair or removal within the time stated, or fails to diligently prosecute the same to completion, the Governing Body will cause the structure to be repaired or razed and removed.

Please contact us as soon as possible so that we may review the steps that must be undertaken to bring the Property into compliance and no longer be regarded as unsafe or dangerous. To that end, please find enclosed a proposed Remediation Agreement. With a signed Remediation Agreement—together with a scope of work and proof of funds—City staff will can recommend to the Governing Body that further enforcement actions be stayed pending compliance with the Remediation Agreement.

Thank you for your prompt attention to this matter.

David Cowan



Department of Building & Code Enforcement

120 N. 6<sup>th</sup> Street

Independence, Kansas 67301

Assistant City Manager – Building & Code Enforcement

Attachments/Enclosures: Resolution No. **2025.062**  
Draft Remediation Agreement

cc:



State of Kansas, Montgomery County  
This instrument was filed for  
Record on November 21, 2025 11:05 AM  
Recorded in Book 752 Page 398 - 398  
Fee: \$0.00 202503676



*Marilyn Calhoun*

Marilyn Calhoun, Register of Deeds

## RESOLUTION NO. 2025-062

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

✓ **Legal:** Lot 27, Westminster Sub-division to the City of Independence, Montgomery County, Kansas.

**Common Address:** 300 Westminster Place

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

*W. J. Snel*  
\_\_\_\_\_  
Mayor

*Dana Schuman*  
\_\_\_\_\_  
City Clerk

(SEAL)



## RESOLUTION NO. 2025-062

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

**Legal:** Lot 27, Westminster Sub-division to the City of Independence, Montgomery County, Kansas.

**Common Address:** 300 Westminster Place

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

(SEAL)

---

Mayor

---

City Clerk

**CITY OF INDEPENDENCE, KANSAS**

**Office of the Building Official**

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** November 7, 2025

**To:**

**Johna Wood**

**300 Westminster Pl**

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 300 Westminster

**Lien Holder:** N/A

Dear Johna Wood

On **November 20, 2025**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **300 Westminster Place** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The City has received reports from Code Enforcement staff and neighboring residents indicating that the structure(s) at this address are **vacant, deteriorated, and in disrepair**. Observed conditions include **open, and in disrepair**, and the fact that **City utility services were last active in January 2025**.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including **regular mowing, trimming of vegetation, and removal of all trash and debris**.
4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.



**Commission Meeting – Setting the Date:**

- **Date: November 20, 2025**
- **Time: 5:30 PM**
- **Location: 120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor**

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at **(620) 332-2528** (office), **(620) 330-0056** (mobile), or via email at **davidc@independenceks.gov**.

Your prompt cooperation in addressing this matter is appreciated.  
Sincerely,

**David J. Cowan**  
Assistant City Manager  
Building Official / Director  
City of Independence, Kansas



## DETERMINATION OF UNSAFE OR DANGEROUS STRUCTURE

Date: **November 7, 2025**  
Address: **300 Westminster**  
Owner: **Johna Wood**  
Parcel No.: **099-30-0-30-21-013-00-0-01**  
Legal Description: **Lot 27, Westminster Sub-division to the City of Independence, Montgomery County, Kansas**

Date of Inspection:

**The City of Independence, Kansas, has determined that the above-described structures or property are “unsafe”, “dangerous”, “hazardous”, and/or “unfit for human occupancy” under the City Codes and Ordinance 4466 as adopted for the following reasons:**

### UNSAFE STRUCTURES

- ☒ Does not provide minimum safeguards to protect or warn occupants in the event of fire.  
☒ Such structure contains unsafe infrastructure, structure or equipment  
☒ Such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Additional Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **DANGEROUS STRUCTURES**

- ☐ Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the City as related to the requirements for existing buildings.
- ☐ The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- ☐ Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- ☐ Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

**xx** ☐ The building or structure, or part of the building or structure, because of dilapidation,



“Delivering Excellence”

deterioration, decay, faulty construction, the removal or movement of some portion of the ground

necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

☒ The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

☒ The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children that might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

☐ Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

☐ Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**STRUCTURES UNFIT FOR HUMAN OCCUPANCY**

☒ A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by City Code and IBC, as adopted by the City, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

## Report Cover Page

|                 |                                                                                     |                   |                                                       |
|-----------------|-------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------|
| Date:           | <b>11/07/2025</b>                                                                   | Prepared For:     | <b>City of Independence</b>                           |
| Order No.:      | <b>3162621</b>                                                                      | Owner(s):         | <b>Johna Wood</b>                                     |
| Issuing Office: | <b>Security 1st Title<br/>114 N. Pennsylvania Avenue<br/>Independence, KS 67301</b> | Property Address: | <b>300 Westminster Pl, Independence,<br/>KS 67301</b> |

**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:

[099-30-0-30-21-013.00-0](#)

Date: November 07, 2025

Property Address: 300 Westminster Pl, Independence, KS  
67301

File No.: 3162621

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 27, 2025 at 7:00 A.M.

On Real Estate described as:

**Lot 27, Westminster Sub-division 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:

Johna Wood

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 2024 in the amount of \$489.98, NOT PAID.

Tax Parcel No. # 099-30-0-30-21-013-00-0-01

PIN # IC 3807

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

General taxes and special assessments for the year 2023 in the amount of \$475.40, NOT PAID.

Tax Parcel No. # 099-30-0-30-21-013-00-0-01

PIN # IC 3807

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

General taxes and special assessments for the year 2022 in the amount of \$442.20, NOT PAID.

Tax Parcel No. # 099-30-0-30-21-013-00-0-01

PIN # IC 3807

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

General taxes and special assessments for the year 2021 in the amount of \$445.22, NOT PAID.

Tax Parcel No. # 099-30-0-30-21-013-00-0-01

PIN # IC 3807

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

General taxes and special assessments for the year 2020 in the amount of \$1,168.58, HALF PAID.

Tax Parcel No. # 099-30-0-30-21-013-00-0-01

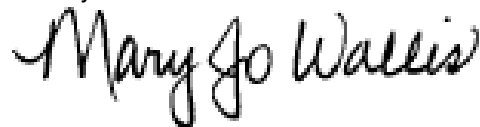
PIN # IC 3807

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

Address: 300 Westminster

Utility Account: Y ☒ N

Last Active Service Date: 1/27/2025

Parcel: ☒ Y N

Pictures: Structure-House-Yard-Sides-Rear-Rear Yard

Holes in Roof: ☒ Y N

Notes: Roof falling in all over house-porch  
is really bad

Missing Windows: ☒ Y N

Notes: All windows open

Open Doors: Y ☒ N

Notes:

Yard Mowed: ☒ Y N

Trash or Debris: ☒ Y N

Notes: Trash in the back

Other Notes: House is completely open- looks unsafe

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**The Parcel Number for this Property is 063-099-30-0-30-21-013.00-0**  
**Quick Ref ID: 6250**

### Owner Information

|                   |                                           |
|-------------------|-------------------------------------------|
| <b>Owner Name</b> | WOOD, JOHNA                               |
| <b>Address</b>    | 300 WESTMINSTER PL INDEPENDENCE, KS 67301 |

### Property Situs Address

|                |                                            |
|----------------|--------------------------------------------|
| <b>Address</b> | 300 WESTMINSTER PL, Independence, KS 67301 |
|----------------|--------------------------------------------|

### Land Based Classification System

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

### General Property Information

|                       |                 |
|-----------------------|-----------------|
| <b>Prop Class</b>     | Residential - R |
| <b>Living Units</b>   | 1               |
| <b>Zoning</b>         |                 |
| <b>Neighborhood</b>   | 108.A           |
| <b>Tax Unit Group</b> | 108             |

### Property Factors

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

### 2025 Appraised Value

| Class           | Land          | Building      | Total         |
|-----------------|---------------|---------------|---------------|
| Residential - R | 11,780        | 14,180        | 25,960        |
| <b>Total</b>    | <b>11,780</b> | <b>14,180</b> | <b>25,960</b> |

### 2024 Appraised Value

| Class           | Land   | Building | Total  |
|-----------------|--------|----------|--------|
| Residential - R | 11,790 | 13,840   | 25,630 |
|                 |        |          |        |
| Total           | 11,790 | 13,840   | 25,630 |

### Tract Description

WESTMINSTER SUB, S30, T32, R16, Lot 27, Lot Width: 065.0 Lot Depth: 130.0 Plat Book/Page 4 / 2 Deed Book/Page 711 / 419 568 / 53 533 / 170 321 / 386

### Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 711   | 419   | 568   | 53    | 711   | 419   |       |       |

### Market Land Information

| Method | Type             | AC/SF | Eff FF | Depth | D-Fact | Inf1 | Fact1 | Inf2 | Fact2 | Ovrd | Class | Value Est |
|--------|------------------|-------|--------|-------|--------|------|-------|------|-------|------|-------|-----------|
| Sqft   | Primary Site - 1 | 9066  |        |       |        |      |       |      |       |      |       | 11,780    |

### Dwelling Information

| Dwelling Information         |                         | Comp Sales Information |           |
|------------------------------|-------------------------|------------------------|-----------|
| Res Type                     | Single-family Residence | Arch Style             | Old Style |
| Quality                      | AV                      | Bsmt Type              | Full - 4  |
| Year Built                   | 1920                    | Total Rooms            | 11        |
| Eff Year                     |                         | Bedrooms               | 5         |
| MS Style                     | Two Story               | Family Rooms           |           |
| LBCSStruct                   | Detached SFR unit       | Full Baths             | 3         |
| No. of Units                 |                         | Half Baths             |           |
| Total Living Area            |                         | Garage Cap             |           |
| Calculated Area              | 2,611                   | Foundation             | Stone - 4 |
| Main Floor Living Area       | 1,419                   |                        |           |
| Upper Floor Living Area Pct. | 84                      |                        |           |
| CDU                          | VP                      |                        |           |
| Phys/Func/Econ               | VP/ /                   |                        |           |
| Ovr Pct Gd/RCN               | /354,620                |                        |           |
| Remodel                      |                         |                        |           |
| Percent Complete             |                         |                        |           |
| Assessment Class             |                         |                        |           |
| MU CIs/Pct                   |                         |                        |           |

### Dwelling Components

| Code                     | Units | Pct | Quality | Year |
|--------------------------|-------|-----|---------|------|
| Wood Deck (SF) with Roof | 128   |     |         |      |
| Frame, Siding, Wood      |       | 100 |         |      |
| Total Basement Area (SF) | 1,419 |     |         |      |
| Warmed & Cooled Air      |       | 100 |         |      |
| Plumbing Rough-ins (#)   | 1     |     |         |      |
| Open Slab Porch (SF)     | 128   |     |         |      |
| Wood Deck (SF) with Roof | 288   |     |         |      |



|                                 |     |     |  |  |
|---------------------------------|-----|-----|--|--|
| Composition Shingle             |     | 100 |  |  |
| Raised Subfloor (% or SF)       |     | 100 |  |  |
| Plumbing Fixtures (#)           | 11  |     |  |  |
| Automatic Floor Cover Allowance |     |     |  |  |
| Open Slab Porch (SF)            | 288 |     |  |  |
| Partition Finish Area (SF)      | 709 |     |  |  |

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TECHNOLOGIES



**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Public Hearing to consider condemnation of 721 Washington Street as dangerous and unsafe.

**SUMMARY RECOMMENDATION** City Staff recommends condemnation as dangerous and unsafe.

**BACKGROUND**

The property located at 721 Washington Street has been previously reported to the City for issues involving the condition of the primary structure, debris and code enforcement issues. Upon inspection, City staff observed that both structures are in significant disrepair, pose safety hazards, and no city utilities since 05/4/2020.

City staff recommends condemnation of the structure as dangerous and unsafe.

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

**SUGGESTED MOTION** I move to adopt a resolution condemning 721 Washington Street as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION 2026-024 - CONDEMNATION - DAYS - 721 Washington
2. 721 Washington Street Picture
3. 2025-063 - Condemnation - P\_H - 721 Washington
4. 2026 - Notice of Public Hearing Date - 1st Letter - Cert - 11242025
5. RESOLUTION 2025-063 - CONDEMNATION - PH - 721 Washington Street
6. 721 Washington St. - Determination of Unsafe or Dangerous Structure
7. 2026 - 721 WASHINGTON ST - Setting Date of Public Hearing
8. 3159952\_OE\_Report
9. Notes & Parcel - 721 Washington

## RESOLUTION NO. 2026-024

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, Block 4, Dunkin's Addition to the City of Independence, Montgomery County, Kansas

### Common Address

721 Washington St.

### Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, 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. #2025—063**, dated **November 20, 2025**, 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 **November 26, 2025 and December 3, 2025**, 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, Block 4, Dunkin's Addition to the City of Independence, Montgomery County, Kansas

Common Address

721 Washington St.

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 12<sup>th</sup> day of February, 2026.

(SEAL)

---

Mayor

---

City Clerk

# 721 Washington Street

---





State of Kansas, Montgomery County  
This instrument was filed for  
Record on November 21, 2025 11:06 AM  
Recorded in Book 752 Page 399 - 399  
Fee: \$0.00 202503677



*Marilyn Calhoun*  
Marilyn Calhoun, Register of Deeds

## RESOLUTION NO. 2025-063

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

↘ **Legal:** Lot 5, Block 4, Dunkin's Addition to the City of Independence, Montgomery County, Kansas.

**Common Address:** 721 Washington St.

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

*W. S. [Signature]*  
\_\_\_\_\_  
Mayor

*David [Signature]*  
\_\_\_\_\_  
City Clerk

(SEAL)







## NOTICE OF PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY

Date: November 28, 2025

TO: **Lauren Dorman**

Lien Holder:

RE: Unsafe or Dangerous Structure at: **721 Washington Street**

Property records reflect that you are the owner or occupant of the above-described Property. This letter is being provided to you pursuant to K.S.A. 12-1751 et seq to advise you that staff for the City of Independence, Kansas, has determined that the Property is “unsafe or dangerous” and subject to condemnation or being ordered to be repaired or demolished.

On **November 20, 2025**, the City Commission adopted a Resolution for a public hearing to be held on **February 12, 2026, at 120 N. 6th Street**, Commission Room, Independence, Kansas 67301. The public hearing will commence at **5:30 p.m.** At such hearing, the owner of the Property, the owner’s agent, lienholders or record, and any occupant may appear and show cause why the structure(s) on the Property should not be condemned and ordered repaired or demolished.

On the date of the hearing, the Governing Body shall hear the evidence (if any) presented. If the Governing Body finds that the Property is unsafe or dangerous, then the Governing Body may direct the structure(s) to be repaired or removed and the Property made safe and secure. The Governing Body shall also fix a reasonable time within which the repair or removal shall be commenced and, if the owner fails to commence the repair or removal within the time stated, or fails to diligently prosecute the same to completion, the Governing Body will cause the structure to be repaired or razed and removed.

Please contact us as soon as possible so that we may review the steps that must be undertaken to bring the Property into compliance and no longer be regarded as unsafe or dangerous. To that end, please find enclosed a proposed Remediation Agreement. With a signed Remediation Agreement—together with a scope of work and proof of funds—City staff will can recommend to the Governing Body that further enforcement actions be stayed pending compliance with the Remediation Agreement.

Thank you for your prompt attention to this matter.

David Cowan



Department of Building & Code Enforcement

120 N. 6<sup>th</sup> Street

Independence, Kansas 67301

Assistant City Manager – Building & Code Enforcement

Attachments/Enclosures: Resolution No. **2025.063**  
Draft Remediation Agreement

cc:



## RESOLUTION NO. 2025-063

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

**Legal:** Lot 5, Block 4, Dunkin's Addition to the City of Independence, Montgomery County, Kansas.

**Common Address:** 721 Washington St.

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

(SEAL)

---

Mayor

---

City Clerk

## DETERMINATION OF UNSAFE OR DANGEROUS STRUCTURE

Date: **November 10, 2025**  
Address: **721 Washington St.**  
Owner: **Lauren Dorman**  
Parcel No.: **099-30-0-30-12-005-00-0-01**  
Legal Description: **Lot 5, Block 4, Dunkin's Addition to the City of Independence, Montgomery County, Kansas**

Date of Inspection:

**The City of Independence, Kansas, has determined that the above-described structures or property are “unsafe”, “dangerous”, “hazardous”, and/or “unfit for human occupancy” under the City Codes and Ordinance 4466 as adopted for the following reasons:**

### UNSAFE STRUCTURES

- ☒ Does not provide minimum safeguards to protect or warn occupants in the event of fire.  
☐ Such structure contains unsafe infrastructure, structure or equipment  
☒ Such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Additional Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **DANGEROUS STRUCTURES**

- ☐ Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the City as related to the requirements for existing buildings.
- ☐ The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- ☐ Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- ☐ Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

**xx** ☐ The building or structure, or part of the building or structure, because of dilapidation,



“Delivering Excellence”

deterioration, decay, faulty construction, the removal or movement of some portion of the ground

necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

☒ The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

☒ The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children that might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

☐ Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

☐ Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**STRUCTURES UNFIT FOR HUMAN OCCUPANCY**

☒ A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by City Code and IBC, as adopted by the City, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.



## **CITY OF INDEPENDENCE, KANSAS**

### **Office of the Building Official**

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** November 7, 2025

**To:**

**Lauren Dorman**

**721 Washington St.**

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 721 Washington

**Lien Holder:** N/A

Dear **Ms. Dorman**

On **November 20, 2025**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **721 Washington** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The City has received reports from Code Enforcement staff and neighboring residents indicating that the structure(s) at this address are **vacant, deteriorated, and in disrepair**. Observed conditions include **open, overgrown vegetation, trash and debris accumulation**, and the fact that **City utility services were last active in 5/4/2020**.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including **regular mowing, trimming of vegetation, and removal of all trash and debris**.
4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.



**Commission Meeting – Setting the Date:**

- **Date: November 20, 2025**
- **Time: 5:30 PM**
- **Location: 120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor**

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at **(620) 332-2528** (office), **(620) 330-0056** (mobile), or via email at **davidc@independenceks.gov**.

Your prompt cooperation in addressing this matter is appreciated.  
Sincerely,

**David J. Cowan**  
Assistant City Manager  
Building Official / Director  
City of Independence, Kansas

## Report Cover Page

|                 |                                                                                     |                   |                                                      |
|-----------------|-------------------------------------------------------------------------------------|-------------------|------------------------------------------------------|
| Date:           | <b>11/10/2025</b>                                                                   | Prepared For:     | <b>City of Independence</b>                          |
| Order No.:      | <b>3159952</b>                                                                      | Owner(s):         | <b>Lauren Dorman</b>                                 |
| Issuing Office: | <b>Security 1st Title<br/>114 N. Pennsylvania Avenue<br/>Independence, KS 67301</b> | Property Address: | <b>721 Washington St, Independence,<br/>KS 67301</b> |

**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:

[099-30-0-30-12-005.00-0](#)

Date: November 10, 2025

Property Address: 721 Washington St, Independence, KS  
67301

File No.: 3159952

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: November 01, 2025 at 7:00 A.M.

On Real Estate described as:

**Lot 5, Block 4, Dunkin'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:

Lauren Dorman

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 2025 in the amount of \$1,209.72, NOT PAID.

Tax Parcel No. # 099-30-0-30-12-005-00-0-01

PIN # IC3262

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

General taxes and special assessments for the year 2024 in the amount of \$978.44, NOT PAID.

Tax Parcel No. # 099-30-0-30-12-005-00-0-01

PIN # IC 3262

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

General taxes and special assessments for the year 2023 in the amount of \$976.92, NOT PAID.

Tax Parcel No. # 099-30-0-30-12-005-00-0-01

PIN # IC 3262

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 \$629.04, NOT PAID.

Tax Parcel No. # 099-30-0-30-12-005-00-0-01

PIN # IC 3262

5. Note: Title to the Land was derived through a tax sale held on December 16, 2020, under a tax foreclosure proceeding in Case No. 20 CV-10 C.. The Sheriff's Deed was recorded on January 06, 2021, as Book 698, page 564.

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 Art Denton, 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

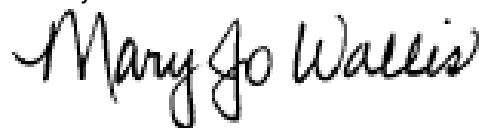
We reserve the right to make additional requirements as we may deem necessary.

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

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

Licensed Abstracter



Address: 721 Washington

Utility Account: Y ☒ N

Last Active Service Date: 5/4/2020

Parcel: ☒ Y ☐ N

Pictures: Structure-House-Yard-Sides-Rear-Rear Yard

Holes in Roof: Y ☒ N

Notes:

Needs Repair

Missing Windows: Y ☒ N

Notes:

BROKEN/Boarded

Open Doors: Y ☒ N

Notes:

Yard ~~Not~~ Mowed: Y ☒ N

Trash or Debris: ☒ Y ☐ N

Notes:

All overgrown

Porch & Back Yard

Other Notes:

Could be repaired if overgrowth was taken care of -  
Doesn't look like its in bad shape really

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The Parcel Number for this Property is 063-099-30-0-30-12-005.00-0  
Quick Ref ID: 6113

**Owner Information**

|            |                                     |
|------------|-------------------------------------|
| Owner Name | DORMAN, LAUREN                      |
| Address    | 501 S 2ND ST INDEPENDENCE, KS 67301 |

**Property Situs Address**

|         |                                           |
|---------|-------------------------------------------|
| Address | 721 WASHINGTON 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        | Above Street - 2            |
| 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 |                             |

**2025 Appraised Value**

| Class           | Land   | Building | Total  |
|-----------------|--------|----------|--------|
| Residential - R | 10,600 | 53,900   | 64,500 |
| Total           | 10,600 | 53,900   | 64,500 |

**2024 Appraised Value**

| Class           | Land   | Building | Total  |
|-----------------|--------|----------|--------|
| Residential - R | 10,620 | 40,570   | 51,190 |
| Total           | 10,620 | 40,570   | 51,190 |

**Tract Description**

DUNKINS ADD, S30, T32, R16, BLOCK 4, Lot 5, Lot Width: 050.0 Lot Depth: 124.5 Plat Book/Page 4 /22 Deed Book/Page 713 /031 699 /711 698 /564 636 /1325 560 /161 487 /425 299 /011

## Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 713   | 031   | 699   | 711   | 698   | 564   | 636   | 1325  |

## Market Land Information

| Method | Type             | AC/SF | Eff FF | Depth | D-Fact | Inf1 | Fact1 | Inf2 | Fact2 | Ovrd | Class | Value Est |
|--------|------------------|-------|--------|-------|--------|------|-------|------|-------|------|-------|-----------|
| Sqft   | Primary Site - 1 | 6210  |        |       |        |      |       |      |       |      |       | 10,600    |

## Dwelling Information

| Dwelling Information         |                         | Comp Sales Information |             |
|------------------------------|-------------------------|------------------------|-------------|
| Res Type                     | Single-family Residence | Arch Style             | Old Style   |
| Quality                      | FR+                     | Bsmt Type              | Partial - 3 |
| Year Built                   | 1910                    | Total Rooms            | 6           |
| Eff Year                     |                         | Bedrooms               | 3           |
| MS Style                     | 1 1/2 Story Finished    | Family Rooms           |             |
| LBCSStruct                   | Detached SFR unit       | Full Baths             | 2           |
| No. of Units                 |                         | Half Baths             |             |
| Total Living Area            |                         | Garage Cap             |             |
| Calculated Area              | 1,578                   | Foundation             | Stone - 4   |
| Main Floor Living Area       | 912                     |                        |             |
| Upper Floor Living Area Pct. | 73                      |                        |             |
| CDU                          | AV-                     |                        |             |
| Phys/Func/Econ               | FR/ /                   |                        |             |
| Ovr Pct Gd/RCN               | /189,040                |                        |             |
| Remodel                      |                         |                        |             |
| Percent Complete             |                         |                        |             |
| Assessment Class             |                         |                        |             |
| MU Cls/Pct                   |                         |                        |             |

## Dwelling Components

| Code                                | Units | Pct | Quality | Year |
|-------------------------------------|-------|-----|---------|------|
| Wood Deck (SF) with Roof            | 208   |     |         |      |
| Composition Shingle                 |       | 100 |         |      |
| Raised Subfloor (% or SF)           |       | 100 |         |      |
| Plumbing Fixtures (#)               | 8     |     |         |      |
| Automatic Floor Cover Allowance     |       |     |         |      |
| Enclosed Wood Deck (SF), Solid Wall | 240   |     |         |      |
| Frame, Siding, Wood                 |       | 100 |         |      |
| Total Basement Area (SF)            | 448   |     |         |      |
| Floor Furnace                       |       | 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 |
|----|-----------|-------|------|-----|--------|--------|------|------|-------|-----|------------|---------|------|------|------|------|-----|-----|-------|-----|-------|
| 26 | Tool Shed | D     | 1.00 | 1   | 1930   |        |      | 324  | 72    | 8   | 18 X 18    | 1       | 0    | 0    |      |      |     |     | 4,280 | 0   | 0     |

## Building Improvement Components

| Id | Code                        | Units | Pct | Size | Other | Rank | Year |
|----|-----------------------------|-------|-----|------|-------|------|------|
| 26 | Single -Wall-Boards on Wood |       | 100 |      |       |      |      |

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**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Public Hearing to consider condemnation of 1300 W. Myrtle Street as dangerous and unsafe.

**SUMMARY RECOMMENDATION** City Staff recommends condemnation as dangerous and unsafe.

**BACKGROUND**

The property located at 1300 W Myrtle Street has been previously reported to the City for issues involving the condition of the primary structure, debris and code enforcement issues. Upon inspection, City staff observed that both structures are in significant disrepair, pose safety hazards, and no city utilities since 12/15/2021. The City has had no contact with the owner.

City staff recommends condemnation of the structure as dangerous and unsafe.

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

**SUGGESTED MOTION** I move to adopt a resolution condemning 1300 W. Myrtle Street as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION 2026-025 - CONDEMNATION - DAYS - 1300 W Myrtle
2. 1300 W Myrtle - Pictures
3. 2026 - Notice of Public Hearing Date - 1st Letter - Cert - 11242025
4. 2025-064 - Condemnation - P\_H - 1300 W Myrtle
5. RESOLUTION 2025-064 - CONDEMNATION - PH - 1300 W Myrtle Street
6. 2026 - 1300 W MYRTLE ST. - Setting Date of Public Hearing
7. 1300 W MYRTLE - Determination of Unsafe or Dangerous Structure
8. 3159934\_OE\_Report
9. Notes & Parcel - 1300 W Myrtle

## RESOLUTION NO. 2026-025

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 21 and the South 50 feet of Lot 5, West Side Addition to the City of Independence, Montgomery County, Kansas

### Common Address

1300 W Myrtle St.

### Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, 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. #2025—064**, dated **November 20, 2025**, 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 **November 26, 2025 and December 3, 2025**, 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 21 and the South 50 feet of Lot 5, West Side Addition to the City of Independence, Montgomery County, Kansas

Common Address

1300 W Myrtle St.

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 12<sup>th</sup> day of February, 2026.

(SEAL)

---

Mayor

---

City Clerk

# 1300 W Myrtle





# 1300 W. Myrtle





## NOTICE OF PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY

Date: November 28, 2025

TO: **John Hall**

Lien Holder:

RE: Unsafe or Dangerous Structure at: **1300 W. Myrtle Street**

Property records reflect that you are the owner or occupant of the above-described Property. This letter is being provided to you pursuant to K.S.A. 12-1751 et seq to advise you that staff for the City of Independence, Kansas, has determined that the Property is “unsafe or dangerous” and subject to condemnation or being ordered to be repaired or demolished.

On **November 20, 2025**, the City Commission adopted a Resolution for a public hearing to be held on **February 12, 2026, at 120 N. 6th Street**, Commission Room, Independence, Kansas 67301. The public hearing will commence at 5:30 p.m. At such hearing, the owner of the Property, the owner’s agent, lienholders or record, and any occupant may appear and show cause why the structure(s) on the Property should not be condemned and ordered repaired or demolished.

On the date of the hearing, the Governing Body shall hear the evidence (if any) presented. If the Governing Body finds that the Property is unsafe or dangerous, then the Governing Body may direct the structure(s) to be repaired or removed and the Property made safe and secure. The Governing Body shall also fix a reasonable time within which the repair or removal shall be commenced and, if the owner fails to commence the repair or removal within the time stated, or fails to diligently prosecute the same to completion, the Governing Body will cause the structure to be repaired or razed and removed.

Please contact us as soon as possible so that we may review the steps that must be undertaken to bring the Property into compliance and no longer be regarded as unsafe or dangerous. To that end, please find enclosed a proposed Remediation Agreement. With a signed Remediation Agreement—together with a scope of work and proof of funds—City staff will can recommend to the Governing Body that further enforcement actions be stayed pending compliance with the Remediation Agreement.

Thank you for your prompt attention to this matter.

David Cowan



Department of Building & Code Enforcement

120 N. 6<sup>th</sup> Street

Independence, Kansas 67301

Assistant City Manager – Building & Code Enforcement

Attachments/Enclosures: Resolution No. **2025.064**  
Draft Remediation Agreement

cc:





State of Kansas, Montgomery County  
This instrument was filed for  
Record on November 21, 2025 11:07 AM  
Recorded in Book 752 Page 400 - 400  
Fee: \$0.00 202503678



*Marilyn Calhoun*  
Marilyn Calhoun, Register of Deeds

## RESOLUTION NO. 2025-064

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

**Legal:** ✓ Lot 21 and the South 50 feet of Lot 5, West Side Addition to the City of Independence, Montgomery County, Kansas.

**Common Address:** 1300 W Myrtle St.

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

*W. F. L...*  
\_\_\_\_\_  
Mayor

*David H. ...*  
\_\_\_\_\_  
City Clerk

(SEAL)



## RESOLUTION NO. 2025-064

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

**Legal:** Lot 21 and the South 50 feet of Lot 5, West Side Addition to the City of Independence, Montgomery County, Kansas.

**Common Address:** 1300 W Myrtle St.

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

(SEAL)

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Mayor

---

City Clerk

**CITY OF INDEPENDENCE, KANSAS**

**Office of the Building Official**

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** November 7, 2025

**To:**

**John Hall**

**1300 W. Myrtle**

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 1300 W. Myrtle

**Lien Holder:** N/A

Dear **Mr. Hall**

On **November 20, 2025**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **1300 W. Myrtle** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The City has received reports from Code Enforcement staff and neighboring residents indicating that the structure(s) at this address are **vacant, deteriorated, and in disrepair**. Observed conditions include **open, overgrown vegetation, trash and debris accumulation**, and the fact that **City utility services were last active in 12/15/2021**.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including **regular mowing, trimming of vegetation, and removal of all trash and debris**.
4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.



**Commission Meeting – Setting the Date:**

- **Date: November 20, 2025**
- **Time: 5:30 PM**
- **Location: 120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor**

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at **(620) 332-2528** (office), **(620) 330-0056** (mobile), or via email at **davidc@independenceks.gov**.

Your prompt cooperation in addressing this matter is appreciated.  
Sincerely,

**David J. Cowan**  
Assistant City Manager  
Building Official / Director  
City of Independence, Kansas



## DETERMINATION OF UNSAFE OR DANGEROUS STRUCTURE

Date: **November 10, 2025**  
Address: **1300 W. Myrtle**  
Owner: **John Hall**  
Parcel No.: **087-36-0-20-02-016-00-0-01**  
Legal Description: **Lot 21 and the South 50 feet of Lot 5, West Side Addition to the City of Independence, Montgomery County, Kansas**

Date of Inspection: 8/22/25

**The City of Independence, Kansas, has determined that the above-described structures or property are “unsafe”, “dangerous”, “hazardous”, and/or “unfit for human occupancy” under the City Codes and Ordinance 4466 as adopted for the following reasons:**

### UNSAFE STRUCTURES

- ☒ Does not provide minimum safeguards to protect or warn occupants in the event of fire.  
☒ Such structure contains unsafe infrastructure, structure or equipment  
☒ Such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Additional Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **DANGEROUS STRUCTURES**

- ☐ Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the City as related to the requirements for existing buildings.
- ☐ The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- ☐ Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- ☐ Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

**xx** ☐ The building or structure, or part of the building or structure, because of dilapidation,





“Delivering Excellence”

deterioration, decay, faulty construction, the removal or movement of some portion of the ground

necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

☒ The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

☒ The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children that might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

☐ Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

☐ Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**STRUCTURES UNFIT FOR HUMAN OCCUPANCY**

☒ A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by City Code and IBC, as adopted by the City, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

## Report Cover Page

|                 |                                                                                     |                   |                                                     |
|-----------------|-------------------------------------------------------------------------------------|-------------------|-----------------------------------------------------|
| Date:           | <b>11/10/2025</b>                                                                   | Prepared For:     | <b>City of Independence</b>                         |
| Order No.:      | <b>3159934</b>                                                                      | Owner(s):         | <b>John Hall</b>                                    |
| Issuing Office: | <b>Security 1st Title<br/>114 N. Pennsylvania Avenue<br/>Independence, KS 67301</b> | Property Address: | <b>1300 W Myrtle St, Independence,<br/>KS 67301</b> |

**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:

[087-36-0-20-02-016.00-0](#)

Date: November 10, 2025

Property Address: 1300 W Myrtle St, Independence, KS  
67301

File No.: 3159934

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: November 01, 2025 at 7:00 A.M.

On Real Estate described as:

**Lot 21 and the South 50 feet of Lot 5, West Side 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:

John Hall

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 2025 in the amount of \$195.84, NOT PAID.

Tax Parcel No. # 087-36-0-20-02-016-00-0-01

PIN # IC 4966

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

General taxes and special assessments for the year 2024 in the amount of \$188.48, NOT PAID.

Tax Parcel No. # 087-36-0-20-02-016-00-0-01

PIN # IC 4966

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

General taxes and special assessments for the year 2023 in the amount of \$182.78, NOT PAID.

Tax Parcel No. # 087-36-0-20-02-016-00-0-01

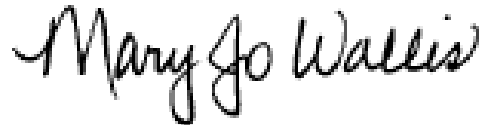
PIN # IC 4966

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

Address: 1300 W MYRTLE

Utility Account: Y ☒ N

Last Active Service Date: 12/15/2021

Parcel: ☒ Y N

Pictures: Structure-House-Yard-Sides-Rear-Rear Yard

Holes in Roof: ☒ Y N

Notes:

MISSING large parts of roof

Missing Windows: ☒ Y N

Notes:

MISSING, broken, boarded

Open Doors: Y ☒ N

Notes:

Back door padlocked - one door missing but boarded over

Yard ~~Not~~ Mowed: Y ☒ N

Trash or Debris: ☒ Y N

Notes:

High All around house

Other Notes:

Complete disrepair - foundation/porch, roof, missing siding

[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 063-087-36-0-20-02-016.00-0****Quick Ref ID: 4208****Owner Information**

|                   |                                         |
|-------------------|-----------------------------------------|
| <b>Owner Name</b> | HALL, JOHN                              |
| <b>Address</b>    | 1300 W MYRTLE ST INDEPENDENCE, KS 67301 |

**Property Situs Address**

|                |                                          |
|----------------|------------------------------------------|
| <b>Address</b> | 1300 W MYRTLE ST, Independence, KS 67301 |
|----------------|------------------------------------------|

**Land Based Classification System**

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

**General Property Information**

|                       |                 |
|-----------------------|-----------------|
| <b>Prop Class</b>     | Residential - R |
| <b>Living Units</b>   | 1               |
| <b>Zoning</b>         |                 |
| <b>Neighborhood</b>   | 108.F           |
| <b>Tax Unit Group</b> | 108             |

**Property Factors**

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

**2025 Appraised Value**

| <b>Class</b>    | <b>Land</b>  | <b>Building</b> | <b>Total</b>  |
|-----------------|--------------|-----------------|---------------|
| Residential - R | 2,490        | 7,960           | 10,450        |
| <b>Total</b>    | <b>2,490</b> | <b>7,960</b>    | <b>10,450</b> |

**2024 Appraised Value**

| Class           | Land  | Building | Total |
|-----------------|-------|----------|-------|
| Residential - R | 2,490 | 7,370    | 9,860 |
| Total           | 2,490 | 7,370    | 9,860 |

### Tract Description

WESTSIDE ADD, S36, T32, R15, LOT 21; S 50' LOT 5; Lot Width: 049.8 Lot Depth: 158.0 Plat Book/Page A /3 Deed Book/Page 694 /578 543 /651 511 /331 505 /449 390 /087 385 /401 329 /269 290 /141

### Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 694   | 578   | 694   | 578   |       |       |       |       |

### Market Land Information

| Method | Type             | AC/SF | Eff FF | Depth | D-Fact | Inf1 | Fact1 | Inf2 | Fact2 | Ovrd | Class | Value Est |
|--------|------------------|-------|--------|-------|--------|------|-------|------|-------|------|-------|-----------|
| Sqft   | Primary Site - 1 | 10158 |        |       |        | 8    | 50    |      |       |      |       | 2,490     |

### Dwelling Information

| Dwelling Information         |                         | Comp Sales Information |           |
|------------------------------|-------------------------|------------------------|-----------|
| Res Type                     | Single-family Residence | Arch Style             | Bungalow  |
| Quality                      | FR-                     | Bsmt Type              | Crawl - 2 |
| Year Built                   | 1900                    | Total Rooms            | 6         |
| Eff Year                     |                         | Bedrooms               | 3         |
| MS Style                     | One Story               | Family Rooms           |           |
| LBCSStruct                   | Detached SFR unit       | Full Baths             | 1         |
| No. of Units                 |                         | Half Baths             |           |
| Total Living Area            |                         | Garage Cap             |           |
| Calculated Area              | 1,066                   | Foundation             | Block - 3 |
| Main Floor Living Area       | 1,066                   |                        |           |
| Upper Floor Living Area Pct. |                         |                        |           |
| CDU                          | PR                      |                        |           |
| Phys/Func/Econ               | PR/ /                   |                        |           |
| Ovr Pct Gd/RCN               | /123,120                |                        |           |
| Remodel                      |                         |                        |           |
| Percent Complete             |                         |                        |           |
| Assessment Class             |                         |                        |           |
| MU Cls/Pct                   |                         |                        |           |

### Dwelling Components

| Code                                | Units | Pct | Quality | Year |
|-------------------------------------|-------|-----|---------|------|
| Enclosed Wood Deck (SF), Solid Wall | 50    |     |         |      |
| Frame, Plywood or Hardboard         |       | 100 |         |      |
| Raised Subfloor (% or SF)           |       | 100 |         |      |
| Plumbing Fixtures (#)               | 5     |     |         |      |
| Automatic Floor Cover Allowance     |       |     |         |      |
| Raised Slab Porch (SF) with Roof    | 184   |     |         |      |
| Composition Shingle                 |       | 100 |         |      |

|                          |  |     |  |  |
|--------------------------|--|-----|--|--|
| Wall Furnace             |  | 100 |  |  |
| Plumbing Rough-ins (#)   |  | 1   |  |  |
| Wood Deck (SF) with Roof |  | 184 |  |  |

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**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Public Hearing to consider condemnation of 828 W. Cottonwood Street as dangerous and unsafe.

**SUMMARY RECOMMENDATION** City Staff recommends condemning the structures as dangerous and unsafe.

**BACKGROUND**

The property located at 828 W. Cottonwood Street has previously been reported to the City for issues related to the condition of the primary structure and environmental concerns. At a prior meeting, the Commission approved an abatement of the property due to significant debris accumulation in the yard. That abatement was completed on January 23, 2026.

The Code Enforcement Officer has since reported additional violations, and squatters continue to occupy the residence. Upon inspection, City staff observed that both structures on the property are in significant disrepair, pose safety hazards, and have been without City utility services since April 15, 2021.

City staff recommends condemnation of the structure(s) as dangerous and unsafe

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

**SUGGESTED MOTION** I move to adopt a resolution condemning 828 W. Cottonwood as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION 2026-026 - CONDEMNATION - DAYS - 828 W Cottonwood
2. 828 W. Cottonwood - Photos
3. 2026 - Notice of Public Hearing Date - 1st Letter - Cert - 11242025
4. 2025-066 - Condemnation - P\_H - 828 W Cottonwood
5. Setting the Date - 828 W. Cottonwood - Condemnation 11132025
6. 828 W. COTTONWOOD - Determination of Unsafe or Dangerous Structure
7. 3160551\_OE\_Report
8. Updated Notes & Parcel - 828 W Cottonwood

## RESOLUTION NO. 2026-026

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 F, Deans Addition to the City of Independence, Montgomery County, Kansas

### Common Address

828 W Cottonwood St.

### Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, 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. #2025—066**, dated **November 20, 2025**, 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 **November 26, 2025 and December 3, 2025**, 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 F, Deans Addition to the City of Independence, Montgomery County, Kansas

Common Address

828 W Cottonwood St.

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 12<sup>th</sup> day of February, 2026.

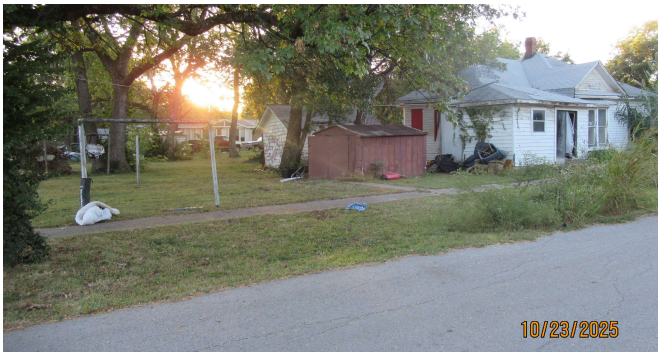
(SEAL)

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Mayor

---

City Clerk



828 W. Cottonwood





## NOTICE OF PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY

Date: December 15, 2025

TO: **Marjorie Barrager**

Lien Holder:

RE: Unsafe or Dangerous Structure at: **828 W. Cottonwood Street**

Property records reflect that you are the owner or occupant of the above-described Property. This letter is being provided to you pursuant to K.S.A. 12-1751 et seq to advise you that staff for the City of Independence, Kansas, has determined that the Property is “unsafe or dangerous” and subject to condemnation or being ordered to be repaired or demolished.

On **December 11, 2025**, the City Commission adopted a Resolution for a public hearing to be held on **February 12, 2026, at 120 N. 6th Street**, Commission Room, Independence, Kansas 67301. The public hearing will commence at **5:30 p.m.** At such hearing, the owner of the Property, the owner’s agent, lienholders or record, and any occupant may appear and show cause why the structure(s) on the Property should not be condemned and ordered repaired or demolished.

On the date of the hearing, the Governing Body shall hear the evidence (if any) presented. If the Governing Body finds that the Property is unsafe or dangerous, then the Governing Body may direct the structure(s) to be repaired or removed and the Property made safe and secure. The Governing Body shall also fix a reasonable time within which the repair or removal shall be commenced and, if the owner fails to commence the repair or removal within the time stated, or fails to diligently prosecute the same to completion, the Governing Body will cause the structure to be repaired or razed and removed.

Please contact us as soon as possible so that we may review the steps that must be undertaken to bring the Property into compliance and no longer be regarded as unsafe or dangerous. To that end, please find enclosed a proposed Remediation Agreement. With a signed Remediation Agreement—together with a scope of work and proof of funds—City staff will can recommend to the Governing Body that further enforcement actions be stayed pending compliance with the Remediation Agreement.

Thank you for your prompt attention to this matter.

David Cowan



Department of Building & Code Enforcement

120 N. 6<sup>th</sup> Street

Independence, Kansas 67301

Assistant City Manager – Building & Code Enforcement

Attachments/Enclosures: Resolution No.

Draft Remediation Agreement

cc:



State of Kansas, Montgomery County  
This instrument was filed for  
Record on November 21, 2025 11:09 AM  
Recorded in Book 752 Page 402 - 402  
Fee: \$0.00 202503680



*Marilyn Calhoun*

Marilyn Calhoun, Register of Deeds

## RESOLUTION NO. 2025-066

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 20<sup>th</sup> day of November 2025, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

✓ **Legal:** Lot 9, Block F, Deans Addition to the City of Independence, Montgomery County, Kansas.

**Common Address:** 828 W Cottonwood St.

**Mortgage:**

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

That a public hearing will be held on Thursday, **February 12, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 20th day of November 2025.

*W. J. Smith*  
\_\_\_\_\_  
Mayor

*Daniel Smith*  
\_\_\_\_\_  
City Clerk

(SEAL)





## **CITY OF INDEPENDENCE, KANSAS**

### **Office of the Building Official**

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** 11/13/25

**To:**

**Marjorie Barrager**

**1201 W. Locust**

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 809 W. Main Street

**Lien Holder:** State of Kansas Tax Lien – Filed February 3, 2025

Dear Mr. Pomeroy:

On **November 1, 2025**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **828 W. Cottonwood Street** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The City has received reports from Code Enforcement staff and neighboring residents indicating that the structure(s) at this address are **vacant, deteriorated, and in disrepair**. Observed conditions include **foundation issues, overgrown vegetation, trash and debris accumulation**, and the fact that **City utility services were last active on April 15, 2021**.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.  
*Note: FAMI Insurance provided notification on June 2, 2025.*
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including **regular mowing, trimming of vegetation, and removal of all trash and debris**.





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4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.

**Commission Meeting – Setting the Date:**

- **Date:**               **November 20, 2025**
- **Time:**               **5:30 PM**
- **Location:**       **120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor**

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at **(620) 332-2528** (office), **(620) 330-0056** (mobile), or via email at **davidc@independenceks.gov**.

Your prompt cooperation in addressing this matter is appreciated.

Sincerely,

**David J. Cowan**

Assistant City Manager

Building Official / Director

City of Independence, Kansas



## DETERMINATION OF UNSAFE OR DANGEROUS STRUCTURE

Date: November 13, 2025  
Address: **828 W. Cottonwood**  
Owner: **Marjorie Barrager**  
Parcel No.: **087-25-0-40-10-008-00-0-01**  
Legal Description: **Lot 9, Block F, Deans Addition to the City of Independence, Montgomery County, Kansas**

Date of Inspection: October 23, 2025

**The City of Independence, Kansas, has determined that the above-described structures or property are “unsafe”, “dangerous”, “hazardous”, and/or “unfit for human occupancy” under the City Codes and Ordinance 4466 as adopted for the following reasons:**

### UNSAFE STRUCTURES

- ☒ Does not provide minimum safeguards to protect or warn occupants in the event of fire.  
☒ Such structure contains unsafe infrastructure, structure or equipment  
☒ Such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Additional Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **DANGEROUS STRUCTURES**

- ☐ Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the City as related to the requirements for existing buildings.
- ☐ The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- ☒ Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- ☒ Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- ☒ The building or structure, or part of the building or structure, because of dilapidation,



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deterioration, decay, faulty construction, the removal or movement of some portion of the ground

necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

**xx** ☐ The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

☐ The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children that might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

☐ Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

**xx** ☐ A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

**xx** ☐ Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

**xx** ☐ Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**STRUCTURES UNFIT FOR HUMAN OCCUPANCY**

**xx** ☐ A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by City Code and IBC, as adopted by the City, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

## Report Cover Page

|                 |                                                                                     |                   |                                                        |
|-----------------|-------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------|
| Date:           | <b>11/13/2025</b>                                                                   | Prepared For:     | <b>City of Independence</b>                            |
| Order No.:      | <b>3160551</b>                                                                      | Owner(s):         | <b>Marjorie Barrager</b>                               |
| Issuing Office: | <b>Security 1st Title<br/>114 N. Pennsylvania Avenue<br/>Independence, KS 67301</b> | Property Address: | <b>828 W Cottonwood St,<br/>Independence, KS 67301</b> |

**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:

[087-25-0-40-10-008.00-0](#)

Date: November 13, 2025

Property Address: 828 W Cottonwood St, Independence,  
KS 67301

File No.: 3160551

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: November 01, 2025 at 7:00 A.M.

On Real Estate described as:

**Lot 9, Block F, Deans 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:

Marjorie Barrager

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 2025 in the amount of \$254.24, NOT PAID.

Tax Parcel No. # 087-25-0-40-10-008-00-0-01

PIN # IC 2841

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

General taxes and special assessments for the year 2024 in the amount of \$244.30, NOT PAID.

Tax Parcel No. # 087-25-0-40-10-008-00-0-01

PIN # IC 2841

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

General taxes and special assessments for the year 2023 in the amount of \$236.16, NOT PAID.

Tax Parcel No. # 087-25-0-40-10-008-00-0-01

PIN # IC 2841

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 \$200.16, NOT PAID.

Tax Parcel No. # 087-25-0-40-10-008-00-0-01

PIN # IC 2841

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

General taxes and special assessments for the year 2021 in the amount of \$180.66, NOT PAID.

Tax Parcel No. # 087-25-0-40-10-008-00-0-01

PIN # IC 2841

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

General taxes and special assessments for the year 2019 in the amount of \$258.70, NOT PAID.

Tax Parcel No. # 087-25-0-40-10-008-00-0-01

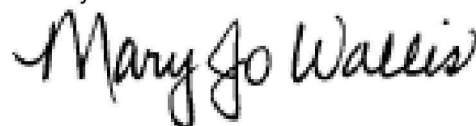
PIN # IC 2841

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

Address: 828 W. Cottonwood

Utility Account: Y ☒ N ☐ Last Active Service Date: 4/15/2021

Parcel: ☒ Y ☐ N Pictures: Structure-House-Yard-Sides-Rear-Rear Yard

Holes in Roof: ☒ Y ☐ N

Notes: Roof sagging - needs full repair

Missing Windows: ☒ Y ☐ N

Notes: Missing / Broken / Boarded

Open Doors: ☒ Y ☐ N

Notes: side door completely open

Yard Mowed: ☒ Y ☐ N

Trash or Debris: ☒ Y ☐ N

Notes: Trash all over property

Other Notes: House is unfit & unsafe - Dirty -

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The Parcel Number for this Property is 063-087-25-0-40-10-008.00-0  
Quick Ref ID: 3192

**Owner Information**

|            |                                         |
|------------|-----------------------------------------|
| Owner Name | BARRAGER, MARJORIE                      |
| Address    | 1201 W LOCUST ST INDEPENDENCE, KS 67301 |

**Property Situs Address**

|         |                                             |
|---------|---------------------------------------------|
| Address | 828 W COTTONWOOD 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 |                          |

**2025 Appraised Value**

| Class           | Land  | Building | Total  |
|-----------------|-------|----------|--------|
| Residential - R | 4,560 | 9,000    | 13,560 |
| Total           | 4,560 | 9,000    | 13,560 |

**2024 Appraised Value**

| Class           | Land  | Building | Total  |
|-----------------|-------|----------|--------|
| Residential - R | 4,560 | 8,230    | 12,790 |
| Total           | 4,560 | 8,230    | 12,790 |

**Tract Description**

DEANS ADD, S25, T32, R15, BLOCK F, Lot 9; Lot Width: 050.0 Lot Depth: 160.0 Plat Book/Page 4 /13 Lot Width: 050.0 Lot Depth: 160.0 Deed Book/Page 448 /024 342 /417



## Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 448   | 024   |       |       |       |       |       |       |

## Market Land Information

| Method | Type             | AC/SF | Eff FF | Depth | D-Fact | Inf1 | Fact1 | Inf2 | Fact2 | Ovrd | Class | Value Est |
|--------|------------------|-------|--------|-------|--------|------|-------|------|-------|------|-------|-----------|
| Sqft   | Primary Site - 1 | 8000  |        |       |        |      |       |      |       |      |       | 4,560     |

## Dwelling Information

| Dwelling Information         |                         | Comp Sales Information |           |
|------------------------------|-------------------------|------------------------|-----------|
| Res Type                     | Single-family Residence | Arch Style             | Bungalow  |
| Quality                      | FR                      | Bsmt Type              | Crawl - 2 |
| Year Built                   | 1915                    | 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             | 1         |
| Calculated Area              | 1,093                   | Foundation             | Stone - 4 |
| Main Floor Living Area       | 1,093                   |                        |           |
| Upper Floor Living Area Pct. |                         |                        |           |
| CDU                          | PR-                     |                        |           |
| Phys/Func/Econ               | VP/ /                   |                        |           |
| Ovr Pct Gd/RCN               | /120,210                |                        |           |
| Remodel                      |                         |                        |           |
| Percent Complete             |                         |                        |           |
| Assessment Class             |                         |                        |           |
| MU Cls/Pct                   |                         |                        |           |

## Dwelling Components

| Code                            | Units | Pct | Quality | Year |
|---------------------------------|-------|-----|---------|------|
| Wood Deck (SF) with Roof        | 192   |     |         |      |
| Composition Shingle             |       | 100 |         |      |
| Plumbing Fixtures (#)           | 5     |     |         |      |
| Automatic Floor Cover Allowance |       |     |         |      |
| Wall Furnace                    |       | 100 |         |      |
| Frame, Siding, Wood             |       | 100 |         |      |
| Raised Subfloor (% or SF)       |       | 100 |         |      |
| Plumbing Rough-ins (#)          | 1     |     |         |      |

## Building Improvements

| Id | Occupancy                  | MSCIs | Rank | Qty | Yr Blt | Eff Yr | LBCS | Area | Perim | Hgt | Dimensions | Stories | Phys | Func | Econ | OVR% | Rsn | Clis | RCN   | %Gd | Value |
|----|----------------------------|-------|------|-----|--------|--------|------|------|-------|-----|------------|---------|------|------|------|------|-----|------|-------|-----|-------|
| 41 | Tool Shed                  | D     | 1.00 | 1   | 1925   |        |      | 180  | 56    | 8   | 18 X 10    | 1       | 1    | 0    |      |      |     |      | 2,760 | 1   | 30    |
| 19 | Prefabricated Storage Shed | D     | 1.00 | 1   | 1980   |        |      | 80   | 36    | 6   | 8 X 10     | 1       | 0    | 0    |      |      |     |      | 1,770 | 0   | 0     |

## Building Improvement Components

| Id | Code                        | Units | Pct | Size | Other | Rank | Year |
|----|-----------------------------|-------|-----|------|-------|------|------|
| 41 | Single -Wall-Boards on Wood |       | 100 |      |       |      |      |

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**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Consider a resolution to rescind the condemnation action of 521 N. 24th Street and 518 N. 9th Street.

**SUMMARY RECOMMENDATION** City Staff recommends the City Commission rescind the condemnation of 521 N. 24th and 518 N. 9th Street.

**BACKGROUND**

On November 20, 2025, the City Commission set a public hearing to consider the condemnation of 521 N. 24th Street, and on December 11, 2025, set a public hearing for 518 N. 9th Street. The property owners subsequently hired a private contractor, and the trailer home and associated structures have been removed and inspected to confirm compliance with City standards.

Although a resolution formally condemning the properties was not adopted, a resolution was filed with the Register of Deeds when the properties were initially scheduled for public hearing. Therefore, to ensure no documents remain that could cloud the property titles, it is recommended that the City Commission adopt a resolution rescinding the condemnation action. This rescission resolution will also be filed with the Register of Deeds.

**FINANCIAL INFORMATION** There is no financial impact to the City.

**SUGGESTED MOTION** I move to adopt a resolution rescinding previous resolutions, which set a hearing date to consider the condemnation of 521 N. 24th Street and 518 N. 9th Street as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION 2026-027 - RESCIND CONDEMNATION - 521 N 24th and 518 N 9th
2. 521 N. 24th
3. 518 N. 9th
4. Rescinding Condemnation - 518 N. 9th - 01272026
5. Rescinding Condemnation 02122026

## **RESOLUTION NO. 2026-027**

### **A RESOLUTION RESCINDING A PREVIOUS RESOLUTION WHICH SET A HEARING DATE TO CONSIDER CONDEMNATION**

WHEREAS, the Governing Body of the City of Independence, Kansas, previously adopted a resolution setting a hearing to consider condemning certain property located within the City as being dangerous and unsafe;

AND WHEREAS, the owner of said property has taken steps to make repairs and/or improvements to the property.

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

The resolution setting a hearing to consider condemning the following described property as being dangerous and unsafe is hereby rescinded and the property is released from all condemnation proceedings:

#### Legal Description

Lot 1, Block 4, Security Abstract Company's First Addition to the City of Independence, Montgomery County, Kansas

#### Common Address

521 N 24th St

#### Mortgage

#### Legal Description

The North 42 feet of Lot 4, Elmhurst Addition No. 2 to the City of Independence, Montgomery County, Kansas

#### Common Address

518 N 9th St

#### Mortgage

Adopted this 12<sup>th</sup> day of February, 2026.

(SEAL)

---

Mayor

---

City Clerk













## **NOTICE OF RESCINDING CONDEMNATION**

Date: January 27, 2026

To: Shanks Revocable Trust

Lien Holder:

Re: Unsafe or Dangerous Structure

Property Address: 518 N. 9th Street

This letter is to formally notify you that the City will rescind the condemnation of the property located at 518 N. 9th Street at the February 12, 2026, City Commission meeting. A resolution rescinding the condemnation will be adopted and subsequently filed with the

Register of Deeds to remove the condemnation proceedings from the property record.

Thank you for your prompt attention to this matter and for ensuring the removal of the structure.

If you have any questions or require additional information, please feel free to contact me.

David Cowan

Assistant City Manager – Building & Code Enforcement

Resolution No. 2025.076



Department of Building & Code Enforcement

120 N. 6<sup>th</sup> Street  
Independence, Kansas 67301

## **NOTICE OF RESCINDING CONDEMNATION**

Date: January 27, 2026

To: David & Donna Henderson

Lien Holder:

Re: Unsafe or Dangerous Structure

Property Address: 521 N. 24th Street

This letter is to formally notify you that the City will rescind the condemnation of the property located at 521 N. 24th Street at the February 12, 2026, City Commission meeting. A resolution rescinding the condemnation will be adopted and subsequently filed with the Register of Deeds to remove the condemnation proceedings from the property record.

Thank you for your prompt attention to this matter and for ensuring the removal of the structure.

If you have any questions or require additional information, please feel free to contact me.

Best Regards,

David Cowan

Assistant City Manager – Building & Code Enforcement

Resolution No. **2025.065**





**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Consider setting the date of April 9, 2026 for a Public Hearing to consider the condemnation of 1014 W. Beech as dangerous and unsafe.

**SUMMARY RECOMMENDATION**

**BACKGROUND**

On January 28, 2026, the residential structure located at 1014 W. Beech was damaged by a fire that caused extensive damage to both the interior and exterior of the home. As a result, the structure is currently uninhabitable. The property owner maintains insurance coverage through USAA, and the City has notified the insurer of the loss and requested the applicable condemnation payment.

City staff recommends setting April 9, 2026, as the date for a public hearing to consider the condemnation of the structure at 1014 W. Beech as dangerous and unsafe.

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

**SUGGESTED MOTION** I move to adopt a resolution setting the date of April 09, 2026, at 5:30 pm for a Public Hearing to consider the condemnation of 1014 W. Beech as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION 2026-028 - CONDEMNATION - PH - 1014 W Beech
2. 1014 W. Beech Photos
3. 2026 -1014 W. Beech - Setting Date of Public Hearing
4. Parcel

## RESOLUTION NO. 2026-028

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 12<sup>th</sup> day of February 2026, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

**Legal:** The East 58 feet of Lot 58 and the West 52 feet of Lot 59, College Crest Addition #3 to the City of Independence, Montgomery County, Kansas.

**Common Address:** 1014 W Beech St.

**Mortgage:**

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

That a public hearing will be held on Thursday, **April 9, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 12<sup>th</sup> day of February 2026.

(SEAL)

---

Mayor

---

City Clerk



1014 W. Beech St.



## CITY OF INDEPENDENCE, KANSAS

### Office of the Building Official

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** 11/14/25

**To:**

**Fernando P. Betancourt**

**1014 W. Beech St.**

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 1014 W. Beech

**Lien Holder:**

Dear Mr. Betancourt:

On **February 12, 2026**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **1014 W. Beech Street** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The structure was involved in a fire on January 28, 2026, at 5:31 pm which did extensive damage to the interior and roof of the structure, making it uninhabitable.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.  
*Please note – City has notified USAA of the claim and requesting insurance proceed r/t condemnation process hold, for removal of the structure if condemnation occurs.*
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including regular mowing, trimming of vegetation, and removal of all trash and debris.



“Delivering Excellence”

4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.

**Commission Meeting – Setting the Date:**

- **Date:** February 12, 2026
- **Time:** 5:30 PM
- **Location:** 120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at (620) 332-2528 (office), (620) 330-0056 (mobile), or via email at [davidc@independenceks.gov](mailto:davidc@independenceks.gov).

Your prompt cooperation in addressing this matter is appreciated.

Sincerely,

**David J. Cowan**

Assistant City Manager

Building Official / Director

City of Independence, Kansas

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**The Parcel Number for this Property is 063-087-25-0-20-08-012.00-0**  
**Quick Ref ID: 2838**

### Owner Information

|                   |                                        |
|-------------------|----------------------------------------|
| <b>Owner Name</b> | BETANCOURT, FERNANDO PATIN             |
| <b>Address</b>    | 1014 W BEECH ST INDEPENDENCE, KS 67301 |

### Property Situs Address

|                |                                         |
|----------------|-----------------------------------------|
| <b>Address</b> | 1014 W BEECH ST, Independence, KS 67301 |
|----------------|-----------------------------------------|

### Land Based Classification System

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

### General Property Information

|                       |                 |
|-----------------------|-----------------|
| <b>Prop Class</b>     | Residential - R |
| <b>Living Units</b>   | 1               |
| <b>Zoning</b>         |                 |
| <b>Neighborhood</b>   | 108.A           |
| <b>Tax Unit Group</b> | 108             |

### Property Factors

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

### 2025 Appraised Value

| Class           | Land   | Building | Total   |
|-----------------|--------|----------|---------|
| Residential - R | 10,010 | 98,890   | 108,900 |
|                 |        |          |         |
| Total           | 10,010 | 98,890   | 108,900 |

### 2024 Appraised Value

| Class           | Land   | Building | Total   |
|-----------------|--------|----------|---------|
| Residential - R | 10,020 | 92,720   | 102,740 |
|                 |        |          |         |
| Total           | 10,020 | 92,720   | 102,740 |

### Tract Description

COLLEGE CREST NO 3, S25, T32, R15, 12894 SQUARE FEET, E 58' LT 58; W 52' LT 59; Lot Width: 110.0 Lot Depth: 115.0 Plat Book/Page 4 /97 Deed Book/Page 706 /734 656 /1288 563 /506 364 /556

## Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 706   | 734   | 656   | 1288  | 563   | 506   | 706   | 734   |

## Market Land Information

| Method | Type             | AC/SF | Eff FF | Depth | D-Fact | Inf1 | Fact1 | Inf2 | Fact2 | Ovrd | Class | Value Est |
|--------|------------------|-------|--------|-------|--------|------|-------|------|-------|------|-------|-----------|
| Sqft   | Primary Site - 1 | 12894 |        |       |        | 8    | 75    |      |       |      |       | 10,010    |

## Dwelling Information

| Dwelling Information         |                                | Comp Sales Information |          |
|------------------------------|--------------------------------|------------------------|----------|
| Res Type                     | Single-family Residence        | Arch Style             | Ranch    |
| Quality                      | AV                             | Bsmt Type              | Slab - 1 |
| Year Built                   | 1973                           | Total Rooms            | 5        |
| Eff Year                     |                                | Bedrooms               | 3        |
| MS Style                     | One Story                      | Family Rooms           |          |
| LBCS Struct                  | Detached SFR unit              | Full Baths             | 2        |
| No. of Units                 |                                | Half Baths             |          |
| Total Living Area            |                                | Garage Cap             | 2        |
| Calculated Area              | 1,316                          | Foundation             | None - 1 |
| Main Floor Living Area       | 1,316                          |                        |          |
| Upper Floor Living Area Pct. |                                |                        |          |
| CDU                          | AV                             |                        |          |
| Phys/Func/Econ               | AV+ / /                        |                        |          |
| Ovr Pct Gd/RCN               | /188,110                       |                        |          |
| Remodel                      | NEW COUNTER TOPS, WINDOWS, EXT |                        |          |
| Percent Complete             |                                |                        |          |
| Assessment Class             |                                |                        |          |
| MU Cls/Pct                   |                                |                        |          |

## Dwelling Components

| Code                            | Units | Pct | Quality | Year |
|---------------------------------|-------|-----|---------|------|
| Garage Finish, Attached (SF)    | 483   |     |         |      |
| Composition Shingle             |       | 100 |         |      |
| Heat Pump                       |       | 100 |         |      |
| Plumbing Rough-ins (#)          | 1     |     |         |      |
| Automatic Floor Cover Allowance |       |     |         |      |
| Attached Garage (SF)            | 483   |     |         |      |
| Frame, Hardboard Sheets         |       | 100 |         |      |
| Slab on Grade (% or SF)         |       | 100 |         |      |
| Plumbing Fixtures (#)           | 9     |     |         |      |
| Single 1-Story Fireplace (#)    | 1     |     |         |      |
| Open Slab Porch (SF)            | 60    |     |         | 1973 |

## Building Improvements

| Id | Occupancy                  | MSCIs | Rank | Qty | Yr Blt | Eff Yr | LBCS | Area | Perim | Hgt | Dimensions | Stories | Phys | Func | Econ | OVR% | Rsn | Cls | RCN   | %Gd | Value |
|----|----------------------------|-------|------|-----|--------|--------|------|------|-------|-----|------------|---------|------|------|------|------|-----|-----|-------|-----|-------|
| 29 | Prefabricated Storage Shed | D     | 2.00 | 1   | 2010   |        |      | 144  | 48    | 6   | 12 X 12    | 1       | 0    | 0    |      |      |     |     | 3,380 | 0   | 0     |

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**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Consider setting the date of April 9, 2026, for a Public Hearing to consider the condemnation of 608 E. Cedar Street.

**SUMMARY RECOMMENDATION** City staff recommends setting the Public Hearing date.

**BACKGROUND**

On February 6, 2026, the structures located at 608 E. Cedar were damaged by a fire that caused extensive destruction to a garage, carport, camper, passenger vehicle, and adjoining structures. As a result, the structures and vehicles are considered a total loss. The property owners do not have insurance coverage on any of the parcels impacted by the fire.

City staff recommends scheduling a Public Hearing to consider the condemnation of 608 E. Cedar. During the Fire-EMS response, the owner of 612 E. Cedar (Barraza) stated that he owns 608 E. Cedar, but a review of county records shows separate parcels and owners. Staff has requested an Ownership and Encumbrance (O&E) report to verify the legal owners of the properties and to ensure proper notice requirements for the Public Hearing are met.

City staff recommends setting April 9, 2026, as the date for a Public Hearing to consider the condemnation of the structures and property at 608 E. Cedar parcel as dangerous and unsafe. Staff is notifying both owners of the hearing for the meeting.

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

**SUGGESTED MOTION** I move to adopt a resolution setting the date of April 9, 2026, at 5:30 pm for a Public Hearing to consider the condemnation of 608 E. Cedar Street as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. RESOLUTION 2026-029 - CONDEMNATION - PH - 608 E Cedar
2. 608 E Cedar Photos
3. 608 E. Cedar - Setting Date of Public Hearing
4. 608 E. Cedar - Flores - Setting Date of Public Hearing
5. 612 E. Cedar - parcel
6. Parcel - 608 E. Cedar

## RESOLUTION NO. 2026-029

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 12<sup>th</sup> day of February 2026, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

**Legal:** Lot 8, Block 2, South View Addition to the City of Independence, Montgomery County, Kansas.

**Common Address:** 608 E Cedar St.

**Mortgage:**

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

That a public hearing will be held on Thursday, **April 9, 2026** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6<sup>th</sup> Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 12<sup>th</sup> day of February 2026.

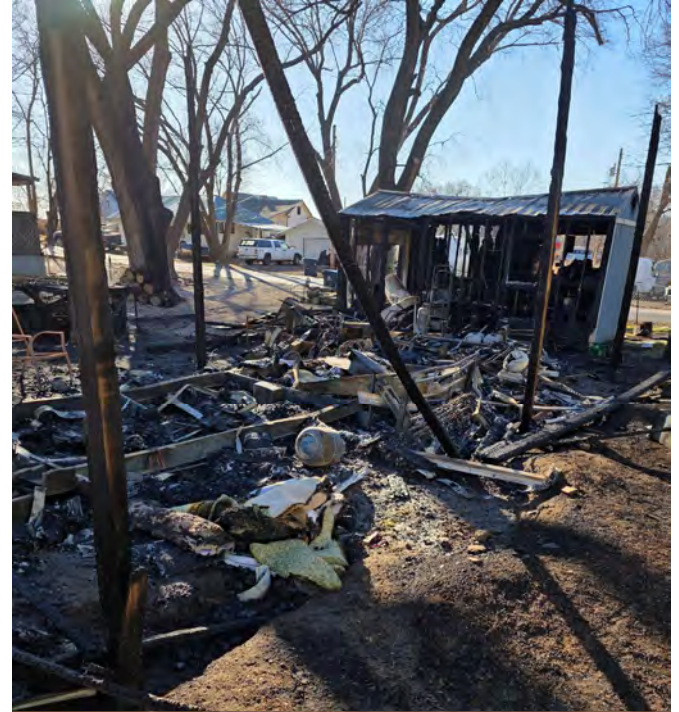
(SEAL)

---

Mayor

---

City Clerk



608 E. Cedar Street



## **CITY OF INDEPENDENCE, KANSAS**

### **Office of the Building Official**

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** 2/6/2026

**To:**

**Jose Barraza & Amie Braldehy**

**612 E. Cedar**

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 608 E. Cedar

**Lien Holder:**

Dear Mr. Barraza & Ms. Bradley

On **February 12, 2026**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **608 E. Cedar** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The structure was involved in a fire on February 6, 2026, at 12:02 am which did extensive damage to the structures and property making it uninhabitable or usable.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including **regular mowing, trimming of vegetation, and removal of all trash and debris.**





“Delivering Excellence”

4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.

**Commission Meeting – Setting the Date:**

- **Date:** February 12, 2026
- **Time:** 5:30 PM
- **Location:** 120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at **(620) 332-2528** (office), **(620) 330-0056** (mobile), or via email at **davidc@independenceks.gov**.

Your prompt cooperation in addressing this matter is appreciated.

Sincerely,

**David J. Cowan**

Assistant City Manager  
Building Official / Director  
City of Independence, Kansas



## **CITY OF INDEPENDENCE, KANSAS**

### **Office of the Building Official**

120 N. 6<sup>th</sup> Street • Independence, KS 67301

Phone: (620) 332-2528 • Email: davidc@independenceks.gov

---

**Date:** 2/6/2026

**To:**

**Erik & Trista Flores**

**612 E. Cedar St.**

Independence, Kansas 67301

---

**RE:** Notice of Setting a Date for a Public Hearing to Consider Condemnation of Property

**Property Location:** 608 E. Cedar

**Lien Holder:**

Dear Erik & Trista Flores

On **February 12, 2026**, pursuant to **K.S.A. 12-1752**, the enforcing officer for the City of Independence, Kansas, will request that the **City Commission** set a **public hearing date** to consider whether the structure(s) located at **608 E. Cedar** are unsafe or dangerous, and whether they should be ordered by the Governing Body to be repaired or demolished.

The structure was involved in a fire on February 6, 2026, at 12:02 am which did extensive damage to the structures and property making it uninhabitable or usable.

To avert condemnation proceedings for the above-referenced property, it is imperative that the following actions be undertaken **without delay**:

1. **Mortgage/Lien Holder Information** – Provide the City with the current mortgage or lien holder and insurance information.
2. **Structural Repair** – If you intend to repair the structure, submit a **detailed plan and timeline** outlining the steps you will take to restore the building to a safe and usable condition.
3. **Property Maintenance** – Maintain the property in accordance with City Code, including **regular mowing, trimming of vegetation, and removal of all trash and debris.**



“Delivering Excellence”

4. **Demolition Procedures** – If you choose to demolish the structure, begin the process immediately and provide the City with a **timeline for demolition and site clearance**. A **City-issued demolition permit** is required prior to any such work.

**Commission Meeting – Setting the Date:**

- **Date:** February 12, 2026
- **Time:** 5:30 PM
- **Location:** 120 N. 6<sup>th</sup> – Commission Meeting Room 1<sup>st</sup> Floor

Should you need clarification or wish to discuss this matter further, please contact me at your convenience at **(620) 332-2528** (office), **(620) 330-0056** (mobile), or via email at **davidc@independenceks.gov**.

Your prompt cooperation in addressing this matter is appreciated.

Sincerely,

**David J. Cowan**

Assistant City Manager  
Building Official / Director  
City of Independence, Kansas



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The Parcel Number for this Property is 063-099-31-0-40-15-007.00-0  
Quick Ref ID: 7730

Owner Information

|            |                                       |
|------------|---------------------------------------|
| Owner Name | BRADLEY, AMIE ROSE; BARRAZA, JOSE     |
| Address    | 612 E CEDAR ST INDEPENDENCE, KS 67301 |

Property Situs Address

|         |                                        |
|---------|----------------------------------------|
| Address | 612 E CEDAR ST, Independence, KS 67301 |
|---------|----------------------------------------|

Land Based Classification System

|           |                                  |
|-----------|----------------------------------|
| Function  | Child day care / learning center |
| Activity  | Classroom-type 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 |                          |

2025 Appraised Value

| Class           | Land  | Building | Total  |
|-----------------|-------|----------|--------|
| Residential - R | 5,700 | 14,120   | 19,820 |
|                 |       |          |        |
| Total           | 5,700 | 14,120   | 19,820 |

2024 Appraised Value

| Class           | Land  | Building | Total  |
|-----------------|-------|----------|--------|
| Residential - R | 5,700 | 13,000   | 18,700 |
|                 |       |          |        |
| Total           | 5,700 | 13,000   | 18,700 |

Tract Description

|                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SOUTH VIEW ADD, S31, T32, R16, BLOCK 2, Lot 9 & 10; Lot Width: 100.0 Lot Depth: 140.0 Plat Book/Page 6 /1 Lot Width: 100.0 Lot Depth: 140.0 Deed Book/Page 570/591 522 /291 486 /154 486 /153 434 /103 389 /419 385 /127 383 /541 363 /614 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 743   | 1319  | 570   | 591   |       |       |       |       |

## Market Land Information

| Method | Type             | AC/SF | Eff FF | Depth | D-Fact | Inf1 | Fact1 | Inf2 | Fact2 | Ovrd | Class | Value Est |
|--------|------------------|-------|--------|-------|--------|------|-------|------|-------|------|-------|-----------|
| Sqft   | Primary Site - 1 | 14000 |        |       |        |      |       |      |       |      |       | 5,700     |

## Dwelling Information

| Dwelling Information         |  |  |  |  |  |  |  |  |  |  |  |  |  |  | Comp Sales Information  |  |  |  |  |  |  |  |  |  |
|------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-------------------------|--|--|--|--|--|--|--|--|--|
| Res Type                     |  |  |  |  |  |  |  |  |  |  |  |  |  |  | Single-family Residence |  |  |  |  |  |  |  |  |  |
| Quality                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  | FR                      |  |  |  |  |  |  |  |  |  |
| Year Built                   |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 1900                    |  |  |  |  |  |  |  |  |  |
| Eff Year                     |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                         |  |  |  |  |  |  |  |  |  |
| MS Style                     |  |  |  |  |  |  |  |  |  |  |  |  |  |  | One Story               |  |  |  |  |  |  |  |  |  |
| LBCS Struct                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | Detached SFR unit       |  |  |  |  |  |  |  |  |  |
| No. of Units                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                         |  |  |  |  |  |  |  |  |  |
| Total Living Area            |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                         |  |  |  |  |  |  |  |  |  |
| Calculated Area              |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 744                     |  |  |  |  |  |  |  |  |  |
| Main Floor Living Area       |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 744                     |  |  |  |  |  |  |  |  |  |
| Upper Floor Living Area Pct. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                         |  |  |  |  |  |  |  |  |  |
| CDU                          |  |  |  |  |  |  |  |  |  |  |  |  |  |  | FR-                     |  |  |  |  |  |  |  |  |  |
| Phys/Func/Econ               |  |  |  |  |  |  |  |  |  |  |  |  |  |  | FR- / /                 |  |  |  |  |  |  |  |  |  |
| Ovr Pct Gd/RCN               |  |  |  |  |  |  |  |  |  |  |  |  |  |  | /83,180                 |  |  |  |  |  |  |  |  |  |
| Remodel                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                         |  |  |  |  |  |  |  |  |  |
| Percent Complete             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                         |  |  |  |  |  |  |  |  |  |
| Assessment Class             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                         |  |  |  |  |  |  |  |  |  |
| MU Cls/Pct                   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                         |  |  |  |  |  |  |  |  |  |

| Dwelling Components              |       |     |         |      |  |  |  |  |  |  |  |  |  |  |
|----------------------------------|-------|-----|---------|------|--|--|--|--|--|--|--|--|--|--|
| Code                             | Units | Pct | Quality | Year |  |  |  |  |  |  |  |  |  |  |
| Raised Slab Porch (SF) with Roof | 48    |     | 1       |      |  |  |  |  |  |  |  |  |  |  |
| Composition Shingle              |       | 100 |         |      |  |  |  |  |  |  |  |  |  |  |
| Wall Furnace                     |       | 100 |         |      |  |  |  |  |  |  |  |  |  |  |
| Plumbing Rough-ins (#)           | 1     |     |         |      |  |  |  |  |  |  |  |  |  |  |
| Frame, Siding, Vinyl             |       | 100 |         |      |  |  |  |  |  |  |  |  |  |  |
| Raised Subfloor (% or SF)        |       | 100 |         |      |  |  |  |  |  |  |  |  |  |  |
| Plumbing Fixtures (#)            | 5     |     |         |      |  |  |  |  |  |  |  |  |  |  |
| Automatic Floor Cover Allowance  |       |     |         |      |  |  |  |  |  |  |  |  |  |  |

| Building Improvements |                   |       |      |     |        |        |      |      |       |     |            |         |      |      |      |      |     |     |       |     |       |
|-----------------------|-------------------|-------|------|-----|--------|--------|------|------|-------|-----|------------|---------|------|------|------|------|-----|-----|-------|-----|-------|
| ID                    | Occupancy         | MSCIs | Rank | Qty | Yr Blt | Eff Yr | LBCS | Area | Perim | Hgt | Dimensions | Stories | Phys | Func | Econ | OVR% | Rsn | Cls | RCN   | %Gd | Value |
| 56                    | Site Improvements | P     | 1.00 | 1   | 2020   |        |      | 399  |       | 12  | 21 X 19    | 1       | 0    | 0    |      |      |     |     | 5,100 | 0   | 0     |

| Building Improvement Components |                            |       |     |      |       |      |      |
|---------------------------------|----------------------------|-------|-----|------|-------|------|------|
| ID                              | Code                       | Units | Pct | Size | Other | Rank | Year |
| 56                              | Carport, Flat or Shed Roof | 399   |     |      |       |      |      |

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The Parcel Number for this Property is 063-099-31-0-40-15-006.00-0  
Quick Ref ID: 7729

Owner Information

|            |                                       |
|------------|---------------------------------------|
| Owner Name | FLORES, ERIK & TRISTA                 |
| Address    | 612 E CEDAR ST INDEPENDENCE, KS 67301 |

Property Situs Address

|         |                                        |
|---------|----------------------------------------|
| Address | 608 E CEDAR ST, Independence, KS 67301 |
|---------|----------------------------------------|

Land Based Classification System

|           |                                                 |
|-----------|-------------------------------------------------|
| Function  | Accessory residential support use (garage/shed) |
| Activity  | Residential activities                          |
| Ownership | Private-fee simple                              |
| Site      | Developed site - with buildings                 |

General Property Information

|                |                 |
|----------------|-----------------|
| Prop Class     | Residential - R |
| Living Units   |                 |
| 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 |                          |

2025 Appraised Value

| Class           | Land  | Building | Total |
|-----------------|-------|----------|-------|
| Residential - R | 1,700 | 2,610    | 4,310 |
|                 |       |          |       |
| Total           | 1,700 | 2,610    | 4,310 |

2024 Appraised Value

| Class           | Land  | Building | Total |
|-----------------|-------|----------|-------|
| Residential - R | 1,700 | 2,760    | 4,460 |
|                 |       |          |       |
| Total           | 1,700 | 2,760    | 4,460 |

Tract Description

SOUTH VIEW ADD, S31, T32, R16, BLOCK 2, Lot 8; Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 6 /1 Lot Width: 050.0 Lot Depth: 140.0 Deed Book/Page 594 /659 589 /493 348 /378

**Building Permit Information**

| Permit Number   | Amount | Issue Date | Description |
|-----------------|--------|------------|-------------|
| 2 0 1 9 0 0 8 2 | 3,000  | 5/11/2020  | OB&Y        |

**Deed Information**

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 594   | 659   | 589   | 493   | 590   | 21    | 594   | 659   |

**Market Land Information**

| Method | Type      | AC/SF | Eff FF | Depth | D-Fact | Inf1 | Fact1 | Inf2 | Fact2 | Ovrd | Class | Value Est |
|--------|-----------|-------|--------|-------|--------|------|-------|------|-------|------|-------|-----------|
| Sqft   | vacant- 2 | 7000  |        |       |        |      |       |      |       |      |       | 1,700     |

**Other Improvements**

| No | Occupancy                  | MSCIs | Rank | Qty | Yr Blt | Eff Yr | LBCS | Area | Perim | Hgt | Dimensions | Stories | Phys | Func | Econ | OVR% | Rsn | Cls | RCN   | %Gd | Value |
|----|----------------------------|-------|------|-----|--------|--------|------|------|-------|-----|------------|---------|------|------|------|------|-----|-----|-------|-----|-------|
| 63 | Prefabricated Storage Shed | D     | 2.00 | 1   | 2015   |        |      | 200  | 60    | 8   | 20 X 10    | 1       | 0    | 0    |      |      |     |     | 4,580 | 0   | 0     |
| 90 | Site Improvements          | P     | 1.00 | 1   | 2020   |        |      | 465  | 92    | 12  | 31 X 15    | 1       | 2    | 2    |      |      |     |     | 5,940 | 44  | 2,610 |

**Other Improvement Components**

| No | Code                       | Units | Pct | Size | Other | Rank | Year |
|----|----------------------------|-------|-----|------|-------|------|------|
| 90 | Carport, Flat or Shed Roof | 465   |     |      |       |      |      |

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**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
February 12, 2026**

**Department Housing**

**Director Approval April Nutt**

**AGENDA ITEM** Consider authorizing the City of Independence to acquire the Martin Estate LLC homes using funds provided by the Independence Housing Authority, with the properties to be managed by the Housing Authority.

**SUMMARY RECOMMENDATION** The Independence Housing Authority Board of Directors recommends the City Commission authorize the purchase of Martin Estates LLC.

**BACKGROUND** In 2012, Tom Carlson, a developer from Springfield, Missouri, partnered with the City and the Independence Housing Authority to build 18 Low Income Housing Tax Credit (LIHTC) single-family homes. Mr. Carlson has now proposed selling these 18 homes to the Independence Housing Authority for \$900,000. These properties must remain within the LIHTC program until 2042, with a provision allowing current residents the opportunity to purchase their homes at a reduced rate beginning mid- 2027. After a home is sold, a five-year compliance period will be enforced, during which the home cannot be resold without a pro-rated repayment to the state if sold before the compliance period ends. The intention is for the IHA to partner with local banks and tenants to determine their interest and ability to purchase the homes. This collaboration would allow the IHA to work with tenants for a year, assisting them in transitioning to homeownership.

To advance in this process, the next step involves submitting State Form 22 to the Kansas Housing Resources Corporation for their approval of the property transfer.

**FINANCIAL INFORMATION** The purchase of these properties will not affect the city budget as the necessary funds will be sourced from the Independence Housing Authority.

**SUGGESTED MOTION** I move to authorize the City of Independence, Kansas to acquire the Martin Estate Properties on behalf of the City of Independence, KS Housing Authority.

**SUPPORTING DOCUMENTS**



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department Public Works & Utilities**

**Director Approval John Garris**

**AGENDA ITEM** Consider awarding disposal of the Water Treatment Plant residuals to Midwest Injection, Inc.

**SUMMARY RECOMMENDATION** Approve award to for residual removal.

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

As this is a waste with no deleterious properties, it can be integrated into agricultural or pastureland. Bids for this work were received on January 8, 2026. There were two responsive bidders, Midwest Injection, Inc. at \$119,000 lump sum, plus \$34.00 per cubic yard for volumes above 3,400 cubic yards, and Hodges Farms & Dredging, LLC for \$187,000.

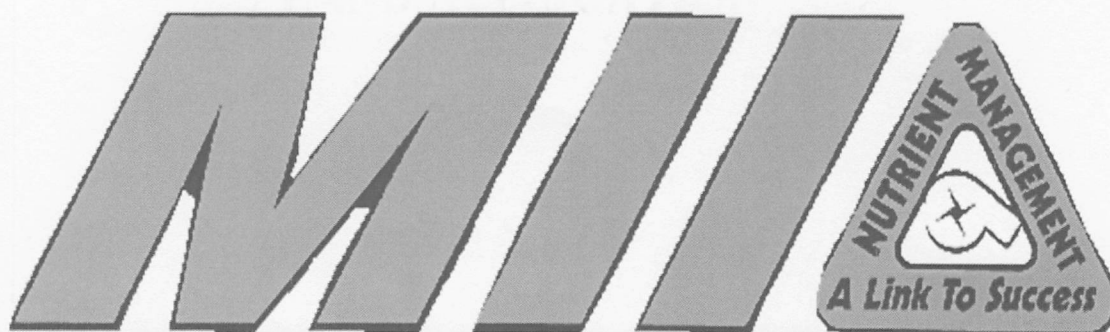
It is recommended to award the project to Midwest Injection, Inc.

**FINANCIAL INFORMATION** This will be paid for out of budgeted maintenance funds.

**SUGGESTED MOTION** I move to approve the award of the disposal of the Water Treatment Plant residuals to Midwest Injection, Inc. and for the execution of any necessary documents.

**SUPPORTING DOCUMENTS**

1. Midwest Injection Inc
2. Water Residual



**AGRICULTURE \* INDUSTRIAL SERVICES**  
**MUNICIPAL WASTE RESIDUALS**  
**TRANSPORTATION\***  
**LAGOON CLEANING \* DIGESTERS**  
**LAND APPLICATION**

**Independence, KS**  
**Solids Hauling and Land Application**





AGRICULTURE • INDUSTRIAL SERVICES • MUNICIPAL WASTE  
RESIDUALS TRANSPORTATION  
LAGOON CLEANING • DIGESTERS • LAND APPLICATIONS

1621 McCABE LANE • CASCADE, IA 52033

OFFICE PHONE: 563-852-7125 •

MAILING ADDRESS: PO BOX 141 • CASCADE, IA 52033

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Midwest Injection Inc (MII) was established in 2008 by Jake McAllister, CEO. The business started with one drag hose system and has grown to a diversified agriculture, municipal and industrial waste management company. MII will deliver environmentally sound and cost-effective solutions for all your waste residual management needs including but not limited to sludge/biosolids removal and disposal, lagoon and digester cleaning, land application, custom agitation and sludge/biosolids transportation.

MII staff are trained and certified in local, state, and federal regulations. Our staff have completed OSHA and in-house safety training along with DNR certification training. Members of our staff are CAFO and wastewater licensed and have over 100 years of combined experience in environmental compliance, sludge/biosolids removal and land application processes.

MII complies with all EPA and DNR regulations by providing 503 biosolids sampling, solids sampling and soil samples to determine the agronomic rates for land application. All samples are analyzed by an outside certified lab. MII also conducts onsite solids sampling for accurate agronomic land application. We provide sludge sampling and measurement services utilizing a sludge judge and a sonic boat. Our environmental compliance staff will provide Best Management Plans and annual reports.

MII utilizes specialized and well-maintained equipment for all projects. Our fleet of equipment is ready to tackle jobs of all sizes. We are licensed to haul biosolids, lime, sludge and manure products. Our equipment includes umbilical hose systems, tanks, vac trucks, state of the art pumps, loaders, and spreaders for dry application. Our pumping systems can be used with either till or no-till injection or surface application. The fleet of specialized equipment is equipped to reduce soil compaction and increase soil filtration. We monitor the quality of our land application by providing certified flow meter readings to ensure the best outcome.

#### Company Contact Information:

Midwest Injection Inc.  
Tax ID # 26-4136685  
1621 McCabe Lane  
Cascade, IA 52033  
563-852-7125

Jake McAllister, CEO



AGRICULTURE • INDUSTRIAL SERVICES • MUNICIPAL WASTE  
RESIDUALS TRANSPORTATION  
LAGOON CLEANING • DIGESTERS • LAND APPLICATIONS

### **Project References:**

Company Name: City of Ada

Company Address: 512 N. Stockton St., Ada, OK 74820

Company Contact: Pam McKinzie, Purchasing Director

Phone Number: 580-436-6300 X 256

Annually 2021-2023

Removal and land application of sludge from holding tank, approximately 900,000 gallons annually.

Using Tractor/Houle 6000 gallon tank.

Company Name: City of Newcastle

Company Address: Newcastle, WY

Company Contact: Kole Schell, Engineering Associates

Phone Number: 307-283-3633

Removal and land application of dried biosolids. Approximately 21,000 Wet tons.

Company Name: Jones County Solid Waste Management Commission

Company Address: 13859 Edinburg Road, Scotch Grove, IA 52310

Company Contact: Karl

Phone Number: 563-487-5160

Annually 2022-2027

Daily transfer of solid waste from Jones County Solid Waste transfer station to certified landfill.

Company Name: City of Anamosa

Company Address: Anamosa, IA

Company Contact: Steve Agnitsch

Phone Number: 319-558-8335

Hauling and land application of dried biosolids..

Company Name: City of Atchison WWTF

Company Address: Atchison, KS

Company Contact: Jim Owens, Plant Manager

Phone Number: 913-367-5566

Removal and land application of approximately 720,000 gallons of biosolids annually. Using a 6000-gallon Houle tank.



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RESIDUALS TRANSPORTATION  
LAGOON CLEANING • DIGESTERS • LAND APPLICATIONS

### **EMPLOYEE CONTACTS & QUALIFICATIONS:**

Jake McAllister, CEO  
jake@midwestinjection.com  
Mobile: 563-599-4122

Iowa Commercial Manure Applicator Certification  
Missouri Class B CAFO Certification  
OSHA 10 Hour Certification  
18 years of experience in waste handling, land application and project management.

Jamie Recker, Manager  
jamie@midwestinjection.com  
Mobile: 319-481-7681

27 years of experience in Project, Operational and Executive Management.

Chad Snapp, Municipal Operations Superintendent  
chad@midwestinjection.com  
Mobile: 660-748-8499

Iowa Commercial Manure Applicator Certification  
Missouri Class A CAFO Certification  
Missouri Class D Wastewater Certification  
OSHA 40 Hour Certification  
BSS in Power Technology  
33 years of experience in waste handling, land application and project management.

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

| Description                          | Time and Materials Not-to-Exceed Amount                                                                                                      |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Solids Removal, Hauling and Disposal | \$119,000.00 lump sum amount up to 3400 cubic Yards. Additional cubic yards will be removed, hauled and disposed of for \$34.00 / cubic yard |

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

Bidder Information:

Name Midwest Injection Inc.

Address 1621 McCabe Lane

City Cascade St. IA Zip 52033

Phone 563-852-7125

E- Mail Address Jake@MidwestInjection.com

Authorized Officer Jake McAllister

Title President

Date 1/5/2026





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1621 McCABE LANE • CASCADE, IA 52033

563-852-7125 • 563-852-6005 fax • 563-599-4122

MAILING ADDRESS: PO BOX 141 • CASCADE, IA 52033

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## Rates:

|                                |                   |
|--------------------------------|-------------------|
| Haul Truck                     | \$185.00 / HR     |
| Application Tractor & Spreader | \$220.00 / HR     |
| End Loader                     | \$120.00 / HR     |
| Excavator                      | \$195.00 / HR     |
| Dozer                          | \$195.00 HR       |
| Operators                      | \$115.00 / Man HR |

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,

Granite Re, Inc., 14001 Quailbrook Drive, Oklahoma City, OK 73134 as Surety, are hereby held and firmly bound unto The City of Independence, Kansas, as OWNER, in the penal sum of

Five Percent of Bid Amount (5% of bid amount) (\$ XXX ) for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed this 23rd day of December, 2025.

The Condition of the above obligation is such that whereas the principal has submitted to The City of Independence, Kansas, a certain BID, attached hereto and hereby made a part hereof to enter into a contract in writing, for the Residual Hauling

NOW, THEREFORE,

(a) If said BID shall be rejected,

(b) If said BID shall be accepted and the principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish BONDS for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID,

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by any extension of the time within which the OWNER may accept such BID; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Midwest Injection, Inc. (L.S.)

Principal

Surety

Granite Re, Inc.

By:

Troy Staples

IMPORTANT - Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: that

Midwest Injection, Inc.

(Name of Contractor)

1621 McCabe Lane

Cascade, IA 52033

(Address of Contractor)

a Corporation hereinafter  
called Principal, and

(Corporation, Partnership, or Individual)

Granite Re, Inc.

(Name of Surety)

14001 Quailbrook Dr.

Oklahoma City, OK 73134

(Address of Surety)

hereinafter called Surety, are held, and firmly bound unto CITY OF IDEPENDENCE,  
KANSAS

hereinafter called OWNER, in the penal sum of

Five Percent of Bid Amount (5% of bid amount) dollars (\$ XXX )

in lawful money of the United States, for the payment of which sum well and truly  
to be made, we bind ourselves, successors, and assigns, jointly and severally, firmly  
by these presents.



## ACKNOWLEDGMENT OF PRINCIPAL (Individual)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me personally come(s) \_\_\_\_\_, to me known and known to me to be the person(s) who (is) (are) described in and executed the foregoing instrument and acknowledge(s) to me that he/she executed the same.

\_\_\_\_\_  
Notary Public

## ACKNOWLEDGMENT OF PRINCIPAL (Partnership)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me personally come(s) \_\_\_\_\_, a member of the co-partnership of \_\_\_\_\_, to me known and known to me to be the person who is described in and executed the foregoing instrument and acknowledges to me that he/she executed the same as for the act and deed of the said co-partnership.

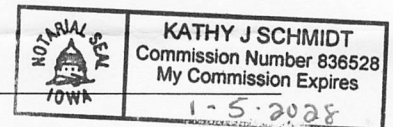
\_\_\_\_\_  
Notary Public

## ACKNOWLEDGMENT OF PRINCIPAL (Corporation)

State of Iowa )  
County of Des Moines )

On this 5 day of January, in the year 2025, before me personally come(s) Jake McAllister, to me known, who, being duly sworn, deposes and says that he/she is the President of the Midwest Injection, Inc the corporation described in and which executed the foregoing instrument; that he/she knows the seal of the said corporation; the seal affixed to the said instrument is such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

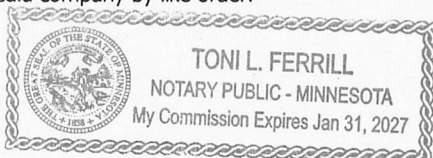
Kathy Schmidt  
Notary Public



## ACKNOWLEDGMENT OF SURETY

State of Minnesota )  
County of Dakota )

On this 23rd day of December, in the year 2025, before me personally come(s) Troy Staples, Attorney(s)-in-Fact of Granite Re, Inc. with whom I am personally acquainted, and who, being by me duly sworn, says that he/she is (are) the Attorney(s)-in-Fact of Granite Re, Inc. company described in and which executed the within instrument; that he/she know(s) the corporate seal of such company; and that seal affixed to the within instrument is such corporate seal and that it was affixed by order of the Board of Directors of said company, and that he/she signed said instrument as Attorney(s)-in-Fact of the said company by like order.



Toni L Ferrill  
Notary Public

**GRANITE RE, INC.**  
**GENERAL POWER OF ATTORNEY**

**Know all Men by these Presents:**

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of MINNESOTA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

TOM LAHL; TOM KEMP; LISA M. FRANCOUR; JENNIFER BOYLES; ZACHARY PATE; TROY STAPLES; NICHOLAS HOCHBAN; NICK DENN its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

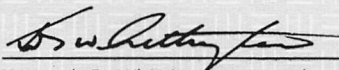
To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

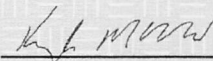
TOM LAHL; TOM KEMP; LISA M. FRANCOUR; JENNIFER BOYLES; ZACHARY PATE; TROY STAPLES; NICHOLAS HOCHBAN; NICK DENN may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Assistant Secretary, this 31<sup>st</sup> day of July, 2023.

STATE OF OKLAHOMA    )  
                                  ) SS:  
COUNTY OF OKLAHOMA )



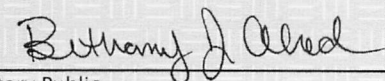
  
Kenneth D. Whittington, President

  
Kyle P. McDonald, Assistant Secretary

On this 31<sup>st</sup> day of July, 2023, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Assistant Secretary of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Assistant Secretary, respectively, of the Company.

My Commission Expires:  
April 21, 2027  
Commission #: 11003620



  
Notary Public

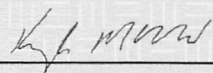
**GRANITE RE, INC.**  
**Certificate**

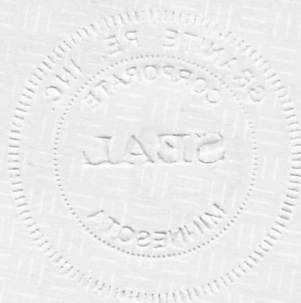
THE UNDERSIGNED, being the duly elected and acting Assistant Secretary of Granite Re, Inc., a Minnesota Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Assistant Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this  
23rd day of December, 2025.



  
Kyle P. McDonald, Assistant Secretary





## CONTRACT

***This Agreement*** is entered into on the 6th day of February, 2026, by and between the **City of Independence, Kansas**, hereafter CITY, and Midwest Injection, Inc., hereafter CONTRACTOR.

1. **Project Description:** The project consists of removal of residuals from the Independence Water Treatment Plant.

2. **Specifications:** The specifications for the work to be performed by CONTRACTOR are as contained in the Independence, Kansas Residuals Request for Proposal document (attached hereto).

3. **Compensation:** CITY shall pay CONTRACTOR the agreed sum of \$119,000.00 in the following manner: as a lump sum within 30 days of the completion of the project.

4. **Term of Agreement:** CONTRACTOR shall begin work on the date established by consultation with CITY. The parties may agree to a completion deadline, and if so, such deadline must be in writing signed by both parties.

5. **Change Orders:** Change Orders must be approved in writing, and valid changes are applicable only to work presented to CITY by CONTRACTOR for conditions presented to CITY within 5 business days of the time CONTRACTOR knew or should have known about the change, or upon request by CITY. Damages claimed for delay may include direct costs only, and cannot include any costs from lost opportunities or any other source. Additional cubic yards beyond 3400 will be priced at \$34.00 per cubic yard, complete as per CONTRACTOR proposal, but only after permission is granted from CITY to remove additional quantities.

6. **Indemnification:** CONTRACTOR agrees to indemnify and hold harmless

CITY, its agents and employees, for any damages to persons or property arising from acts or omissions of CONTRACTOR, or its agents or employees, in performance of this agreement.

7. **CONTRACTOR Requirements:** CONTRACTOR shall be responsible for, and provide the CITY proof of, the following upon request:

- a. Current Occupational License issued by the City, if required.
- b. A minimum of \$1,000,000.00 general liability insurance.
- c. All statutorily required workers compensation coverage.
- d. A minimum of \$1,000,000.00 in automobile liability insurance.
- e. Performance and payment bonds as specified in the Independence, Kansas Laurel Street Request for Proposal document (previously referenced and attached hereto).

**CITY OF INDEPENDENCE, KANSAS**

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

**Midwest Injection, Inc**

2-6-2026  
Date

By: \_\_\_\_\_  
NAME: Jake McAllister  
TITLE: President



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department Admin**

**Director Approval Kelly Passauer**

**AGENDA ITEM** Consider the recommendation of the Economic Development Advisory Board to acknowledge expiration of the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications, decline to extend or revive the Agreement, and allow continued construction under the existing City permit.

**SUMMARY RECOMMENDATION** Staff recommends that the City Commission accept the recommendation of the Economic Development Advisory Board (EDAB) to acknowledge that the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications expired on January 2, 2026; determine that no valid Force Majeure claim was made; decline to extend or revive the Agreement; and allow KwiKom to continue construction under its existing City permit, which expires April 7, 2026, subject to all applicable City requirements and further action by the City Commission.

**BACKGROUND** On December 28, 2023, the City entered into a Grant Award Agreement with JMZ Corporation, d/b/a KwiKom Communications (“KwiKom”), for an economic development project. Under the Agreement, the “Commencement Date” is defined as the date on which any permit for the work was issued by the City. The first permit for the project was issued on January 2, 2024, thereby establishing the contractual Commencement Date. While additional permits were issued later, including the most recent permit on October 8, 2025, the Agreement ties the project schedule to the first permit issued.

The Agreement required KwiKom to complete the project within two (2) years of the Commencement Date, resulting in a contractual completion deadline of January 2, 2026. The Agreement also includes a Force Majeure provision that would automatically extend the completion deadline by six (6) months if certain conditions were met, including timely written notice and ongoing communication with the City. Although KwiKom made a general assertion of Force Majeure beginning in 2024, the required written notice and supporting information were not provided, and based on the information available, the circumstances described are unlikely to meet the definition of Force Majeure under the Agreement.

At its February 3, 2026 meeting, the Economic Development Advisory Board reviewed the matter and considered multiple resolution options. The EDAB selected Motion Option 2, recommending that the City Commission acknowledge expiration of the Agreement, decline to extend or revive it, and allow KwiKom to continue construction solely under its existing City permit. That permit, issued on October 8, 2025, remains valid for six (6) months and is scheduled to expire on April 7, 2026, subject to all applicable City requirements.

**FINANCIAL INFORMATION** Under this option, the City does not extend or amend the existing Grant Award Agreement and does not commit to additional incentive payments. Previously disbursed grant funds would not be immediately subject to repayment, as the City would be allowing KwiKom additional time to complete construction under its existing permit

rather than declaring an immediate breach of the Agreement. Any future financial obligation, including payment of the final incentive installment or enforcement of repayment provisions, would require further action by the City Commission

**SUGGESTED MOTION** I move to accept the recommendation of the Economic Development Advisory Board to acknowledge that the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications expired on January 2, 2026; determine that no valid Force Majeure claim was made; decline to extend or revive the Agreement; and allow KwiKom to continue construction under its existing City permit, which expires April 7, 2026, subject to all applicable City requirements and further action by the City Commission.

#### **SUPPORTING DOCUMENTS**

1. February 3, 2026 Staff Report to EDAB





**REQUEST FOR ECONOMIC DEVELOPMENT  
ADVISORY BOARD ACTION  
CITY OF INDEPENDENCE  
FEBRUARY 3, 2026**

**Department Admin**

**Prepared By Kelly Passauer**

**AGENDA ITEM** Consider a request for an extension to the Kwikom Incentive Agreement.

**SUMMARY RECOMMENDATION**

**BACKGROUND** The City has received a request from JMZ Corporation, d/b/a KwiKom Communications (“KwiKom”) seeking an extension of the Grant Award Agreement entered into by the City and KwiKom on December 28, 2023 (“Agreement”). Under the Agreement, the “Commencement Date” is defined as the date on which any permit for the work was issued by the City. The first permit for the project was issued on January 2, 2024, establishing the contractual Commencement Date. Although additional permits were later issued, including the most recent permit on October 8, 2025, the Agreement ties the project schedule to the first permit issued. Under the Agreement, KwiKom was required to complete the project within two (2) years of the Commencement Date.

The Agreement also provides that if KwiKom is unable to complete the project due to factors beyond its reasonable control constituting a Force Majeure event, the completion deadline would automatically extend for six (6) months. To invoke this provision, KwiKom must submit written notice identifying the nature of the event, its expected duration, and the specific obligations affected; and must provide verbal status reports as reasonably requested by the City. KwiKom has made a general assertion of Force Majeure that first appears in 2024, but did not submit the required written notice or provide any follow-up information, nor has KwiKom expedited resolution of any such event. Based on the information available, it is unlikely KwiKom’s asserted circumstances would constitute a Force Majeure event under the Agreement.

Under the terms of the Agreement, if KwiKom does not certify completion of the project by the applicable deadline, KwiKom must repay the City all grant funds received, with repayment due within six (6) months after the contractual completion date. If repayment is timely, no interest will accrue; if repayment is not timely, the outstanding amount will accrue interest at ten percent (10%) per annum from the due date until paid.

There may be multiple combinations of resolutions to the issues presented. But the Economic Development Advisory Board (“EDAB”) and the City have at least a couple of clear options:

1. Acknowledge the contractual Commencement Date, note the absence of a valid Force Majeure claim, and determine that no extension of the Grant Award Agreement is available. Under this option, KwiKom may continue work under its existing permit, which was issued on October 8, 2025 and, pursuant to City permitting requirements, is valid for six (6) months, expiring on April 7, 2026, subject to all applicable City requirements and the express terms of the Agreement. This would afford KwiKom additional time to complete construction without requiring reimbursement of previously disbursed grant funds. The City could elect to pay the final \$50,000 installment upon completion, negotiate liquidated damages for failure to complete by April 7, 2026, and/or negotiate a reduced final installment due to delays.

2. If completion by April 7, 2026 is not feasible, the City may elect to negotiate a new agreement with KwiKom containing substantially similar terms and conditions as the original Agreement, but with an extended date for completion, subject to EDAB recommendation and City Commission approval.
3. Acknowledge the contractual Commencement Date, determine that no valid Force Majeure claim has been made, and conclude that no extension of the Agreement is available, resulting in a breach. Under this option, KwiKom would be subject to the repayment obligations described above.

## **SUGGESTED MOTION**

### **Motion Option 1 – Enforce Repayment**

I move that the Economic Development Advisory Board recommend that the City Commission determine that the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications expired on January 2, 2026, that no valid Force Majeure claim was made, and that the City enforce the repayment provisions of the Agreement consistent with its terms.

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### **Motion Option 2 – Allow Work Under Permit Only**

I move that the Economic Development Advisory Board recommend that the City Commission acknowledge that the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications expired on January 2, 2026, decline to extend or revive the Agreement, and allow KwiKom to continue construction under its existing permit, which expires April 7, 2026, subject to all applicable City requirements and further action by the City Commission.

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### **Motion Option 3 – Authorize a New Agreement**

I move that the Economic Development Advisory Board recommend that the City Commission acknowledge that the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications expired on January 2, 2026, and authorize staff and the City Attorney to negotiate a new agreement for consideration by the Economic Development Advisory Board and the City Commission.

## **SUPPORTING DOCUMENTS**



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

**Department Finance**

**Director Approval Lacey Lies**

**AGENDA ITEM** Consider changes to Transformative Art in Public Places (TAPS) electrical box art projects.

**SUMMARY RECOMMENDATION** City staff recommends that the City Commission carefully consider the long-term maintenance and infrastructure implications associated with authorizing painting of stainless steel traffic control or electrical boxes in lieu of vinyl wrapping, and provide direction on whether painting should be authorized as part of the TAPS electrical box art project.

**BACKGROUND** The City was awarded a grant to support the Transformative Art in Public Places (TAPS) electrical box art initiative. The original project scope contemplated the use of vinyl wraps applied to stainless steel traffic control or electrical boxes.

During implementation planning, contractors advised the Finance Director that wrapping the boxes would be more expensive than originally anticipated due to the complexity of the boxes, including multiple access doors, grooves, and ventilation openings that require precise cutting and installation. Based on this information, the Finance Director has requested that the City Commission consider authorizing painting of the boxes as an alternative to wrapping.

A similar request was previously considered by the City Commission on April 26, 2018, when a proposal was submitted to paint a City-owned traffic control box as a public art enhancement. Although City staff recommended approval with conditions at that time, the Commission ultimately declined to approve the request due to concerns regarding long-term maintenance responsibilities and the lack of a formal framework governing public art on City infrastructure.

To better understand the implications of painting stainless steel traffic control or electrical boxes, the City Engineer was consulted regarding long-term maintenance considerations.

**FINANCIAL INFORMATION** When asked about the long-term maintenance implications of painting stainless steel traffic control or electrical boxes, the City Engineer advised that achieving durable paint adhesion requires altering the surface of the metal so the paint has something to “grab” onto. This typically involves creating a surface pattern through sandblasting or chemical etching, followed by application of a primer and one or more final paint coats.

The City Engineer further noted that if removal of the paint is required in the future, the process would involve mechanical or chemical paint stripping, followed by re-polishing of the metal surface to restore smoothness. A final wash with a dilute acid would be necessary to reestablish the corrosion-resistant properties of the stainless steel. While a maintenance-free surface can be restored, doing so would require additional effort and cost.

The Finance Director has indicated that contractors advised vinyl wraps may have a shorter useful life than paint and could wear out more quickly, potentially requiring replacement sooner. However, vinyl wraps are generally removable without permanently altering the underlying metal surface, whereas painting permanently modifies the stainless steel and introduces potential long-term restoration costs.

The project is funded through a grant awarded to the City, and no immediate impact to the General Fund is anticipated. However, authorizing painting may create future maintenance or restoration obligations that are not currently quantified and would be borne by the City if incurred.

## **SUGGESTED MOTION**

### **Option 1 – Authorize Painting:**

“I move to authorize the use of paint, rather than vinyl wraps, for the Transformative Art in Public Places (TAPS) electrical box art project, subject to any conditions deemed appropriate by the Commission.”

### **Option 2 – Maintain Original Approach:**

“I move to maintain the original project approach requiring vinyl wraps for the Transformative Art in Public Places (TAPS) electrical box art project.”

## **SUPPORTING DOCUMENTS**

1. Excerpt from 04262018 Minutes

Minutes of the Independence City Commission's April 26, 2018 Meeting

- C. Consider a request from R-Turn to approve the artwork for the North Penn railroad trestle.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett, the Commission approved a request from R-Turn to approve the artwork for the North Penn railroad trestle.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

- D. Consider a request from Eclectix Art Gallery to paint the traffic control box at Penn and Laurel.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the Commission moved to authorize Eclectix Art Gallery to paint the traffic control box at Penn and Laurel as long as they meet the following conditions:

1. Any proposed artwork must be preapproved by the City Manager and Main Street;
2. Ensure during or after the traffic control box is painted, that the vents are not obstructed in any way; and
3. Work with Main Street to ensure the painted traffic control box is repainted or touched up as needed.

Aye: None

Nay: Caflisch, Ysusi, Hogsett

The motion failed and the request was not authorized.

- E. Consider bids for asphalt work.

Motion:

On the motion of Mayor Caflisch, seconded by Commissioner Hogsett, the Commission authorized the resurfacing of North 5<sup>th</sup> Street from Oak Street to the County line accepting Alternate 2, and negotiating a change order to extend the paving of the parking from the south end of the designated paving project to Oak Street and remain in the \$150,000.00 budget.

Aye: Caflisch, Ysusi, Hogsett

Nay: None



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

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**Department Admin**

**Director Approval Kelly Passauer**

**AGENDA ITEM** Consider canceling the February 18, 2026 Special Commission Meeting.

**SUMMARY RECOMMENDATION** Cancel the February 18, 2026 Special Commission Meeting

**BACKGROUND** We do not have any specific items to discuss on February 18, 2026. Therefore, staff recommends canceling the Special Commission meeting for that date.

**FINANCIAL INFORMATION** N/A

**SUGGESTED MOTION** I move to cancel the February 18, 2026 Special Commission meeting.

**SUPPORTING DOCUMENTS**



**Report**  
**CITY OF INDEPENDENCE**  
**February 12, 2026**

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**Department City Clerk**

**Director Approval David Schwenker**

**AGENDA ITEM** City Board Minutes

**BACKGROUND**

**SUPPORTING DOCUMENTS**

1. September 29, 2025 IHPRC Minutes



September 29, 2025  
Independence Historical Preservation and Resource Commission  
Meeting Minutes

Members Present: Darin Axthelm, Bill Gour, Brett Richards, Gary Hogsett (via telephone), Brea Sanford

City Staff: David Cowan, Maurice Garlet

Ex Officio: Lisa Wilson, Tabatha Snodgrass

Absent: Jason Rutledge, Tim White

Special Guest: April Nutt (via telephone)

Darin Axthelm called the meeting to order at 12:01 p.m.

Brea Sanford made a motion to approve the July 14, 2025, meeting minutes as presented. Bill Gour seconded the motion, and all were in favor.

### **III. Action Items**

a) Certificate of Appropriateness for 117 South 8th Street

David Cowan spoke about this business, stating that the owner wants to re-do the mortar around the building, replace windows, two doors, add awnings. The contractor that is doing the work is willing to start October 1 and finish by October 20. The project went before the Economic Advisory Board and will be using a downtown building grant. It is a non-contributing building to the downtown historical district. The group feels like the changes will make for a nice upgrade on an older building. Bill Gour moved to approve the Certificate of Appropriateness for 117 South 8th Street. Brea Sanford seconded the motion and the motion passed.

b) Certificate of Appropriateness for 106 West Main Street. Brett noted that he was not voting on this matter. The owner of this building wants to install a new door painted navy blue to match the rest of the paint.

Brea Sanford motioned to approve the Certificate of Appropriateness for 106 West Main Street. Bill Gour seconded the motion and all but Brett were in approval.

Darin Axthelm adjourned the meeting at 12:10 p.m.

Brett Richards motioned to adjourn the meeting at 12:46 p.m. Brea Sanford seconded the motion and all were in favor.