INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

May 26, 2022

5:30 PM

Civic Center Memorial Hall

To participate by conference call:
1 785-289-4727 Conference ID: 592 706 042#

The Independence City Commission will meet in a Regular Session on **Thursday, May 26, 2022, in the Civic Center Memorial Hall.**

The Agenda shall be as follows:

I. REGULAR SESSION

A. Call to Order

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

II. APPOINTMENTS

A. IHPRC -- Received one application for two positions -- Applications have been extended to June 3, 2022

B. Tree Board -- Two Positions -- Applications due by noon on June 3, 2022.

C. Park Board -- One Inside City Position -- Applications due by noon on June 17, 2022.

D. Recreation Commission -- One Position -- Applications due by noon on June 17, 2022.

III. CONSENT AGENDA

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

A. Consider approving City Commission minutes from March 10 and 24, 2022.

B. Consider adopting a resolution establishing a Street Lighting Policy.

C. Consider revising the Capital Improvement Plan for submittal to the Federal Aviation Administration.

IV. PUBLIC HEARING

A. Public Hearing to consider condemnation of 317 S. 2nd Street as dangerous and unsafe.

V. ITEMS FOR COMMISSION ACTION

A. Consider setting the date for a Public Hearing to consider the condemnation of 1109 W. Myrtle Street as dangerous and unsafe.

B. Consider setting the date for a Public Hearing to consider the condemnation of 515 S. 10th Street as dangerous and unsafe.

C. Consider setting the date for a Public Hearing to consider condemnation of 1117 W. Laurel Street as dangerous and unsafe.

D. Consider setting the date for a Public Hearing to consider condemnation of 1105 W. Myrtle Street as dangerous and unsafe.

E. Consider setting the date for a Public Hearing to consider condemnation of 712 S. 6th as dangerous and unsafe.

F. Consider awarding the CDBG portion of the 2022 sewer improvement projects to Tri Star Utilities.

G. Consider adopting Resolution 2022-023 setting a public hearing to establish Rural Housing Incentive Districts (RHIDs).

H. Consider authorizing a contract with Reece Nichols to market 811 W. Laurel Street.

VI. ITEMS FOR DISCUSSION

A. Discuss the process for handling change orders related to the Fire/EMS and 1916 City Hall projects.

VII. REPORTS

A. Capital Projects Report.

B. Sales Tax Reports for March, April and May.

VIII. CITY MANAGER'S COMMENTS

IX. COMMISSIONERS' COMMENTS

X. PUBLIC CONCERNS

XI. ADJOURNMENT

Presentation
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval Kelly Passauer**

AGENDA ITEM IHPRC -- Received one application for two positions -- Applications have been extended to June 3, 2022

BACKGROUND We currently have openings on the Independence Historic Preservation and Research Commission (IHPRC). Applications are due by Noon on June 3, 2022.

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

(1)All appointees shall be residents of the city.

(2)All appointees shall be persons who have demonstrated interest, knowledge or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archeology, planning, real estate, law, finance, building trades, urban design and geography.

(3)Not less than three appointees shall be composed of persons who are engaged in or retired from preservation-related professions such as archeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic preservation planning, historic preservation and history; provided, however, that upon a demonstration that the required number of positions for preservation-related professionals could not be filled despite a reasonable effort to do so, the governing body may waive this requirement. What constitutes a reasonable effort to fill such positions shall take into consideration the possibility that the absence of certain preservation-related professions on the IHPRC may necessitate the retaining of consultants.

For more information contact David Cowan at 620-330-0056, or visit this link: Chapter 50 - INDEPENDENCE HISTORIC PRESERVATION AND RESOURCE COMMISSION

Applications are due by Noon on June 3, 2022. If you have trouble with the online form, please contact KellyP@IndependenceKs.gov or 620-332-2506 for a paper version.

A City Board application may be completed at this link: CITY BOARD APPLICATION

SUPPORTING DOCUMENTS

Presentation
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval**

AGENDA ITEM Tree Board -- Two Positions -- Applications due by noon on June 3, 2022.

BACKGROUND We currently have openings on the Tree Board. The purpose of this division is to honor the city's rich history of enjoying and preserving local natural resources, and to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance and removal of trees located on public property, or which encroach upon public property, and to enhance the natural beauty of the community. For more information contact Scott Patton at ScottP@IndependenceKs.gov or 620-332-2512; or visit this link: DIVISION 8. - TREE BOARD

Applications are due by Noon on June 3, 2022. If you have trouble with the online form, please contact KellyP@IndependenceKs.gov or 620-332-2506 for a paper version.

A City Board application may be completed at this link: CITY BOARD APPLICATION

SUPPORTING DOCUMENTS

Presentation
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval**

AGENDA ITEM Park Board -- One Inside City Position -- Applications due by noon on June 17, 2022.

BACKGROUND The City is receiving applications for an inside City position on the Park Board that will be effective on July 1, 2022. To learn more about the Park Board contact Scott Patton at ScottP@IndependenceKs.gov or 620-332-2512; or visit this link: DIVISION 7. - INDEPENDENCE PARK BOARD

Applications are due by Noon on June 17, 2022. If you have trouble with the online form, please contact KellyP@IndependenceKs.gov or 620-332-2506 for a paper version.

A City Board application may be completed at this link: CITY BOARD APPLICATION

SUPPORTING DOCUMENTS

Presentation
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval Kelly Passauer**

AGENDA ITEM Recreation Commission -- One Position -- Applications due by noon on June 17, 2022.

BACKGROUND We currently have an opening on the Independence Recreation Commission (IHPRC) that will be effective July 1, 2022. For more information contact Brent Julian at 620-331-0260 or brentjulian5@yahoo.com.

Applications are due by Noon on June 17, 2022. If you have trouble with the online form, please contact KellyP@IndependenceKs.gov or 620-332-2506 for a paper version.

A City Board application may be completed at this link: CITY BOARD APPLICATION

SUPPORTING DOCUMENTS

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department City Clerk **Director Approval** David Schwenker

AGENDA ITEM Consider approving City Commission minutes from March 10 and 24, 2022.

SUMMARY RECOMMENDATION Approve the minutes as prepared by the City Clerk.

BACKGROUND

FINANCIAL INFORMATION

SUGGESTED MOTION I move to approve City Commission minutes from March 10 and 24, 2022.

SUPPORTING DOCUMENTS

1. March 10 2022 Minutes
2. March 24 2022 Minutes

I. REGULAR SESSION

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

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

Visitors Present: Larry McHugh and Tabatha Snodgrass

A. Call to Order

Mayor Hayse called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission approved the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

II. PRESENTATIONS

A. Presentation Of Lifesaving Awards To The Following Employees:

1. Chris Furr (Fire/EMS)
2. Tristan Roegner (Fire/EMS)
3. Dee Standridge (Fire/EMS)
4. Paul Terry (Fire/EMS)

III. CONSENT AGENDA

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

A. Consider Approving An Agreement With Community Mission For Approved Housing.

The City of Independence offers a grant program for homeowners called the Neighborhood Exterior Grant program. Through this offering, homeowners may submit eligible exterior home improvement projects for consideration. Eligible expenses will be reimbursed, 50% up to $5,000 per home. To qualify, a home must have a partnering application in close proximity and the project must be at least $1,000. Community Mission for Improved Housing's mission is to serve the Independence area by helping the poor, people with disabilities and the elderly repair their homes, building relationships among neighbors and bringing hope and spiritual renewal to our community. CMIH has approached the city in hopes to help partner with the city in removing barriers to participation in this grant opportunity. Since there is a minimum private investment of $500 per home, this agreement would represent an agreement between CMIH and the homeowner stating that CMIH would provide the matching funds for the program and that the City would reimburse CMIH, not the homeowner, for all eligible expenditures. This agreement provides that the City of Independence, Kansas agrees to honor Homeowner's assignment of its right to receive reimbursement to funds reimbursed to Homeowner pursuant to the Independence Neighborhood Exterior Grant Program and agrees to make payment directly to CMIH pursuant to Homeowner's assignment set forth in the agreement.

B. Consider An Ordinance Amending Previous Boundary Ordinances And Establishing The Legal Boundaries For The City Of Independence.

On November 19, 2020, the City Commission adopted Ordinance 4340 amending the previous boundary ordinances and establishing the legal boundaries. Since that time corrections have been made to the legal description. The ordinance language was reviewed by the City Attorney and the legal description was prepared and certified by TranSystems.

C. Consider Adopting An Ordinance Authorizing The Mayor To Remove Members Of Boards Or Commissions For Non-Attendance.

Section 2-99 of the City Code provides criteria for removing members from the Planning Commission for non-attendance. Since attendance is important in conducting business, it is recommended that this section on non-attendance be applied equally to all City appointees of Boards or Commissions. It should be noted that the wording is "may" remove any persons for non-attendance as extenuating circumstances should be taken into consideration before the removal of any member.

D. Consider Cancelling The March 16, 2022 Special Commission Meeting.

There are no items scheduled for the March 16, 2022 (third Wednesday) meeting. it is suggested that this meeting be cancelled.

IV. ITEMS FOR COMMISSION ACTION

A. Consider Proclaiming April 29, 2022 As Arbor Day.

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

This year the Tree Board plans on celebrating Arbor Day on Friday, April 29th, 2022. This is the first step in renewing our recertification for Tree City USA.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission authorized the Mayor to sign the Arbor Day Proclamation for April 29, 2022 .

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

B. Consider Setting The Date Of May 26, 2022 At 5:30 P.M. For A Public Hearing To Consider Condemnation Of 317 S. 2nd As Dangerous And Unsafe.

The structure was involved in a fire on October 14, 2021 that extended into

the attic space and did substantial damage to the structure.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted a resolution setting the date of May 26, 2022 at 5:30 p.m. for a public hearing to consider condemnation of 317 S 2nd as dangerous and unsafe .

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

C. Consider Approval Of Change Order With Bryant And Bryant For The Main Street From 8th To 10th Project.

The 8th and Main reconstruction project requires the removal of the street, sidewalks, and gutters to reconstruct the road. Substantial savings were achieved by mobilization at the start of the project to do all the demolition at one time. However, this would leave gravel paths to several businesses and impact their business for four months. City Staff met with Bryant and Bryant and Transystems and determined that they could saw cut the Southside of Main Street sidewalk between 8th and 9th. The Contractor would leave approximately 4' of sidewalk against the building to allow for pedestrian access along with ADA accessibility. On the north side of Main, the Contractor would leave approximately 4' of sidewalk from 8th and Main to Gold and Silver. The 4' of sidewalk against the building as described above will eventually be replaced near the end of the construction period, which is anticipated to take a few weeks. This revised scheduling will greatly reduce the period that pedestrians are accessing businesses on gravel, and greatly reduce the impact on the businesses. To separate the active pedestrian corridor from the construction area, an orange construction fence will be installed to parallel the pedestrian corridor.

The Contractor will also leave an exit lane for Scooter's on Main Street. Per KDOT standards, a snow fence must be placed along the sidewalk to keep citizens out of the construction zone.

City Staff, with the assistance of Joanne Smith, are also making directional signage to place around the construction site to provide citizens with directions to parking and building access.

City staff would also request permission to place some temporary reserved parking signs for the business to allow customers access to the businesses. We would place these signs on 8th and 9th street.

On 3/8/2022 the City received an additional change order request for traffic that is attempting to make a left turn at 10th and Main when exiting Scooter's. This change order will allow for the proper signage and restrict cars to a right turn only during construction. KDOT has approved the request.

Sawcut	**$2,100**
Fence	**$4,387.61**
Right turn	**$2,160.00**
Total	**$8,647.61**

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission approved allowing the mayor to sign a change order for Bryant and Bryant in the amount of $8,647.61 and allowing the City Staff to install additional temporary signage and parking for the businesses during construction.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

D. Consider Authorizing TranSystems To Prepare And Submit A KDOT Cost Share Program Grant Application For: Sycamore, 10th To 21st.

Kansas Department of Transportation (KDOT) Cost Share applications for state fiscal year 2022/2023 are due on March 17, 2022.

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

Estimated Cost	Estimated City Match – (15%)	Non-Participating Costs	Total City Cost
$972,983	$119,247	$178,000	$297,247

Staff believes we should resubmit this application for state fiscal year 2024, (July 1, 2023 – June 30, 2024).

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized TranSystems to prepare an application for KDOT's Cost Share Program for Sycamore from 10th Street to 21st Street and to submit the

application to KDOT .

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

E. Consider Authorizing Change Order Number 1 With J. Graham Construction On The Enterprise Drive Project.

As part of the work associated with the Precision Rail project, the City committed to move the existing 8" line along the south side of the Precision Rail property. This work has been quoted as a part of the utility work for the Enterprise Drive project at a cost of $18,700. This will remove cap the existing 8" line and increase the line size of the new line heading south along the boundary of the new property being developed to maintain water flow redundancy to users in the Labette Health area.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission authorized Change Order Number 1 with J. Graham Construction in the amount of $18,700 and the execution of any required documentation.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

F. Consider temporarily waiving the application process and fee for ROW access on Main between 8th and 10th only during construction.

City Staff is working with Main Street on the Patio 210 Food Trucks that visit Independence. The Brewery is working with Main Street and will be providing electric hook-up and ROW parking for a food truck during the construction period of Main Street. They asked if the City could waive the application and fee during the construction and closure of Main Street.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission approved to waive the application process for ROW access on Main between 8th and 10th only during the construction .

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

G. Consider extending the City Hall bid date to March 15, 2022.

City staff was contacted by McCown Gordon regarding the bid date of March 11, 2022, and requesting the commission extend the date to March 15, 2022 at 5:00 p.m. The trade partners have asked many questions about the drawings, and Treanor is providing good information back. To get the best value for the City of Independence, we request the bid date be extended to March 15, 2022, at 11:00 a.m. This will allow the Trade Partners more time to digest the response to their questions and reduce or eliminate any assumptions they make on their bid.

With the extended bid date, McCown Gordon will still present to the commission on March 24, 2022, meeting date.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission extended the City Hall bid date to March 15, 2022 at 11:00 a.m..

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

V. REPORTS

A. Economic Development Advisory Board Summary Recommendation

B. City Board Minutes

1. February 1, 2022 Economic Development Advisory Board
2. February 1, 2022 Planning Commission/Board of Zoning Appeals
3. February 16, 2022 City Recreation Commission

VI. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan reported that Downtown Building Inspections would commence soon for those property owners who missed the last inspection period.

VII. COMMISSIONERS' COMMENTS

None

VIII. PUBLIC CONCERNS

None

IX. ADJOURNMENT

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

_____
Dean A. Hayse, Mayor

_____
Louis Ysusi, Commissioner

_____
Tim Emert, Commissioner

Attest:

_____
City Clerk/Treasurer

I. REGULAR SESSION

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

City Staff Present: Jeff Chubb, City Attorney; David Cowan, Assistant City Manager; Kelly Passauer, City Manager by phone; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; Brian McHugh, Memorial Hall Supervisor; John Garris, City Engineer/Director of Public Works and Utilities; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police; April Nutt, Director of Housing Authority; Scott Patton, Park and Zoo Director; Dustin Stafford, Police Officer; Hillary Cook, Police Officer; Derek Bryant, Detective; Raina Gour, Records Clerk; Daniel Bowers, Police Officer; Joseph Gregory, Dispatcher and Mark McCleary, Dispatcher.

Visitors Present: Larry McHugh, Andy Taylor,Brea Sanford, Alan Youngers, Todd Dumler, Jake Oberlechner, Mike Conway, Ray Rothgeb, Andrea Ballard, Hannah Ballard, Charles Ballard, Jim Kelly, Amanda Bryant, Ginger Hill, Ned Stichman and Miranda Bruening.

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 Commissioner Emert, seconded by Commissioner Ysusi the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

II. PRESENTATIONS

A. Presentation of Meritorious Award to Detective Bryant.

On 2-9-2021 IPD and the State Fire Marshal's Office investigated an arson. The suspect set fire to a house with three people inside. One was

resuscitated and transported by helicopter for care. During the investigation, Det. Bryant served five search warrants on electronic devices, assisted canine teams, and utilized advanced investigative services with other agencies. Bryant was able to get the suspect to admit to setting the fire. The suspect was charged with aggravated arson and attempted murder.

Detective Bryant was nominated for this award by his fellow detectives and the State Fire Marshal's Office.

For dedicated service and outstanding performance on a major case, Detective Bryant is receiving an Award of Meritorious Conduct.

B. Presentation of Life Saving Award to Officer Cook.

On 2-8-2022 at 7:20 AM, Officer Hilary Cook was working as a dispatcher for IPD Dispatch. She received a call regarding a woman that had fallen and was not breathing. Hilary's years of experience as an EMT and experience in dispatch providing emergency medical dispatch pre-arrival instructions allowed her to respond from memory. Hilary coached the patient's husband through all the steps of providing CPR. Hilary stayed on the line coaching the man until EMS arrived and took over medical care. The woman was flown to a hospital and has since returned home. EMS personnel stated that it is most likely the patient would have died had Hilary not acted so decisively.

For her quick decision and ability to coach CPR in accordance with her training and experience, Officer Hilary Cook is being recognized with a Life Saving Award.

C. Presentation from Four County Mental Health on Programs that utilize the City's Special Alcohol Funds.

The City budgets $30,000 annually for support of Four County Mental Health's Alcohol and Substance Abuse programs out of the City's Special Alcohol Funds. These funds are distributed to the City from the State from the Liquor Drink Tax collected. The use of these funds is restricted to supporting alcohol and substance abuse programs in the community.

III. CONSENT AGENDA

Motion:
On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission adopted the Consent Agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

A. Consider approving City Commission minutes from January 19, 27, and 28, 2022, and corrected minutes from January 13, 2022.

B. Consider approving a grant project with Fort Hays State University.

IPD has been selected by the National De-Escalation Training Center (NDTC) of Fort Hays State University (FHSU) to participate as a sub-recipient of their Community Policing Development De-Escalation Training Center **grant. The NDTC training model has been approved by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). As a sub-recipient of the grant, IPD will have two instructors trained to teach the De-escalation Principles and Practice training program. This course is a comprehensive, innovative, and evidence-based experiential program for law enforcement. Officers are trained to recognize personality traits to maximize effective communication, recognize active or passive threats, practice verbal judo, and active listening, convey respect, and permit venting to resolve conflict.**

The direct benefit to the City is valued at $11,610 and the grant runs until the end of 2025. The grant provides for two IPD personnel to be trained as instructors, including travel, lodging, and per diem at FHSU for the instructor workshop. It also covers overtime for training department members and marketing of community policing to the community.

As a participant in the grant IPD agrees to train our own officers as well as other officers in the southeast Kansas region. We also agree to report all categories of use of force, complaints, calls for service, and proactive policing activity on a monthly basis from 2016 through 2025. We also agree to report crime statistics for murders, rapes, robberies, aggravated assault, burglary, theft, motor vehicle theft, and arson. IPD began tracking all these statistics in 2016, so the only additional work for us will be to forward the information to the NDTC. The purpose of this monitoring is to demonstrate objectively if the program is successful at reducing the use of force and violent crime in our community.

Parsons Police Department has also been selected to participate and IPD and PPD have already begun collaborating on a training event. Upon completion of the instructor course, we are making plans to train both of our departments, Pittsburg PD, and other SEK law enforcement agencies that

want to attend our tentatively scheduled class. This is a unique opportunity to strengthen community relationships and reduce the use of force incidents in our communities at no additional cost to our local taxpayers.

IV. ITEMS FOR COMMISSION ACTION

A. Consider an agreement with Rainbow Fireworks for the July 4th Fireworks show.

Jim Kelly will present the options for the 2022 July 4th Fireworks show. The community feedback regarding the show in 2021 was exceptional. Jim requested a quote based on the exact shell count in 2021 and a quote for the 2021 budget amount. Rainbow Firework's quote for the exact shell count increased the cost by $2,100.00 to $19,750.00.

City Staff would like to show our appreciation to Jim Kelly for his continued support of the community and his 31 years of fundraising for the fireworks show. 2021 was the first year in 30 years that Jim was unable to fundraise the full amount of the show. 2022 will be Jim's last year fundraising for the fireworks show.

Motion:
On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission approved an agreement with Rainbow Fireworks for the 2022 July 4th Fireworks Show in the amount of $19,750.00.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

B. Consider proclaiming April 2022 as the Lions Club 100 Year Anniversary month.

In April 1922, the Independence Lions Club was started and is among the oldest service clubs in Independence, Kansas. The Independence Lions Club is a big supporter of the community and is actively involved in Kiddy Land, the annual Ham and Bean Feed, New Life Baptist Church clothes closet, Red Cross blood drive, and the annual Neewollah parade.

The Lions Club is asking the City of Independence to proclaim that the Independence Lions Club 100th Anniversary will be celebrated throughout the month of April 2022 in honor of their ongoing, excellent service to the community.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission proclaimed April 2022 as the Independence Lions Club's 100th Anniversary month.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

C. Consider Proclaiming April 10-16, 2022 as Telecommunicators' Week.

In 1991 National Public Safety Telecommunicator Week was formally recognized by Congress and is celebrated each year during the second full week of April.

We would like to take this opportunity to introduce new employees working in the 911 center.

Raina Gore started as our new records clerk on 12-27-21. She worked in the restaurant industry in Independence for 18 years before coming to IPD. Her father is a veteran of the US Army and she has lived all over, moving to Kansas with her three kids in 2001. Her husband, Bill Gour is from Canada and has worked at the Independence Public Library for six years.

Joseph Gregory started working in IPD Dispatch on December 27th, 2021. He is a husband and father to three young boys. His family moved to Independence in 2020 when his wife started working as a teacher in Independence Schools. Joseph enjoys traditional karate and CrossFit and is excited to serve his community.

Mark McCleary transferred from Independence Fire-EMS to IPD Dispatch on 9-27-21 after serving as a Firefighter/EMT since 2018. Prior to working for the fire department, Mark served in Montgomery County Dispatch, Caney Police Department, and Coffeyville Police Department. Mark has been in public safety for more than 14 years. Mark and his wife call Coffeyville home.

Motion:
On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission authorized April 10th through the 16th of 2022 as Public Safety Telecommunicator Week in Independence in recognition of the commitment to excellence the members of the Independence Police Department 911 Communications Center demonstrate daily in their service to the Independence area.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

D. Consider awarding the bid for the 1916 City Hall Remodel.

On February 10, 2022 the City Commission approved the final bid documents from Treanor HL with bids due on March 4, 2022. The City Commission then approved extending the bids until March 15, 2022, at 11:00 a.m. to allow the Trade Partners more time to digest the response to questions and eliminate any assumptions in their bid proposals.

On March 22, 2022 the City of Independence received the GMP from McCown Gordon. The GMP is $7,320,973, which represents an approximate $900,000 increase from the February 15, 2022 estimate. The increased cost is related to inflation, equipment, labor and materials, mobilization, and rising fuel costs.

City Staff does not recommend taking any of the $305,947 deductions in the project. City staff will continue to work with McCown Gordon to identify potential cost savings that do not compromise the function, safety, integrity, or longevity of the facility.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized the Mayor to sign a contract with Mccown Gordon for the guaranteed maximum price of $7,320,973.

Aye: Tim Emert, Louis Ysusi
Nay: Dean Hayse

E. Consider adopting an ordinance establishing regulations for Tiny Houses.

City Staff has been working with the Housing Director and the Planning and Zoning Board regarding tiny houses. The City has received multiple inquiries about tiny houses and if they could be built inside the City limits. City Staff has been working with Stinson LLP to assist us with the changes as requested from the December Planning and Zoning meeting. The goals were to draft an Ordinance that provided the following:

1. **Tiny houses must be on permanent foundations (Ordinance, Section 1).**
2. **A tiny house for use by the property owners' family is a permitted accessory use(Ordinance, Section 2).**
3. **A tiny house for "short term rentals not elsewhere listed" is a conditional accessory use (Ordinance, Section 3). This seemed like**

the best way to accommodate an Airbnb type use. If there are special provisions that the City would like to impose for such use, they can be inserted into Article X of the Zoning Code. There aren't any special provisions listed for Bed and Breakfasts, which is the most similar conditional use.

4. **Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City (Ordinance, Section 4). If there are any known issues with respect to tiny houses under codes currently adopted by the City, it would be possible to address such issues through an amendment. In addition, the 2018 Edition of the International Residential Code contains an Appendix specific to Tiny Houses. It appears that this Appendix helped resolve issues confronted by cities in applying prior building codes to tiny houses.**
5. **The revisions to Section 507 allow for a Tiny Houses/PUD. The minimum PUD size is one acre (Section 507.2.d). Permitted dwelling units are determined by doubling the amount of dwelling units that would be calculated if it was a normal residential PUD (Section 507.2.h).**

On March 01, 2022, the Planning and Zoning Board reviewed the Ordinance and approved allowing a dwelling 400 square feet in floor area or less on a permanent foundation. Other uses allowed were for a permitted accessory-use for a family member, and for short-term rentals with a conditional use permit. All of the tiny houses, whether permitted or granted under conditional use, must be constructed and installed in accordance with the current versions of all applicable codes as adopted by the City of Independence. The Planning Commission recommended approving the ordinance as prepared with a modification to the Minimum Average Land Area by Unit Type and PUD District table. This modification has been made in the final draft provided to the City Commission.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted an ordinance amending the Independence Zoning Ordinance pertaining to regulations for Tiny Houses.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

F. Consider placing a temporary barrier around the AT&SF 1050 Steam Locomotive in Riverside Park until a rehabilitation project can be completed.

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

Over the past 70 years, the locomotive has deteriorated significantly. Areas have rusted away, leaving holes and jagged edges, especially on top of the steam drum. This has created a safety hazard that I feel we must address by fencing off the train until repairs can be made. Three options for rehabilitation have been compiled for the Commission's review. If approved, the amount of time that the locomotive would remain fenced off will depend on the time required to raise funding for a rehabilitation project.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized the request to erect a temporary barrier around the AT&SF 1050 steam locomotive in Riverside Park until a rehabilitation project can be completed.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

G. Consider a Request from Brian Bremer to donate property located at 712 East Maple Street to the City with the stipulation that it be developed into a future dog park.

The City was contacted by Brian Bremer about a vacant lot he owns at 712 E. Maple Street. Mr. Bremer loves animals and would like to donate his property at 712 E. Maple Street to the City of Independence for an additional dog park. Mr. Bremer is willing to donate some labor, materials for fencing and bags for keeping the park clean.

The City staff did visit with Mr. Bremer about our current dog park and he was aware of it and felt an additional park offers a place for the neighborhood and an alternate place if the current park is busy. The staff also visited with him about the land bank and Mr. Bremer was not interested in housing or donating the land for that purpose.

City Staff does not recommend accepting the donation of land. The parcel is

currently located between two houses and there would be a large expense in developing the dog park and continual maintenance going forward.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission denied the request to accept the donation of land at 712 East Maple Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

H. Consider authorizing an application for FAA Terminal Replacement Grant.

Under the Bipartisan Infrastructure Law, $5 billion was set aside for terminal work, with not less than 10% of that set aside for smaller airports like Independence Municipal Airport. With help from our consultant, Lochner, and local architect, HB&K, a draft application has been created.

Although the draft indicates a total cost of the project of $2.7 million (over multiple years) the actual cost to be submitted with the grant is likely to be $3 million. Other changes in language used in the grant are likely, but are not anticipated to be significant or material.

This particular grant has a very high match rate: if selected for the $3 million grant, the City would pay only 5%, or $150,000 to replace the aging terminal with a larger, more energy efficient terminal to better serve the public. $100,000 had already been budgeted for renovation of the interior of the terminal, so, if awarded, an entirely new terminal could be constructed for only $50,000 additional cost.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission authorized an application for the FAA Terminal Replacement Grant and for execution of any required documentation for the application.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

I. Consider waiving the ordinance prohibiting food trucks in the Park on April 9, 2022 for the Annual Park Opening.

Park staff is working on the Park Opening sponsored by FORPAZ on April 9, 2022, and would like to allow Food Trucks in the Park during the opening. The current City Ordinance only allows the City Manager to "give

the privilege of a day to any school, church or association to sell refreshments." We do not believe this includes a private vendor selling refreshments, even though it is part of an association's event. Therefore, we are asking permission from the Commission to waive this requirement on April 9, 2022 for the FORPAZ Park Opening event.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission Approved to waive the Ordinance prohibiting food trucks in the Park on April 9, 2022, for the FORPAZ Park Opening.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

V. REPORTS

A. City Board Minutes

B. City Projects Report

Engineer Garris presented the report.

C. January and February 2022 Sales Tax Reports

VI. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan noted on April 6 the Clerks office will be closed for training.

VII. COMMISSIONERS' COMMENTS

Commissioner Emert commended City staff for the signage on Main Street.

VIII. PUBLIC CONCERNS

None.

IX. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

On the motion of Mayor Hayse, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for discussion of possible acquisition of real estate for City and public purposes pursuant to the preliminary discussion on acquisition of real estate exception found at K.S.A. 75-4319(b)(6). The open meeting will resume at 7:13 p.m.

Aye: Ysusi, Emert, Hayse
Nay: None

The meeting resumed at 7:13 P.M. with no action taken.

X. ADJOURNMENT

Motion:
On the motion of Dean Hayse, seconded by Louis Ysusi the Commission Adjourn.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

_____
Dean A. Hayse, Mayor

_____
Louis Ysusi, Commissioner

_____
Tim Emert, Commissioner

Attest:

_____
City Clerk/Treasurer

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Public Works & Utilities **Director Approval** John Garris

AGENDA ITEM Consider adopting a resolution establishing a Street Lighting Policy.

SUMMARY RECOMMENDATION Authorize policy.

BACKGROUND The existing street lighting policy (attached) was written in 1979. A suggested revision is also attached. Changes to the policy include:

- addition of a background and purpose to describe the policy,
- provision for lighting to be installed based on security needs,
- minor changes in locations that provide greater specificity as to where lights would normally be installed, and
- provides an explicit procedure for approval of standard and non-standard lighting locations.

FINANCIAL INFORMATION

SUGGESTED MOTION I move to approve the resolution adopting the revised street lighting policy as attached.

SUPPORTING DOCUMENTS

1. POLICY - STREET LIGHTING (005)
2. 2022.05-10 Streetlights Resolution
3. Resolution 2022-021 - Streetlight Policy

INTER-OFFICE MEMO October 12, 1979

To: Mayor and City Commissioners

From: Paul A. Sasse

Re: Policy for Street Lighting

At the present time, the City of Independence has no policy for the placement of street lights.

It is my recommendation that the following policy be included in the Extension of Services Policy for the City:

1. Street lights to be located at all intersections.

2. For any block which is greater than 500' in length, a petition should be submitted to the city requesting the street light be placed on that block. To be accepted, a petition should include 51% of the resident owners on the block.

3. Street lights should be provided for any block which is at least 50% developed.

4. Street lights should be provided at specific locations if it is determined they are needed for safety.

5. Upon petition by 51% or more of the resident owners on a Cul-de-sac, a light at the end of the cul-de-sac will be provided.

RESOLUTION NO. 2022-____

A RESOLUTION ADOPTING A STREETLIGHT POLICY

BE IT RESOLVED by the governing body of the City of Independence, Kansas:

Section 1. There is hereby adopted a streetlight policy as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. The streetlight policy adopted on this date shall take effect July 1, 2022.

ADOPTED by the governing body of the City of Independence, Kansas, on the 26th day of May, 2022.

_____
Dean Hayse, Mayor

ATTEST:

_____
David W. Schwenker, City Clerk

Exhibit "A"

STREETLIGHT POLICY

A. BACKGROUND

Traditionally the City of Independence has taken the responsibility of planning for and financing lighting for streets. Lighting is provided as a service to the citizens and visitors to the community, primarily to promote the safety of vehicular and pedestrian movements and security of citizens and visitors.

For most street lighting within the City, the electric company (currently Evergy) works in cooperation with the City of Independence to provide lighting within the community.

B. PURPOSE

It is the purpose of this policy to:

1. Explain the procedure that is followed to provide street lighting.
2. Identify the standard locations at which the City will contract with the electric company to install streetlights.
3. Describe the requirements that must be met for citizens to request a streetlight in a location other than a standard one.
4. Describe what is meant by the standard streetlight installation.
5. Explain the procedure by which an entity other than the City can request streetlight installations that are not standard.

C. POLICY

1. The following locations shall be considered standard locations for installation of streetlights:
    a. At all intersections of publicly dedicated streets.
    b. At the end of a cul-de-sac.
    c. At a location near the mid-point of a block exceeding 600 feet in length.
    d. In commercial areas, industrial areas, major thoroughfares, or special locations where the terrain is such that lighting at intersections is not sufficient.
    e. In such locations where it is determined that additional streetlights are needed for safety or security.

2. The standard funding for streetlights by the City, as provided by the electric company, shall be for overhead service to wooden poles subject to the following:

   a. The cost to provide underground service to the streetlight locations shall be the responsibility of the developer for new subdivisions.

   b. The cost to provide underground service in existing neighborhoods shall be the responsibility of the person(s) requesting the light.

   c. The size and type of the fixture shall be as mutually agreed upon by the City and the electric company.

3. If an entity such as a homeowner's association, a developer, or a group of private owners wishes to install a streetlight on a black or galvanized steel pole, the additional cost of the fixture shall be paid directly to the electric company by the entity making the request.

4. If an entity such as a homeowner's association, a developer, or a group of private owners wish to install something other than the standard lighting, or an option not provided by the electric company, the City will not participate in any costs associated with the lighting plan. In addition, such lights may not be placed within the public right-of-way.

5. To request installation of a streetlight at a location other than a standard one as defined above, a petition may be submitted to the City requesting that a streetlight be installed at a given non-standard location. To be considered, a petition should include at least 51% of the property owners on the block in which the streetlight is requested.

D. PROCEDURE

1. Upon approval of standard and/or non-standard locations by the governing body, the City shall request the electric company, in writing, to prepare the necessary installation map for streetlights according to the policies set forth above.

2. The electric company shall be requested to present a proposed work order for installation of streetlights to the City for review and approval.

3. Upon approval by the governing body, the electric company may then proceed with installation of the approved street lighting.

RESOLUTION NO. 2022-021

A RESOLUTION ADOPTING A STREETLIGHT POLICY

BE IT RESOLVED by the governing body of the City of Independence, Kansas:

Section 1. There is hereby adopted a streetlight policy as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. The streetlight policy adopted on this date shall take effect July 1, 2022.

ADOPTED by the governing body of the City of Independence, Kansas, on the 26th day of May, 2022.

_____
Dean A. Hayse, Mayor

ATTEST:

_____
David Schwenker, City Clerk

Exhibit "A"

STREETLIGHT POLICY

A. BACKGROUND

Traditionally the City of Independence has taken the responsibility of planning for and financing lighting for streets. Lighting is provided as a service to the citizens and visitors to the community, primarily to promote the safety of vehicular and pedestrian movements and security of citizens and visitors.

For most street lighting within the City, the electric company (currently Evergy) works in cooperation with the City of Independence to provide lighting within the community.

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1. Explain the procedure that is followed to provide street lighting.
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4. Describe what is meant by the standard streetlight installation.
5. Explain the procedure by which an entity other than the City can request streetlight installations that are not standard.

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    b. At the end of a cul-de-sac.
    c. At a location near the mid-point of a block exceeding 600 feet in length.
    d. In commercial areas, industrial areas, major thoroughfares, or special locations where the terrain is such that lighting at intersections is not sufficient.
    e. In such locations where it is determined that additional streetlights are needed for safety or security.

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   b. The cost to provide underground service in existing neighborhoods shall be the responsibility of the person(s) requesting the light.

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D. PROCEDURE

1. Upon approval of standard and/or non-standard locations by the governing body, the City shall request the electric company, in writing, to prepare the necessary installation map for streetlights according to the policies set forth above.

2. The electric company shall be requested to present a proposed work order for installation of streetlights to the City for review and approval.

3. Upon approval by the governing body, the electric company may then proceed with installation of the approved street lighting.

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Public Works & Utilities **Director Approval** John Garris

AGENDA ITEM Consider revising the Capital Improvement Plan for submittal to the Federal Aviation Administration.

SUMMARY RECOMMENDATION Authorize revision.

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

During review, the FAA noted that executing the planned pavement rehabilitation work as a single project instead of splitting it up into separate projects would minimize impact on airport users, save on mobilization costs, and save on traffic control costs. Outside of the potential for project cost escalation, there are no incremental additional costs that would be required to make this change.

This would push the 2023 construction into 2024, and at this point there is no projected deterioration that would require the earlier work. The total cost projected would be unchanged at $700,000, of which the City share would be $70,000, most likely between 10/1/2023 and 10/1/2024.

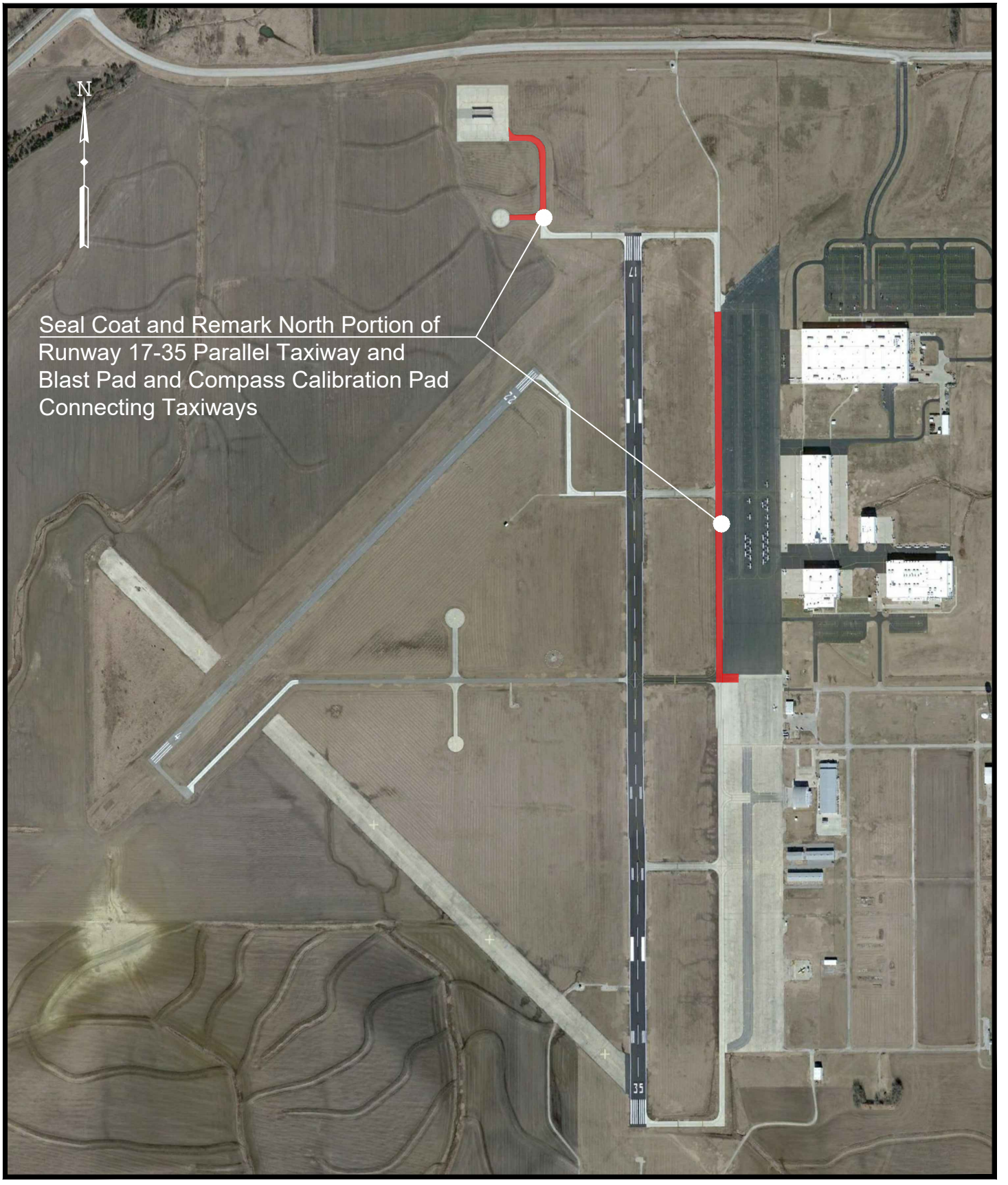
Attached are documents describing the two previously independent projects.

FINANCIAL INFORMATION No change to previously discussed projects other than a deferral of matching funds.

SUGGESTED MOTION I move to amend the Capital Improvement Plan for submittal to the Federal Aviation Administration.

SUPPORTING DOCUMENTS

1. Exhibit_Taxiway Seal Coat
2. Exhibit_Taxiway PCC Rehab
3. Estimate_Taxiway Seal Coat
4. Estimate_Taxiway PCC Rehab

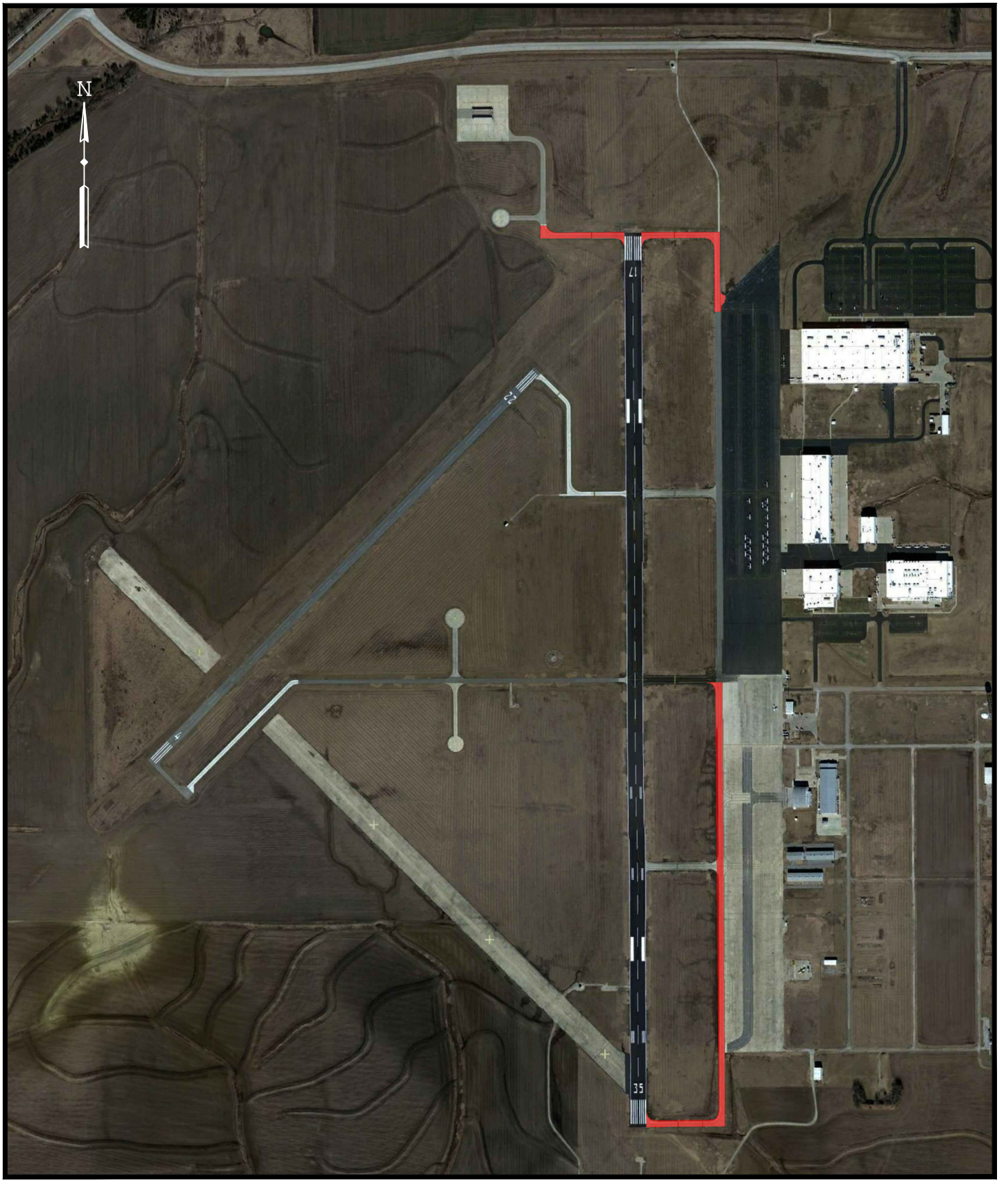


Drawing Name: I:\AVIGEN\AIRPORTS\KANSAS_Independence (IDP)\ACIP DATA SHEET\KAIP\FY2023\Independence KAIP.dwg Sep 29,2021 - 3:51pm

LOCHNER
16105 West 113th Street | Suite 107 | Lenexa, Kansas 66219
P 816.945.5840 | www.hwlochner.com

SEAL COAT AND REMARK NORTH PORTION OF RUNWAY 17-35 PARALLEL TAXIWAY AND BLAST PAD AND COMPASS CALIBRATION PAD CONNECTING TAXIWAYS

DESIGNED BY	DRAWING NAME	PROJECT NO.	SHEET
IJW	INDEPENDENCE KAIP		1
CHECKED BY	SCALE	REVISION DATE	ISSUE DATE
MJJ	NO SCALE		09/13/2021



Drawing Name: I:\AVIGEN\AIRPORTS\KANSAS\Independence (IDP)\ACIP DATA SHEET\FY2022\ACIP EXHIBITSACAD\Independence CIP.dwg Jan 26,2021 - 1:19pm

LOCHNER
16105 West 113th Street | Suite 107 | Lenexa, Kansas 66219
P 816.945.5840 | www.hwlochner.com

REHABILITATE AND REMARK SOUTH PORTION OF RUNWAY 17-35
PARALLEL TAXIWAY, RUNWAY 17-35 END CONNECTING
TAXIWAYS AND BLAST PAD CONNECTING TAXIWAY

DESIGNED BY	DRAWING NAME	PROJECT NO.	SHEET
IJW	INDEPENDENCE CIP		1
CHECKED BY	SCALE	REVISION DATE	ISSUE DATE
MJJ	NO SCALE		01/26/2021

INDEPENDENCE MUNICIPAL AIRPORT (IDP)
INDEPENDENCE, KANSAS

ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST

December 10, 2021

Seal Coat and Remark North Portion of Parallel Taxiway and Blast Pad and Compass Calibration Pad Connecting Taxiways

I:\AVI\GEN\AIRPORTS\KANSAS_Independence (IDP)\ACIP DATA SHEET\FY2023\ACIP ESTIMATES\[CIP_Estimates_IDP_FFY2023.xlsx]North Par, & BP Conn TW

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	LOCAL COST (10%)	FAA COST (90%)	TOTAL
1	Mobilization	L.S.	1	$ 20,250.00	$ 2,025.00	$ 18,225.00	$ 20,250.00
2	Temporary Marking, Lighting and Barricades	L.S.	1	$ 28,250.00	$ 2,825.00	$ 25,425.00	$ 28,250.00
3	Pavement Marking Removal	S.F.	15,500	$ 2.00	$ 3,100.00	$ 27,900.00	$ 31,000.00
4	Temporary Pavement Marking	S.F.	6,000	$ 2.00	$ 1,200.00	$ 10,800.00	$ 12,000.00
5	Reflectorized Pavement Marking	S.F.	6,000	$ 3.00	$ 1,800.00	$ 16,200.00	$ 18,000.00
6	Non-Reflectorized Pavement Marking	S.F.	10,000	$ 2.00	$ 2,000.00	$ 18,000.00	$ 20,000.00
7	Clean and Seal Joints and Cracks	L.F.	10,000	$ 3.50	$ 3,500.00	$ 31,500.00	$ 35,000.00
8	Refined Coal Tar Emulsion with Additives for Slurry Coat	S.Y.	13,500	$ 3.00	$ 4,050.00	$ 36,450.00	$ 40,500.00
	TOTAL CONSTRUCTION COSTS (EST.)				**$ 20,500.00**	**$ 184,500.00**	**$ 205,000.00**
	ENGINEERING DESIGN AND CONSTRUCTION SERVICES (EST.)				**$ 9,500.00**	**$ 85,500.00**	**$ 95,000.00**
	TOTAL PROJECT COSTS (EST.)				**$ 30,000**	**$ 270,000**	**$ 300,000**

INDEPENDENCE MUNICIPAL AIRPORT (IDP)
INDEPENDENCE, KANSAS

ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST

December 10, 2021

Rehabilitate and Remark South Portion of Runway 17-35 Parallel Taxiway
Rehabilitate and Remark Runway 17-35 End Connecting Taxiways
Rehabilitate and Remark Blast Pad Connecting Taxiway

I:\AVI\GEN\AIRPORTS\KANSAS_Independence (IDP)\ACIP DATA SHEET\FY2023\ACIP ESTIMATES\[CIP_Estimates_IDP_FFY2023.xlsx]Par TW, Conn TWs & BP Conn TW

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	LOCAL COST (10%)	FAA COST (90%)	TOTAL
1	Mobilization	L.S.	1	$ 25,500.00	$ 2,550.00	$ 22,950.00	$ 25,500.00
2	Temporary Marking, Lighting, and Barricades	L.S.	1	$ 25,000.00	$ 2,500.00	$ 22,500.00	$ 25,000.00
3	Full Depth Concrete Pavement Removal (Full Panel)	S.Y.	150	$ 60.00	$ 900.00	$ 8,100.00	$ 9,000.00
4	Full Depth Concrete Pavement Removal (Partial Panel)	S.Y.	25	$ 60.00	$ 150.00	$ 1,350.00	$ 1,500.00
5	Clean and Reseal Existing Joints	L.F.	30,000	$ 4.00	$ 12,000.00	$ 108,000.00	$ 120,000.00
6	Concrete Pavement Spall Repair	S.F.	100	$ 200.00	$ 2,000.00	$ 18,000.00	$ 20,000.00
7	Concrete Pavement Pop-Outs	L.S.	1	$ 1,000.00	$ 100.00	$ 900.00	$ 1,000.00
8	Concrete Pavement (Full Panel)	S.Y.	150	$ 200.00	$ 3,000.00	$ 27,000.00	$ 30,000.00
9	Concrete Pavement (Partial Panel)	S.Y.	25	$ 200.00	$ 500.00	$ 4,500.00	$ 5,000.00
10	Surface Preparation, Pavement Marking Removal	S.F.	8,000	$ 2.00	$ 1,600.00	$ 14,400.00	$ 16,000.00
11	Reflectorized Pavement Marking (Yellow)	S.F.	3,000	$ 3.00	$ 900.00	$ 8,100.00	$ 9,000.00
12	Non-Reflectorized Pavement Marking (Yellow)	S.F.	3,000	$ 2.00	$ 600.00	$ 5,400.00	$ 6,000.00
13	Non-Reflectorized Pavement Marking (Black)	S.F.	5,000	$ 2.00	$ 1,000.00	$ 9,000.00	$ 10,000.00
	TOTAL CONSTRUCTION COSTS (EST.)				**$ 27,800.00**	**$ 250,200.00**	**$ 278,000.00**
	ENGINEERING DESIGN AND CONSTRUCTION SERVICES (EST.)				**$ 12,200.00**	**$ 109,800.00**	**$ 122,000.00**
	TOTAL PROJECT COSTS (EST.)				**$ 40,000**	**$ 360,000**	**$ 400,000**

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval David Cowan**

AGENDA ITEM Public Hearing to consider condemnation of 317 S. 2nd Street as dangerous and unsafe.

SUMMARY RECOMMENDATION Adjourn the Public Hearing until 5:30 PM on July 28, 2022.

BACKGROUND The structure at 317 S. 2nd was involved in a fire on October 14, 2021 that extended into the attic space and did substantial damage to the roof structure. The owner has been in contact with the building department and is attempting to put the needed finances in order to make repairs. City Staff recommends adjourning until 5:30 PM on July 28, 2022.

FINANCIAL INFORMATION The cost of removal if the owner does not commence repair or removal.

SUGGESTED MOTION I move to adjourn the Public Hearing for 317 S. 2nd Street until July 28, 2022 at 5:30 p.m.

SUPPORTING DOCUMENTS

1. Parcel - 317 S. 2nd
2. Photo 1
3. Photo 2
4. Photo 3
5. Photo 4
6. Photo 5
7. Photo 6
8. Photo 7
9. Photo 8
10. Photo 9

Print Page

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View Sketch --- Back to Search Page --- Home

The Parcel Number for this Property is 063-099-31-0-10-30-007.00-0
Quick Ref ID: 6787

Owner Information

Owner Name	DUKE, KYLER
Address	107A S UNION ELK CITY, KS 67344-6400

Property Situs Address

Address	317 S 2ND ST, Independence, KS 67301

Land Based Classification System

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

General Property Information

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

Property Factors

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

2022 Appraised Value

Class	Land	Building	Total
Residential - R	11,220	9,080	20,300
Total	11,220	9,080	20,300

2021 Appraised Value

Class	Land	Building	Total
Residential - R	7,170	10,480	17,650
Total	7,170	10,480	17,650

Tract Description

ORIG PLAT, S31, T32, R16, LT 5; S 3' LT 4 BLK 74; Lot Width: 140.0 Lot Depth: 063.0 Plat Book/Page 1 /6&7 Deed Book/Page 690 /509 596 /457 555 /376 363 /193

Building Permit Information

Permit Number	Amount	Issue Date	Description
20210055	500	10/8/2021	Shed

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
690	509	596	457	596	456	690	509

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	8820										11,220

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	FR
Year Built	1908
Eff Year	
MS Style	One Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	992
Main Floor Living Area	992
Upper Floor Living Area Pct.	
CDU	UN
Phys/Func/Econ	UN/ /
Ovr Pct Gd/RCN	/106,170
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Bungalow
Bsmt Type	Crawl - 2
Total Rooms	6
Bedrooms	2
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Block - 3

Dwelling Components				
Code	**Units**	**Pct**	**Quality**	**Year**
Enclosed Wood Deck (SF), Solid Wall	126			
Enclosed Wood Deck (SF), Solid Wall	224			

Enclosed Wood Deck (SF), Screened Walls	120			
Wood Deck (SF) with Roof	81			
Frame, Siding, Metal		50		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Wall Furnace		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Frame, Siding, Vinyl		50		

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Parcel Search powered by Aumentum TECHNOLOGIES

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval** David Cowan

AGENDA ITEM Consider setting the date for a Public Hearing to consider the condemnation of 1109 W. Myrtle Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends setting August 11, 2022 at 5:30 PM for a Public Hearing to consider the condemnation of 1109 W. Myrtle as dangerous and unsafe.

BACKGROUND City Staff received a complaint about the residence at 1109 W. Myrtle. On May 12, 2022, City staff did an inspection of the property and found the property is in disrepair with open or broken windows, overgrown vegetation and trees, and has been abandoned and without utilities since 2018. The building department has sent the attached letter to the owner and will report any updates at the meeting. City staff recommends setting the date of August 11, 2022 at 5:30 p.m. for a Public Hearing to consider the condemnation of 1109 W. Myrtle as dangerous and unsafe.

FINANCIAL INFORMATION Cost of removal if the owner does not commence repair or removal.

SUGGESTED MOTION I move to set the date of August 11, 2022, at 5:30 p.m. for a Public Hearing to consider the condemnation of 1109 W. Myrtle Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. 1109 W. Myrtle - LETTER SETTING DATE - 05262022
2. PARCEL - 1109 W. MYRTLE
3. Photo 1
4. Photo 2
5. Photo 3
6. Photo 4
7. Photo 5
8. Photo 6
9. Photo 7
10. Photo 8
11. RESOLUTION 2022-017 - CONDEMNATION - PH - 1109 W Myrtle Street

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

May 13, 2022

Dr. Ethenia Scott
PO Box 583
Clarkston, Ga. 30021

Dear Sir:

I am writing to inform you that the City of Independence will be asking the Commission on May 26, 2022, to set a date of August 11, 2022, to consider condemnation of the structure at 1109 W. Myrtle.

To avoid having your residence condemned as dangerous and unsafe on May 28, 2020, I need for you to communicate with me your intentions with the property.

1. Do you plan to make repairs to the structure?
    a. If yes, the City will need a timeline of repairs.
        i. Please provide information on who will be making the repairs and a timeline of completion of those repairs on a piece of paper.

    b. If no, you do not plan on making repairs to the house.
        i. The City of Independence will proceed with condemnation and work with you to have the structure removed or sold within a timeframe set by City Code.
        ii. I've attached our demo grant application and a permission form to remove the structure. Please fill out and return to the city.

2. I would like to inform the City Commission of your intentions on May 26 at 5:30 p.m. at Memorial Hall. You are welcome to attend the meeting and notify the commission of your choices if you desire, or you can communicate with me, and I can inform them.

3. If I do not hear from you by May 26, it will be **imperative** that you communicate or attend the August 11, 2022, meeting to avoid condemnation of the property.

Please feel free to contact me by calling 620-332-2528 or by email at davidc@independenceks.gov.

Thank You,

David Cowan, Building Inspector
City of Independence Kansas
811 W. Laurel
Independence, Kansas 67301

Print Page

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The Parcel Number for this Property is 063-087-36-0-20-06-003.00-0
Quick Ref ID: 4241

Owner Information

Owner Name	SCOTT DBS, DR. ETHENIA A
Address	PO BOX 583 CLARKSTON, GA 30021

Property Situs Address

Address	1109 W MYRTLE ST, Independence, KS 67301

Land Based Classification System

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

General Property Information

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

Property Factors

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

2022 Appraised Value

Class	Land	Building	Total
Residential - R	5,350	6,960	12,310
Total	5,350	6,960	12,310

2021 Appraised Value

Class	Land	Building	Total
Residential - R	4,120	6,580	10,700
Total	4,120	6,580	10,700

Tract Description

WESTSIDE ADD, S36, T32, R15, LT 1; PAVYS 2ND ADD; LT 26; WESTSIDE ADD; Lot Width: 092.5 Lot Depth: 150.0 Plat Book/Page A /3 Deed Book/Page 707 /857 676 /573 601 /800 561 /266 549 /417 547 /486 547 /485 477 /208 476 /395 467 /467 422 /365 420 /042 420 /026

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
707	857	676	573	601	800		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	13350										5,350

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	FR-
Year Built	1900
Eff Year	
MS Style	1 1/2 Story Finished
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	1,127
Main Floor Living Area	860
Upper Floor Living Area Pct.	31
CDU	UN
Phys/Func/Econ	UN/ /
Ovr Pct Gd/RCN	/85,340
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Old Style
Bsmt Type	Crawl - 2
Total Rooms	6
Bedrooms	4
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Stone - 4

Dwelling Components				
Code	**Units**	**Pct**	**Quality**	**Year**
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Wall Furnace		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			

Automatic Floor Cover Allowance				
Open Slab Porch (SF)	80		2	1950
Wood Deck (SF)	32		1	2000
Wall Furnace		100		

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05/12/2022

05/12/2022

05/12/2022

05/12/2022

05/12/2022

05/12/2022

05/12/2022

05/12/2022

RESOLUTION NO. 2022-017

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 26th day of May 2022, 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: Pavys 2nd Addition, Lot 26, of the Westside Addition to the City of Independence, Montgomery County, Kansas

Common Address: 1109 W Myrtle 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**, August 11, 2022** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Civic Center, Memorial Hall, Penn Ave. and Locust Streets, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 26th day of May 2022.

(SEAL)

_____

Mayor

City Clerk

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval** David Cowan

AGENDA ITEM Consider setting the date for a Public Hearing to consider the condemnation of 515 S. 10th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff Recommends setting the date of August 11, 2022 at 5:30 PM for a Public Hearing to consider the condemnation of 515 S. 10th Street as dangerous and unsafe.

BACKGROUND The City of Independence was contacted about the residence at 515 S. 10th and the condition of the structure. The City conducted an outside inspection on May 12, 2022 and found the property to be in violation of the City Code. The property is in disrepair with open or broken windows, overgrown vegetation and trees, and has been abandoned and without utilities since 2013. The building department has sent the attached letter to the owner and will report any updates at the meeting. City staff recommends setting the date of August 11, 2022 at 5:30 PM for a Public Hearing to consider the condemnation of 515 S. 10th Street as dangerous and unsafe.

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

SUGGESTED MOTION I move to set the date of August 11, 2022 at 5:30 PM for a Public Hearing to consider the condemnation of 515 S. 10th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. PARCEL - 515 S. 10TH
2. 515 S. 10TH - LETTER SETTING DATE - 05262022
3. Photo 1
4. Photo 2
5. Photo 3
6. Photo 4
7. Photo 5
8. RESOLUTION 2022-018 - CONDEMNATION - PH - 515 S 10th Street

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The Parcel Number for this Property is 063-087-36-0-10-46-004.00-0
Quick Ref ID: 4180

Owner Information

Owner Name	FUJARCZYK, JOHN
Address	604 W 9TH ST SW LOVELAND, CO 80537-4213

Property Situs Address

Address	515 S 10TH ST, Independence, KS 67301

Land Based Classification System

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

General Property Information

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

Property Factors

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

2022 Appraised Value

Class	Land	Building	Total
Residential - R	10,550	26,890	37,440
Total	10,550	26,890	37,440

2021 Appraised Value

Class	Land	Building	Total
Residential - R	5,930	26,630	32,560
Total	5,930	26,630	32,560

Tract Description

ORIG PLAT, S36, T32, R15, S 50' LOT 3 BLK 97;Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 1 /6&7 Deed Book/Page 606 /1160 600 /990 559 /527 485 /358 449 /434 403 /056 388 /503 388 /041 352 /389

Building Permit Information

Permit Number	Amount	Issue Date	Description
2007004701	1,000	7/26/2007	Emergency Damage - Fire/Storm Damage

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
606	1160	600	990				

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7000										10,550

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	AV
Year Built	1910
Eff Year	
MS Style	1 1/2 Story Finished
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	1,566
Main Floor Living Area	938
Upper Floor Living Area Pct.	67
CDU	FR-
Phys/Func/Econ	FR/ /
Ovr Pct Gd/RCN	/165,110
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Bungalow
Bsmt Type	Partial - 3
Total Rooms	6
Bedrooms	3
Family Rooms	1
Full Baths	2
Half Baths	
Garage Cap	
Foundation	Block - 3

Dwelling Components				
Code	**Units**	**Pct**	**Quality**	**Year**
Wood Deck (SF)	78			
Enclosed Wood Deck (SF), Solid Wall	98			

Enclosed Wood Deck (SF), Solid Wall	42			
Wood Deck (SF) with Roof	202			
Frame, Wood Shake		100		
Composition Shingle		100		
Total Basement Area (SF)	381			
Raised Subfloor (% or SF)		100		
Electric Baseboard		100		
Plumbing Fixtures (#)	8			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

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CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

May 13, 2022

John Fujarczyk
604 W. 98th St.
Loveland, Co. 80537-4213

Dear Sir:

I am writing to inform you that the City of Independence will be asking the Commission on May 26, 2022, to set a date of August 11, 2022, to consider condemnation of the structure at 515 S. 10th Street.

To avoid having your residence condemned as dangerous and unsafe on May 28, 2020, I need for you to communicate with me your intentions with the property.

1. Do you plan to make repairs to the structure?
    a. If yes, the City will need a timeline of repairs.
        i. Please provide information on who will be making the repairs and a timeline of completion of those repairs on a piece of paper.

    b. If no, you do not plan on making repairs to the house.
        i. The City of Independence will proceed with condemnation and work with you to have the structure removed or sold within a timeframe set by City Code.
        ii. I've attached our demo grant application and a permission form to remove the structure. Please fill out and return to the city.

2. I would like to inform the City Commission of your intentions on May 26 at 5:30 p.m. at Memorial Hall. You are welcome to attend the meeting and notify the commission of your choices if you desire, or you can communicate with me, and I can inform them.

3. If I do not hear from you by May 26, it will be **imperative** that you communicate or attend the August 11, 2022, meeting to avoid condemnation of the property.

Please feel free to contact me by calling 620-332-2528 or by email at davidc@independenceks.gov.

Thank You,

David Cowan, Building Inspector
City of Independence Kansas
811 W. Laurel
Independence, Kansas 67301

05/12/2022

05/12/2022

05/12/2022

05/12/2022

05/12/2022

RESOLUTION NO. 2022-018

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 26th day of May 2022, 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 3, Block 97 of the Original Plat to the City of Independence, Montgomery County, Kansas

Common Address: 515 S 10th 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**, August 11, 2022** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Civic Center, Memorial Hall, Penn Ave. and Locust Streets, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 26th day of May 2022.

(SEAL)

_____

Mayor

City Clerk

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval David Cowan**

AGENDA ITEM Consider setting the date for a Public Hearing to consider condemnation of 1117 W. Laurel Street as dangerous and unsafe.

SUMMARY RECOMMENDATION Staff recommends setting August 11, 2022, 5:30 p.m. for a Public Hearing to consider condemnation of 1117 W. Laurel Street as dangerous and unsafe

BACKGROUND City staff received a complaint about the structure at 1117 W. Laurel. On May 12, 2022, City staff did an inspection of the property and found the property is in disrepair with open or broken windows, overgrown vegetation, and trees, and has been abandoned and without utilities since 2016. The building department has sent the attached letter to the owner and will report any updates at the meeting. City staff recommends setting the date of August 11, 2022, at 5:30 p.m. for a Public Hearing to consider the condemnation of 1117 W. Laurel as dangerous and unsafe.

FINANCIAL INFORMATION The cost of removal if the owner does not commence repair or removal.

SUGGESTED MOTION I move to set a Public Hearing for August 11, 2022 at 5:30 p.m. to consider the condemnation of 1117 W. Laurel as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. 1117 W. Laurel- LETTER SETTING DATE - 05262022
2. PARCEL - 1117 W. LAUREL
3. Photo 1
4. Photo 2
5. Photo 3
6. Photo 4
7. Photo 5
8. Photo 6
9. Photo 7
10. Photo 8
11. Photo 9
12. RESOLUTION 2022-019 - CONDEMNATION - PH - 1117 W Laurel Street

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

May 13, 2022

Elezar Garcia
1205 W. Myrtle
Independence, Kansas 67301

Dear Sir:

I am writing to inform you that the City of Independence will be asking the Commission on May 26, 2022, to set a date of August 11, 2022, to consider condemnation of the structure at 1117 W. Laurel.

To avoid having your residence condemned as dangerous and unsafe on May 28, 2020, I need for you to communicate with me your intentions with the property.

1. Do you plan to make repairs to the structure?
    a. If yes, the City will need a timeline of repairs.
        i. Please provide information on who will be making the repairs and a timeline of completion of those repairs on a piece of paper.

    b. If no, you do not plan on making repairs to the house.
        i. The City of Independence will proceed with condemnation and work with you to have the structure removed or sold within a timeframe set by City Code.
        ii. I've attached our demo grant application and a permission form to remove the structure. Please fill out and return to the city.

2. I would like to inform the City Commission of your intentions on May 26 at 5:30 p.m. at Memorial Hall. You are welcome to attend the meeting and notify the commission of your choices if you desire, or you can communicate with me, and I can inform them.

3. If I do not hear from you by May 26, it will be **imperative** that you communicate or attend the August 11, 2022, meeting to avoid condemnation of the property.

Please feel free to contact me by calling 620-332-2528 or by email at davidc@independenceks.gov.

Thank You,

David Cowan, Building Inspector
City of Independence Kansas
811 W. Laurel
Independence, Kansas 67301

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The Parcel Number for this Property is 063-087-36-0-20-01-005.00-0
Quick Ref ID: 4186

Owner Information

Owner Name	GARCIA, ELEAZAR
Address	1205 W MYRTLE INDEPENDENCE, KS 67301

Property Situs Address

Address	1117 W LAUREL ST, Independence, KS 67301

Land Based Classification System

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

General Property Information

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

Property Factors

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

2022 Appraised Value

Class	Land	Building	Total
Residential - R	2,100	10,900	13,000
Total	2,100	10,900	13,000

2021 Appraised Value

Class	Land	Building	Total
Residential - R	1,420	9,880	11,300
Total	1,420	9,880	11,300

Tract Description

MCLAUGHLIN ADD, S36, T32, R15, Lot 6, Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 4 /28 Deed Book/Page 655 /1496 649 /1421 598 /695 582 /490 367 /009

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
649	1421	598	695	582	490		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7000				8	50					2,100

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	FR-
Year Built	1900
Eff Year	
MS Style	One Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	975
Main Floor Living Area	975
Upper Floor Living Area Pct.	
CDU	FR
Phys/Func/Econ	PR/ /
Ovr Pct Gd/RCN	/86,750
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Bungalow
Bsmt Type	Crawl - 2
Total Rooms	4
Bedrooms	1
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Block - 3

Dwelling Components

Code	Units	Pct	Quality	Year
Enclosed Porch (SF), Screened Walls	120			
Enclosed Wood Deck (SF), Solid Wall	70			
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Wall Furnace		100		
Plumbing Fixtures (#)	5			

Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

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05/12/2022

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05/12/2022

1117
05/12/2022

FedEx
05/12/2022

05/12/2022

RESOLUTION NO. 2022-019

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 26th day of May 2022, 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 6 of the McLaughlin Addition to the City of Independence, Montgomery County, Kansas

Common Address: 1117 W Laurel 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**, August 11, 2022** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Civic Center, Memorial Hall, Penn Ave. and Locust Streets, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 26th day of May 2022.

(SEAL)

_____

Mayor

City Clerk

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval David Cowan**

AGENDA ITEM Consider setting the date for a Public Hearing to consider condemnation of 1105 W. Myrtle Street as dangerous and unsafe.

SUMMARY RECOMMENDATION Staff recommends setting the date of August 11, 2022 for a public hearing to consider the condemnation of 1105 W. Myrtle Street as dangerous and unsafe.

BACKGROUND The City of Independence received a complaint about the condition of a structure at 1105 W. Myrtle Street. On May 12, 2022, City staff did an inspection of the property and found the property is in disrepair with open or broken windows, overgrown vegetation, and trees, and has been abandoned and without utilities since 2009. The building department has sent the attached letter to the owner and will report any updates at the meeting. City staff recommends setting the date of August 11, 2022 at 5:30 p.m. for a Public Hearing to consider the condemnation of 1105 W. Myrtle.

FINANCIAL INFORMATION Cost of removal if the owner does not commence repair or removal.

SUGGESTED MOTION I move to set August 11, 2022 at 5:30 PM to consider condemnation of 1105 W. Myrtle as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. 1105 W. Myrtle - LETTER SETTING DATE - 05262022
2. PARCEL - 1105 W. MYRTLE
3. Photo 1
4. Photo 2
5. Photo 3
6. Photo 4
7. Photo 5
8. Photo 6
9. Photo 7
10. Photo 8
11. Photo 9
12. RESOLUTION 2022-020 - CONDEMNATION - PH - 1105 W Myrtle Street

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

May 13, 2022

Dr. Ethenia Scott
PO Box 583
Clarkston, Ga. 30021

Dear Sir:

I am writing to inform you that the City of Independence will be asking the Commission on May 26, 2022, to set a date of August 11, 2022, to consider condemnation of the structure at 1105 W. Myrtle.

To avoid having your residence condemned as dangerous and unsafe on May 28, 2020, I need for you to communicate with me your intentions with the property.

1. Do you plan to make repairs to the structure?
    a. If yes, the City will need a timeline of repairs.
        i. Please provide information on who will be making the repairs and a timeline of completion of those repairs on a piece of paper.

    b. If no, you do not plan on making repairs to the house.
        i. The City of Independence will proceed with condemnation and work with you to have the structure removed or sold within a timeframe set by City Code.
        ii. I've attached our demo grant application and a permission form to remove the structure. Please fill out and return to the city.

2. I would like to inform the City Commission of your intentions on May 26 at 5:30 p.m. at Memorial Hall. You are welcome to attend the meeting and notify the commission of your choices if you desire, or you can communicate with me, and I can inform them.

3. If I do not hear from you by May 26, it will be **imperative** that you communicate or attend the August 11, 2022, meeting to avoid condemnation of the property.

Please feel free to contact me by calling 620-332-2528 or by email at davidc@independenceks.gov.

Thank You,

David Cowan, Building Inspector
City of Independence Kansas
811 W. Laurel
Independence, Kansas 67301

Print Page

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The Parcel Number for this Property is 063-087-36-0-20-06-002.00-0
Quick Ref ID: 4240

Owner Information

Owner Name	SCOTT DBS, DR. ETHENIA A
Address	PO BOX 583 CLARKSTON, GA 30021

Property Situs Address

Address	1105 W MYRTLE ST, Independence, KS 67301

Land Based Classification System

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

General Property Information

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

Property Factors

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

2022 Appraised Value

Class	Land	Building	Total
Residential - R	4,030	780	4,810
Total	4,030	780	4,810

2021 Appraised Value

Class	Land	Building	Total
Residential - R	2,490	1,020	3,510
Total	2,490	1,020	3,510

Tract Description

WESTSIDE ADD, S36, T32, R15, Lot 25, Lot Width: 040.0 Lot Depth: 150.0 Plat Book/Page A /3 Deed Book/Page 707 /857 676 /573 589 /218 552 /358 418 /162 415 /259 405 /163 337 /116

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
707	857	676	573	589	218		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	6000										4,030

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	LO-
Year Built	1905
Eff Year	
MS Style	One Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	901
Main Floor Living Area	901
Upper Floor Living Area Pct.	
CDU	UN
Phys/Func/Econ	UN/ /
Ovr Pct Gd/RCN	/78,170
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	UN Dwelling (shed)
Bsmt Type	Crawl - 2
Total Rooms	5
Bedrooms	2
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Stone - 4

Dwelling Components

Code	Units	Pct	Quality	Year
Wood Deck (SF) with Roof	192			
Enclosed Wood Deck (SF), Solid Wall	70			
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Open Slab Porch (SF)	56		2	1980
Wall Furnace		100		

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
07	Tool Shed	D	1.00	1	1940			240	64	8	20 X 12	1	0	0					2,740	0	0

Building Improvement Components

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

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05/12/2022

05/12/2022

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05/12/2022

05/12/2022

05/12/2022

LTP00313CFLBS
05/12/2022

05/12/2022

05/12/2022

RESOLUTION NO. 2022-020

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 26th day of May 2022, 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 25 of the Westside Addition to the City of Independence, Montgomery County, Kansas

Common Address: 1105 W Myrtle 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**, August 11, 2022** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Civic Center, Memorial Hall, Penn Ave. and Locust Streets, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 26th day of May 2022.

(SEAL)

_____

Mayor

City Clerk

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval David Cowan**

AGENDA ITEM Consider setting the date for a Public Hearing to consider condemnation of 712 S. 6th as dangerous and unsafe.

SUMMARY RECOMMENDATION The City Staff recommends setting the date of August 11, 2022 at 5:30 PM for a Public Hearing to consider condemnation of 712 S 6th as dangerous and unsafe.

BACKGROUND On Friday, May 20, 2022, the structure located at 712 S 6th was involved in a fire that destroyed the house and made it inhabitable. The building department has sent the owner the attached letter to determine insurance and plans for demolition. If the owner releases the structure for removal, City Staff will work to obtain quotes and remove the structure. If the owner does not respond, the City Staff would request a Public Hearing on August 11, 2022, at 5:30 p.m. to consider condemnation of 712 S 6th as dangerous and unsafe.

FINANCIAL INFORMATION Cost of removal of the structures if the owner does not repair or remove them.

SUGGESTED MOTION I move to set a Public Hearing date of August 11, 2022 at 5:30 p.m. to consider the condemnation of 712 S. 6th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. 712 S. 6th - LETTER SETTING DATE - 05262022
2. Parcel
3. Photo 1
4. Photo 2
5. Photo 3
6. Photo 4
7. Photo 5
8. Photo 6
9. Photo 7
10. Photo 8
11. Photo 9
12. Photo 10
13. Photo 11
14. Photo 12
15. RESOLUTION 2022-022 - CONDEMNATION - PH - 712 S 6th Street

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

May 22, 2022

John Lowrance
119 S. 12th
Independence, Kansas

Dear Sir:

I am writing to inform you that the structures at 712 So. 6th street will be on the May 26, 2022, Commission meeting to set a Public Hearing date for Condemnation as Dangerous and Unsafe. The Commission meeting is held a Memorial Hall, 410 N. Penn Ave, at 5:30 p.m.

I need the following information before the Thursday Commission meeting.

1. Does the structure at 712 S. 6th have insurance coverage?
    a. Please provide the City of Independence with the contact information for your insurance agency.

2. Do you have plans to remove the structure?
    a. I've included a demo permit that must be applied for and submitted to the City
    b. The City has a demolition grant program. Please fill out the attached paperwork and submit it back to the City if you have insufficient funds to remove this structure.
    c. I've included a release that allows the City to proceed with obtaining quotes and removing the structure without going through the condemnation process.

3. It will be your responsibility to maintain the property during this process. The structure shall be boarded up, trash and debris in the yard removed and the vegetation/grass maintained.

Please feel free to contact me by calling 620-332-2528 or by email at davidc@independenceks.gov.

Thank You,

David Cowan, Building Inspector
City of Independence Kansas
811 W. Laurel
Independence, Kansas 67301

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The Parcel Number for this Property is 063-099-31-0-30-15-004.00-0
Quick Ref ID: 7433

Owner Information

Owner Name	LOWRANCE, JOHN P
Address	119 S 12TH ST INDEPENDENCE, KS 67301

Property Situs Address

Address	712 S 6TH ST, Independence, KS 67301

Land Based Classification System

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

General Property Information

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

Property Factors

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

2022 Appraised Value

Class	Land	Building	Total
Residential - R	4,320	16,810	21,130
Total	4,320	16,810	21,130

2021 Appraised Value

Class	Land	Building	Total
Residential - R	3,050	15,320	18,370
Total	3,050	15,320	18,370

Tract Description

SOUTH SIDE HGHTS ADD, S31, T32, R16, BLOCK 3, Lot 13; Lot Width: 050.0 Lot Depth: 152.5 Lot Width: 050.0 Lot Depth: 152.5 Deed Book/Page 597 /532 596 /15 548 /163 537 /081 384 /115 366 /380

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
597	532	596	15				

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7650										4,320

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	FR
Year Built	1930
Eff Year	
MS Style	One Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	872
Main Floor Living Area	872
Upper Floor Living Area Pct.	
CDU	FR
Phys/Func/Econ	PR/ /
Ovr Pct Gd/RCN	/84,200
Remodel	2003
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Bungalow
Bsmt Type	Crawl - 2
Total Rooms	5
Bedrooms	2
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Brick - 5

Dwelling Components

Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Solid Wall	154		1	
Frame, Siding, Vinyl		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Warmed & Cooled Air		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Open Slab Porch (SF)	156		2	1984

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
84	Tool Shed	D	1.00	1	1930			192	56	8	16 X 12	1	2	2					2,290	6	140
44	Prefabricated Storage Shed	D	0.50	1	1984			96		8		1	1						1,560	7	110

Building Improvement Components

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

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FYFE

RESOLUTION NO. 2022-022

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

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 26th day of May 2022, 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: Block 3, Lot 13 of the South Side Heights Addition to the City of Independence, Montgomery County, Kansas

Common Address: 712 S 6th 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**, August 11, 2022** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Civic Center, Memorial Hall, Penn Ave. and Locust Streets, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

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

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

Adopted this 26th day of May 2022.

(SEAL)

_____

Mayor

City Clerk

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Public Works & Utilities **Director Approval** John Garris

AGENDA ITEM Consider awarding the CDBG portion of the 2022 sewer improvement projects to Tri Star Utilities.

SUMMARY RECOMMENDATION Authorize award.

BACKGROUND On April 19, a single bid was received for the CDBG portion of the 2022 sewer improvement projects, which includes the replacement lift station near the Country Club area. This bid was considered to be responsive, and was within 8% of the most recent engineer's estimate for the work.

The bid has been evaluated and recommended for award in the amount of $1,728,831.80.

FINANCIAL INFORMATION This work will be funded in part by the Community Development Block Grant previously accepted in the amount of $683,000. The remainder of the project will be funded by borrowing against KDHE funds.

SUGGESTED MOTION I move to award the CDBG-funded portion of the 2022 sewer improvement projects at a cost of $1,728,831.80 and allow execution of all required documents for this award and for project funding.

SUPPORTING DOCUMENTS

1. Tri Star Notice of Award

NOTICE OF AWARD ……..**00501**

TO: Tri Star Utlities
P.O. Box 903
Independence, Ks 67301

PROJECT Description: **Sewer System Improvements .**

The OWNER has considered the BID submitted by you for the above described WORK.

You are hereby notified that your BID in the amount of **One Million Seven Hundred Twenty Eight Thousand Eight Hundered Thirty One and 80/100. ($1,728,831.80)**
has been accepted.

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR'S PERFORMANCE BOND, PAYMENT BOND and CERTIFICATES OF INSURANCE within fourteen (14) consecutive calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said BONDS and INSURANCE CERTIFICATES within fourteen (14) consecutive calendar days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this _____

City of Independence, Kansas

By_____.

ACCEPTANCE OF NOTICE: Receipt of the above NOTICE OF AWARD is hereby acknowledged

by_____

this the _____ day of _____, 2022.

By_____

Title_____

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Housing **Director Approval** CYNTHIA NUTT

AGENDA ITEM Consider adopting Resolution 2022-023 setting a public hearing to establish Rural Housing Incentive Districts (RHIDs).

SUMMARY RECOMMENDATION Consider adopting Resolution 2022-023 setting a Public Hearing for July 14, 2022 at 5:30 PM to consider establishing an RHID for Jefferson Subdivision Development District, South Rainbow Subdivision Development District, Horizon Estates Subdivision Development District, and Downtown Central Business Development District.

BACKGROUND A Housing Needs Analysis has been conducted and the governing body has determined the following:

1. There is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.
2. The shortage of quality housing can be expected to persist and additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.
3. The shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.
4. The future economic well-being of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

The City of Independence approved Resolution 2022-004 for submission to the Kansas Secretary of Commerce along with the approved Housing Needs Analysis, taking the first step in establishing Rural Housing Incentive Districts for the City of Independence.

The Kansas Secretary of Commerce agreed with the findings of the City of Independence, Kansas's Housing Needs Analysis and Resolution 2022-004 in a letter dated March 22, 2022.

The next step in establishing Independence's RHIDs is approving Resolution 2022-023 setting a date and time for a public hearing to consider establishing one or more Rural Housing Incentive Districts (RHIDs).

Establishing Rural Housing Incentive Districts will aid the City of Independence in building housing within the community. The Independence Housing Authority has been working to establish several Rural Housing Incentive Districts for the purpose of developing housing within the City of Independence, Kansas.

FINANCIAL INFORMATION There is no anticipated budget impact.

SUGGESTED MOTION I move to adopt Resolution 2022-023 setting the date of July 14, 2022 at 5:30 PM for a public hearing to consider establishing one or more Rural Housing Incentive Districts.

SUPPORTING DOCUMENTS

1. Resolution 2022-023

RESOLUTION NO. 2022-023

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, SETTING A DATE AND TIME FOR A PUBLIC HEARING AT WHICH THE GOVERNING BODY WILL CONSIDER ESTABLISHING ONE OR MORE RURAL HOUSING INCENTIVE DISTRICTS

Whereas, on February 24, 2022, the governing body adopted Resolution No. 2022-004 pursuant to K.S.A. 12-5241, et seq., in which certain required findings were made in order to pursue the creation of multiple Rural Housing Incentive Districts.

And Whereas, Resolution No. 2022-004 was published in the official city newspaper according to law.

And Whereas, a certified copy of Resolution No. 2022-004 was sent to the Secretary of Commerce for the State of Kansas for review and approval.

And Whereas, the Secretary of Commerce has advised the governing body in writing that it agrees with and approves the findings made by the governing body in Resolution No. 2022-004.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Independence, Kansas:

Section 1. The governing body is considering taking action to adopt plans for development or redevelopment of housing and public facilities in certain proposed Rural Housing Incentive Districts.

Section 2. A public hearing will be held at the following date, time and location at which time the governing body will consider the adoption of the plans for development or redevelopment of housing and public facilities in the proposed Rural Housing Incentive Districts:

Date:	July 14, 2022
Time:	5:30 p.m.
Location:	Civic Center located in the basement of Memorial Hall, Southeast

corner of intersection of Chestnut and North Pennsylvania Ave.

Section 3. The governing body will consider establishing the Jefferson Subdivision District as a Rural Housing Incentive District. The details of the Jefferson Subdivision District are attached hereto and incorporated herein by reference as Exhibit "A".

Section 4. The governing body will consider establishing the Horizon Estates Subdivision District as a Rural Housing Incentive District. The details of the Horizon Estates Subdivision District are attached hereto and incorporated herein by reference as Exhibit "B".

Section 5. The governing body will consider establishing the South Rainbow Subdivision District as a Rural Housing Incentive District. The details of the South Rainbow Subdivision District are attached hereto and incorporated herein by reference as Exhibit "C".

Section 6. The proposed plan for development or redevelopment of housing and public facilities for the three proposed districts are available for inspection at the office of the City Clerk, 811 West Laurel, Independence, Kansas.

Section 7. Members of the public are invited to review the proposed plans and attend the public hearing on the date and time stated above.

Section 8. This Resolution shall be published at least once in the official newspaper of the city not less than one week, nor more than two weeks, prior to the public hearing date.

ADOPTED by the governing body of the City of Independence, Kansas, on the 26th day of May, 2022.

_____
Dean A. Hayse, Mayor

ATTEST:

_____
David W. Schwenker, City Clerk

Exhibit “A”

Development Plan

Jefferson Subdivision Development District

0000 North 13th Street

(between Mulberry & Spruce)

City of Independence, Kansas Housing Authority - Project Developer

1. Legal Description and Map (Exhibit A)

Legal Description:
HIGHLAND PARK ADD, S24, T32, R15, ACRES 7. 36, COM POB NW COR LOT 4 E 297. 58' S 624. 11' W 595. 84' N 442. 78' E 265. 04' NWLY 67. 41' N 121. 71' TO POB; LESS RW (commonly known as 0000 N 13TH ST, Independence, KS 67301)

2. Assessed Valuation for Tax Year 2022 was $8,620.00

2022 Appraised Value

Class	Land	Building	Total
Vacant Lots - V	8,620	0	8,620
Total	8,620	0	8,620

3. Primary Owner:

   City of Independence, Kansas/Independence Housing Authority
   811 West Laurel
   Independence, KS 67301

4. Development of a new 20 lot subdivision for the development of single-family homes with a target market price of $200,000 to $250,000. ("Target Market Price" reflects slab on grade 3 Bedroom/2 Bathroom home of roughly 1,450 to 1,700 square feet livable space.

5. Names and addresses of developer City of Independence, Kansas Housing Authority, 811 West Laurel, Independence, Kansas, 67301.

6. Contractual Assurances of the Developer – Developers intend to utilize the RHID tool to reimburse the cost of construction of development infrastructure estimated to be approximately $1 Million in total cost. Financing for the project will be negotiated with City input on best responsible strategy for City of Independence, Kansas Taxpayers.

7. Comprehensive Feasibility Analysis

   Exhibit A shows an RHID Revenue project based on a 6-year neighborhood build out schedule.

8. The City of Independence, Kansas Housing Study completed in December 2021 indicated a critical need for available lots for housing development to help ease the strain on our current housing market. While this development won't solve our current housing shortage it will create an opportunity for new homes to be added to our inventory and can be combined with additional efforts to explore infill development, upper-story development and additional single-family projects both detached and attached. There is a critical need for housing for our local workforce and community and this project hopes to help fill this need.

$225,000 avg. sale price per home

RHID-Jefferson Subdivision (5 yr build-out/225k)

COMPREHENSIVE FINANCIAL FEASIBILITY ANALYSIS

Unimproved Tax Calculation	Value	Assessment Rate	Assessed Value	Mill Levy	Base Year Tax	Years in Program	Total Base Year Tax
Parcel #630862404002003000 (tax yr. 2022 est. value for land only)	8,620	0.115	991.30	0.204335	202.56	13	2,633.24

Home Value	New Homes Built	No. of Homes Taxed	County Appraised Value	Assessment Rate	Assessed Value	Mill Levy	Gross Tax Increase	School Tax Exemp.	**State Exemption 21.5 mills**	Annual New Tax Generated	Accumulated New Taxes Generated	Program Year	Year of Tax Statement
		0	-	0.115	-	0.204335					-	1	2022
225,000	5	5	1,125,000	0.115	129,375	0.204335	26,435.84	230	2,781.56	23,424.28	23,424.28	2	2023
225,000	5	10	2,250,000	0.115	258,750	0.204335	52,871.68	460	5,563.13	46,848.56	70,272.83	3	2024
225,000	5	15	3,375,000	0.115	388,125	0.204335	79,307.52	690	8,344.69	70,272.83	140,545.67	4	2025
225,000	5	20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	234,242.78	5	2026
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	327,939.89	6	2027
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	421,637.01	7	2028
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	515,334.12	8	2029
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	609,031.23	9	2030
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	702,728.34	10	2031
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	796,425.46	11	2032
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	890,122.57	12	2033
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	983,819.68	13	2034
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	1,077,516.79	14	2035
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	1,171,213.91	15	2036
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	1,264,911.02	16	2037
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	1,358,608.13	17	2038
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	1,452,305.24	18	2039
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	1,546,002.36	19	2040
225,000		20	4,500,000	0.115	517,500	0.204335	105,743.36	920	11,126.25	93,697.11	1,639,699.47	20	2041
Total	20												

Estimated Eligible Infrastructure Costs	$ 961,000
Total Construction Project Period	5 years
Payback Period from 1st year of construction	13 years

Exhibit “B”

Development Plan

Horizon Estate Subdivision Development District

0000 Majestic Drive

(between Rainbow Drive & Taylor Road)

3P Development- Project Developer

9. Legal Description and Map

Legal Description:
HORIZON ESTATES, S24, T32, R15, BLOCK D, Lot 1 - 3 & 6-20, ACRES 5.74 (commonly known as 00000 MAJESTIC DR, Independence, KS 67301)

HORIZON ESTATES, S24, T32, R15, BLOCK F, ACRES 5.2, LTS 1-9; 14-22 (commonly known as 00000 MAJESTIC DR, Independence, KS 67301)

HORIZON ESTATES, S24, T32, R15, BLOCK H, Lot 1 - 25, ACRES 7.67 (commonly known as 00000 MAJESTIC DR, Independence, KS 67301)

HORIZON ESTATES, S24, T32, R15, BLOCK G, Lot 22 - 28, ACRES 1.98 (commonly known as 00000 MAJESTIC DR, Independence, KS 67301)

10. Assessed Valuation for Tax Year 2022 was $2,250.00

2022 Appraised Value

Class	Land	Building	Total
Agricultural Use - A	840	0	840
Total	840	0	840

Class	Land	Building	Total
Agricultural Use - A	210	0	210
Total	210	0	210

Class	Land	Building	Total
Agricultural Use - A	570	0	570
Total	570	0	570

Class	Land	Building	Total
Agricultural Use - A	630	0	630
Total	630	0	630

11. Primary Owner:

    Shawn and Lori Schabel
    3588 CR 4675
    Independence, KS 67301

12. Development of a new subdivision for the development of single-family homes with a target market price of $250,000. (“Target Market Price” reflects 3 Bedroom/2 Bathroom home of roughly 1450 to 1700 square feet livable space and multi-family duplexes with a target development cost of $450,000. (“Target Development Cost” reflects 3 Bedroom/2 Bathroom duplex of roughly 1400 to 1700 square feet livable space.

13. Names and addresses of developer 3P Development

14. Contractual Assurances of the Developer – Developers intend to utilize the RHID tool to reimburse the cost of construction of sewer line installation for 9 lots estimated to be approximately $2,500,000 in total cost. Financing for the project will be negotiated with City input on best responsible strategy for City of Independence, Kansas Taxpayers.

15. Comprehensive Feasibility Analysis

    Exhibit A shows an RHID Revenue project based on a 6-year neighborhood build out schedule.

16. The City of Independence, Kansas Housing Study completed in December 2021 indicated a critical need for available lots for housing development to help ease the strain on our current housing market. While this development won't solve our current housing shortage it will create an opportunity for new homes to be added to our inventory and can be combined with additional efforts to explore infill development, upper-story development and additional single-family projects both detached and attached. There is a critical need for housing for our local workforce and community and this project hopes to help fill this need.

$450,000 avg. sale price per duplex
$250,000 avg. sale price per home

RHID-Horizon Estates Subdivision (5 yr build-out/225k)

COMPREHENSIVE FINANCIAL FEASIBILITY ANALYSIS

Unimproved Tax Calculation	Value	Assessment Rate	Assessed Value	Mill Levy	Base Year Tax	Years in Program	Total Base Year Tax
Parcel #063-086-24-0-20-01-002.00-0 (tax yr. 2022 est. value for land only)	2,250	0.115	258.75	0.204335	52.87	12	634.46
Parcel #063-086-24-0-20-01-027.00-0							
063-086-24-0-20-02-001.00-0							
063-086-24-0-20-03-001.00-0							

Home Value	New Homes Built	No. of Homes Taxed	County Appraised Value	Assessment Rate	Assessed Value	Mill Levy	Gross Tax Increase	School Tax Exemp.	**State Exemption 21.5 mills**	Annual New Tax Generated	Accumulated New Taxes Generated	Program Year	Year of Tax Statement
		0	-	0.115	-	0.204335					-	1	2022
450,000	10	10	4,500,000	0.115	517,500	0.204335	105,743.36	460	11,126.25	94,157.11	94,157.11	2	2023
250,000	5	15	3,750,000	0.115	431,250	0.204335	88,119.47	690	9,271.88	78,157.59	172,314.71	3	2024
450,000	10	25	11,250,000	0.115	1,293,750	0.204335	264,358.41	1,150	27,815.63	235,392.78	407,707.49	4	2025
250,000	5	30	7,500,000	0.115	862,500	0.204335	176,238.94	1,380	18,543.75	156,315.19	564,022.68	5	2026
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	846,494.01	6	2027
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	1,128,965.35	7	2028
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	1,411,436.69	8	2029
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	1,693,908.03	9	2030
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	1,976,379.36	10	2031
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	2,258,850.70	11	2032
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	2,541,322.04	12	2033
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	2,823,793.38	13	2034
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	3,106,264.71	14	2035
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	3,388,736.05	15	2036
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	3,671,207.39	16	2037
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	3,953,678.73	17	2038
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	4,236,150.06	18	2039
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	4,518,621.40	19	2040
450,000		30	13,500,000	0.115	1,552,500	0.204335	317,230.09	1,380	33,378.75	282,471.34	4,801,092.74	20	2041
Total	30												

Estimated Eligible Infrastructure Costs	$ 2,500,000
Total Construction Project Period	5 years
Payback Period from 1st year of construction	12 years

Exhibit “C”

Development Plan

South Rainbow Subdivision Development District

0000 Rainbow Drive

(between CR 3700 & Regency Drive)

TL Carroll Enterprises LLC- Project Developer

17. Legal Description and Map

Legal Description:
HORIZON ESTATES, S13, T32, R15, BLOCK D, Lot 21 - 29, 129001 SQUARE FEET, Lot Width: 966.5 Lot Depth: 112.5 IRR (commonly known as 00000 RAINBOW DR, Independence, KS 67301)

18. Assessed Valuation for Tax Year 2022 was $13,100.00

2022 Appraised Value

Class	Land	Building	Total
Vacant Lots - V	13,100	0	13,100
Total	13,100	0	13,100

19. Primary Owner:

TL Carroll Enterprises LLC
24043 North 4040 Road
Nowata, Oklahoma 74048-5104

20. Development of 9 new lots for the development of single-family homes with a target market price of $250,000 to $350,000. (“Target Market Price” reflects 3 Bedroom/2 Bathroom home of roughly 1700 to 2000 square feet livable space.

21. Names and addresses of developer TL Carroll Enterprises LLC, 24043 North 4040 Road, Nowata, Oklahoma, 74048-5104.

22. Contractual Assurances of the Developer – Developers intend to utilize the RHID tool to reimburse the cost of construction of sewer line installation for 9 lots estimated to be approximately $177,360 in total cost. Financing for the project will be negotiated with City input on best responsible strategy for City of Independence, Kansas Taxpayers.

23. Comprehensive Feasibility Analysis

    Exhibit A shows an RHID Revenue project based on a 6-year neighborhood build out schedule.

24. The City of Independence, Kansas Housing Study completed in December 2021 indicated a critical need for available lots for housing development to help ease the strain on our current housing market. While this development won’t solve our current housing shortage it will create an opportunity for new homes to be added to our inventory and can be combined with additional efforts to explore infill development, upper-story development and additional single-family projects both detached and attached. There is a critical need for housing for our local workforce and community and this project hopes to help fill this need.

$300,000 avg. sale price per home

RHID-South Rainbow (10 yr build-out/225k)

COMPREHENSIVE FINANCIAL FEASIBILITY ANALYSIS

Unimproved Tax Calculation	Value	Assessment Rate	Assessed Value	Mill Levy	Base Year Tax	Years in Program	Total Base Year Tax
Parcel #0630861303004001000 (tax yr. 2022 est. value for land only)	13,100	0.115	1,506.50	0.204335	307.83	8	2,462.65

Home Value	New Homes Built	No. of Homes Taxed	County Appraised Value	Assessment Rate	Assessed Value	Mill Levy	Gross Tax Increase	School Tax Exemp.	**State Exemption 21.5 mills**	Annual New Tax Generated	Accumulated New Taxes Generated	Program Year	Year of Tax Statement
		0	-	0.115	-	0.204335					-	1	2022
300,000	2	2	600,000	0.115	69,000	0.204335	14,099.12	92	1,483.50	12,523.62	12,523.62	2	2023
300,000	-	2	600,000	0.115	69,000	0.204335	14,099.12	92	1,483.50	12,523.62	25,047.23	3	2024
300,000	2	4	1,200,000	0.115	138,000	0.204335	28,198.23	184	2,967.00	25,047.23	50,094.46	4	2025
300,000	-	4	1,200,000	0.115	138,000	0.204335	28,198.23	184	2,967.00	25,047.23	75,141.69	5	2026
300,000	2	6	1,800,000	0.115	207,000	0.204335	42,297.35	276	4,450.50	37,570.85	112,712.54	6	2027
300,000	-	6	1,800,000	0.115	207,000	0.204335	42,297.35	276	4,450.50	37,570.85	150,283.38	7	2028
300,000	2	8	2,400,000	0.115	276,000	0.204335	56,396.46	368	5,934.00	50,094.46	200,377.84	8	2029
300,000	-	8	2,400,000	0.115	276,000	0.204335	56,396.46	368	5,934.00	50,094.46	250,472.30	9	2030
300,000	1	9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	306,828.57	10	2031
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	363,184.84	11	2032
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	419,541.10	12	2033
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	475,897.37	13	2034
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	532,253.64	14	2035
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	588,609.91	15	2036
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	644,966.17	16	2037
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	701,322.44	17	2038
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	757,678.71	18	2039
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	814,034.98	19	2040
300,000		9	2,700,000	0.115	310,500	0.204335	63,446.02	414	6,675.75	56,356.27	870,391.24	20	2041
Total	9												

Estimated Eligible Infrastructure Costs	$ 177,360
Total Construction Project Period	5 years
Payback Period from 1st year of construction	13 years

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Director Approval David Cowan**

AGENDA ITEM Consider authorizing a contract with Reece Nichols to market 811 W. Laurel Street.

SUMMARY RECOMMENDATION The City Staff recommends approving the listing agreement with Reece Nichols to market Building "D".

BACKGROUND The City of Independence did a request for proposals to market Building "D" at 811 W. Laurel Street. The City of Independence received a proposal from Reece Nichols of Wichita, Kansas. Reece Nichols provided the City with information on their qualifications, marketing strategy and pricing. The City staff has met with Tim and Ryan Kerr and was able to provide a tour of the building and grounds that would be marketed. It was the recommendation of City Staff to enter into an agreement with them to market the building. The City Attorney has reviewed the agreement.

FINANCIAL INFORMATION Commission fee of 6% on the first $1,000,000.00, plus 4% of the sale price in excess of $1,000,000.00

SUGGESTED MOTION I move to authorize the Mayor to sign a contract with Reece Nichols to market 811 W. Laurel Street.

SUPPORTING DOCUMENTS

1. Exclusive Right to Represent Seller Contract
2. Independence Marketing Memo
3. Independence RFP Final

ReeceNichols
SOUTH CENTRAL KANSAS
An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

COMMERCIAL EXCLUSIVE RIGHT TO REPRESENT SELLER CONTRACT

This Commercial Exclusive Right to Represent Seller Contract between City of Independence, SELLER (collectively, "OWNER") and **ReeceNichols South Central Kansas** ("BROKER") for the property described below:

1. The Property:

All of Block 2 & the East ½ of vacated 15th Street and all of vacated alley; all of Lots 1 – 5 & Lots 9 – 12, Block 3, in Concannons Addition, Section 36, Township 32, Range 15, Montgomery County Kansas, more commonly known as 811 West Laurel Street, Independence, Kansas; and

Lot 12, Block 14, York & Wilson's Addition, Section 25, Township 32, Range 15, more commonly known as 900 West Laurel Street, Independence, Kansas; and

Lots 10 and 11, Block 14, York & Wilson's Addition, Section 25, Township 32, Range 15, more commonly known as 908 West Laurel Street, Independence, Kansas.

(the "Property"). If a more accurate description of the Property is set forth in any contract executed by OWNER, or in any survey or title commitment prepared pursuant to any contract, then the more accurate description will be deemed to be incorporated into this Contract as the description of the Property. OWNER acknowledges that OWNER is responsible for providing BROKER with a legally accurate description of the Property. See attached Exhibit "A" for a visual depiction of Property.

2. Terms and Conditions of Sale. OWNER desires to retain the services of BROKER to help OWNER sell the Property. OWNER appoints BROKER as OWNER'S exclusive agent for the Term (described herein), under the terms and conditions set forth in this Contract, with the exclusive right to list and sell the Property. This Contract is EXCLUSIVE for a period beginning on the Effective Date and ending twelve (12) months thereafter unless terminated sooner by the BROKER. Except as otherwise provided herein, BROKER agrees to market the Property at BROKER'S cost and expense. OWNER hereby warrants to BROKER that this is the one and only Right to Represent Seller Contract in effect regarding the Property and OWNER has the capacity to convey merchantable title to the Property.

The Property is offered for sale at a Price – To Be Determined and on terms agreeable to OWNER.

3. Listing Services. OWNER authorizes BROKER to: (i) Cooperate and share the commission payable under this Contract with other brokers including brokers who have been employed as Buyer agents, transaction brokers, or designated agents, subject, where applicable, to authorization as otherwise provided in this Contract; (ii) Submit pertinent information, including images when applicable, concerning the Property to any listing service to which BROKER subscribes and to abide by the rules of the listing service; (iii) Obtain information on mortgages, liens and other encumbrances that may be reflected on the condition of title to the Property; (iv) Use, modify, and publish any photographs, floor plans, architectural drawings, video, audio, or other copyrightable material related to the Property ("Works"), and to incorporate such Works into other works in any form; (v) Create listing content that is owned exclusively by BROKER, and to which OWNER has no right, title or interest.

4. Compensation. OWNER agrees that commission to BROKER shall be a commission fee in the amount of 6% on the first $1,000,000.00 plus 4% of the sales price in excess of $1,000.000.00. OWNER authorizes the payment of the commission and other compensation to BROKER from OWNER'S proceeds at closing. If the Property is not sold during the term of this Contract but a sale is made directly or indirectly within 180 days after this Contract terminates to anyone to whom the Property was shown or submitted during the

term of this Contract and whose name BROKER has submitted to in writing to OWNER either prior to or within 10 days from the expiration or cancellation of this Contract, the Commission and other compensation is due and payable to BROKER. OWNER will exclude all such names submitted from any subsequent listing. OWNER understands and agrees that BROKER may be compensated by more than one party in the transaction.

5. OWNER Representations.

a. **Title.** OWNER: (i) is the sole fee simple owner of the Property; (ii) is authorized and has the capacity to execute and deliver this Contract; (iii) has the right and authority to convey good and clear title to the Property; and (iv) has the right and authority to sell the Property. OWNER has been informed of OWNER'S responsibility to provide prospects with evidence of clear title when called for in a purchase contract. OWNER authorizes BROKER to order or procure title evidence through Security 1st Title. Title to the property is vested in the name(s) of OWNER.

b. **Legal Action.** OWNER shall notify BROKER in writing if any actions are brought, or OWNER receives any written notices pertaining to, any foreclosure, lien claims, litigation or condemnation proceedings with respect to any part of the Property.

c. **Disclosures.** OWNER understands that under applicable State law, OWNER has a duty to disclose to prospective buyers facts actually known by the OWNER which may materially and adversely affect the value of the Property, including but not limited to structural or mechanical defects and violations of governmental laws, rules and regulations. Except as otherwise noted in writing by OWNER, to the best of OWNER'S knowledge, there are no material, physical, structural or mechanical defects in the Property and there are no hazardous substances, pollutants, or contaminants on the Property, the presence or disposal of which is subject to federal, state or local environmental regulation, nor is there any equipment, storage tank, container or structural element on the Property that contains or utilizes and has released or could release, any such hazardous substance, pollutant or contaminant into the environment or the interior of any building on the Property. BROKER highly advises OWNER to prepare a written disclosure form for prospective buyers and recommends that OWNER consult with legal counsel concerning such disclosure requirements and the completion of any disclosure form.

OWNER will provide all inspection, environmental and any other third party reports and authorizes BROKER to disclose such reports and agrees to hold BROKER, its affiliated licensees and employees, and all cooperating Brokers and their agents and employees harmless for any damages or civil or criminal actions, and all claims, demands, suits, losses or expenses (including reasonable attorney's fees) arising out of any misrepresentation, nondisclosure, or concealment by OWNER in connection with the sale of the Property including, without limitation, the inaccuracy of information provided by OWNER for the preparation of the listing, contained in any disclosure statement, or otherwise provided or omitted in connection with the sale of the Property. OWNER agrees to thoroughly review the listing information prepared by BROKER and advise BROKER immediately of any errors or omissions.

d. **Cooperation.** OWNER will refer all inquiries about the Property to BROKER, and OWNER will conduct negotiations with prospects through BROKER.

e. **Adherence to Applicable Law.** OWNER understands that it must comply with all federal, state and local laws concerning fair housing and acknowledges that federal, state and local laws prohibit discrimination in the sale of property based on race, color, religion, sex, disability, familial status or national origin.

f. **Placement of Signage and Entry onto Property.** OWNER agrees that BROKER may, during the term of this Contract, place a "For Sale" sign on the Property through the closing of the sale. OWNER further authorizes BROKER to enter the Property at reasonable times for the purpose of inspection, preview, or to show the Property to prospective buyers or other brokers. In order to allow such access to the Property by BROKER, OWNER will furnish BROKER with a key or access code to the Property, and right to install a lockbox at the entrance to the Property. OWNER agrees to keep the Property and any improvements fully insured until closing on a sale of the Property and to leave on any utilities at the Property during the term of this Contract or until possession by a buyer, whichever is later, unless otherwise provided in a contract between OWNER and a buyer.

g. **Indemnity.** OWNER will indemnify, hold harmless and defend BROKER, BROKER'S sales associates and employees against any liability and expense (including, but not limited to, reasonable attorney's fees) due to: (i) acts of third parties; (ii) death of, or personal injury to, any person on the Property; (iii)

loss or damage to any personal or real property; (iv) vandalism, theft, accident or casualty; (v) any incomplete, incorrect, misleading or inaccurate information furnished by OWNER about the Property; (vi) concealment by OWNER of any material information about the Property; and (vii) any other cause of damage or loss arising out of the marketing, showing, sale or lease of the Property, except for BROKER'S gross negligence or willful misconduct.

6. Broker Representations.

a. **Performance.** Perform the terms of this Contract, exercise reasonable skill and care for OWNER, and promote the interests of OWNER with the utmost good faith, loyalty and fidelity **unless** acting as a transaction broker and to assist with the closing of a sale of the Property.

b. **Price and Terms.** BROKER will seek a price and terms acceptable to OWNER for a sale of the Property.

c. **Minimum Services.** BROKER will provide, at a minimum, the following services: (i) accept delivery of and present to OWNER all offers and counteroffers to sell OWNER'S Property; (ii) assist OWNER in developing, communicating, negotiating, and presenting offers, counteroffers, and notices that relate to the offers and the counteroffers until a purchase agreement is signed and all contingencies are satisfied or waived; and (iii) answer OWNER'S questions relating to the offers, counteroffers, notices, and contingencies.

d. **Continuing Marketing Obligations.** BROKER will not be obligated to continue to market the Property or present subsequent offers for sale after an offer for sale has been accepted by OWNER, unless the pending sales contract permits OWNER to continue to market the Property and consider other offers for sale until closing.

e. **Disclosures.** BROKER will disclose to OWNER all adverse material facts actually known by BROKER'S designated agent or agents about a prospective buyer. BROKER will disclose to OWNER any facts known by BROKER'S designated agent or agents which are omitted from or contradict any information included in a written report prepared by a qualified third party. BROKER will further disclose to any prospective buyer all adverse material facts actually known by BROKER'S designated agent or agents including but not limited environmental hazards affecting the Property, material defects in the physical condition of the Property or title thereto, and any material limitation on OWNER'S ability to perform under the terms of a sales contract.

f. **Adherence to Applicable Law.** BROKER will comply with all applicable federal, state, and local laws, rules and regulations, and ordinances, including fair housing and civil rights statutes and rules and regulations.

g. **Confidentiality.** BROKER will keep all information about OWNER confidential unless: disclosure is authorized under this Contract; disclosure is required by statute, rule or regulation; failure to disclose would constitute a fraudulent misrepresentation; or disclosure is necessary under applicable law to defend the BROKER or affiliated licensee against an action of wrongful conduct in an administrative or judicial proceeding or before a professional committee.

7. **Brokerage Relationship Disclosure.** OWNER hereby acknowledges receipt of Real Estate Brokerage Relationships document, attached hereto and made a part hereof.

8. **Brokerage Relationships Confirmation.** Unless otherwise provided herein, OWNER authorizes the designated broker to cooperate with and compensate other designated brokers. OWNER consents to a Designated Agency relationship. (Supervising Broker acts as a Transaction Broker); OWNER consents to a Transaction Broker and agrees, if applicable, to sign a Transaction Broker Addendum; OWNER consents to the appointment of a Designated Agent for a Buyer in sale of the OWNER'S Property.

9. **Notice To Sellers Who Are Foreign Persons.** A SELLER who is a foreign person should consult an attorney or accountant familiar with the Foreign Investment in Real Property Tax Act (FIRPTA) before entering into negotiations or contracts for the sale of property. (please initial one)

_____ SELLER **is not** a non-resident alien for purposes of the U.S. income taxation (as such term is defined in the 160 Internal Revenue Code and Income Tax Regulations).

_____ SELLER **is** a non-resident alien for purposes of the U.S. income taxation (as such term is defined in the Internal Revenue Code and Income Tax Regulations).

10. **Legal and Professional Advice.** BROKER suggests OWNER seek legal, tax, and other professional advice relative to any real estate transaction. BROKER makes no representation or warranty respecting the advisability of any transaction. BROKER is not an expert in matters relating to law, tax, financing, surveying, structural or mechanical condition, hazardous material, engineering, or other specialized topics. OWNER is encouraged to seek expert help in such areas. BROKER will cooperate with experts engaged by OWNER, but BROKER shall have no liability to OWNER pertaining to such matters.

11. **Governing Law.** This Contract will be governed by the laws of the State of Kansas.

12. **Entire Agreement.** This Contract constitutes the entire agreement between the parties; any prior agreements pertaining thereto, oral or written, have been merged and integrated into this Contract. There shall be no modification of any of the terms of this Contract unless such modification has been agreed to in writing, as provided for in this Contract.

13. **Severability.** If any provision of this Contract is found by a Court to be invalid or unenforceable, said provision will be deemed to be deleted from this Contract, and the remainder of this Contract will continue to be valid and enforceable.

14. **Disclosure of Special Assessments.** In compliance with Kansas law, OWNER hereby discloses to buyer that the Property is not subject to special assessments as shown on Exhibit "B," attached hereto and made a part hereof.

15. **Anti-Fraud Disclosure Statement.** Electronic communications such as email and text messages and social media messaging are neither secure nor confidential. While ReeceNichols South Central Kansas has adopted policies and procedures to aid in avoiding fraud, even the best security protections can still be bypassed by unauthorized parties. ReeceNichols South Central Kansas will never send you any electronic communication with instructions to transfer money or to provide nonpublic personal information, such as credit card or debit numbers or bank account and/or routing numbers.

16. **Effective Date.** The Effective Date of this Contract will be the last date in which this Contract is accepted and fully executed by OWNER and BROKER.

17. **Electronic Signatures and Transactions.** OWNER and BROKER agree that this transaction may be conducted through electronic means according to the Kansas Uniform Electronic Transactions Act. However, the BROKER has no authority to enter into electronic agreements with other parties on behalf of OWNER unless authorized to do so by a duly executed power of attorney.

18. **Binding Effect.** This Contract shall be binding upon and inure to the benefit of BROKER and OWNER and their respective heirs, legal representatives, successors, and assigns.

19. **Additional Terms.**

_____

_____

CAREFULLY READ ALL TERMS AND PROVISION ON ALL PAGES OF THIS CONTRACT AND ATTACHMENTS BEFORE SIGNING. WHEN SIGNED, THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, CONSULT AN ATTORNEY BEFORE SIGNING.

BROKER:
ReeceNichols South Central Kansas

By:_____
Tim Kerr, Designated Agent **Date**

By:_____
Ryan Kerr, Designated Agent **Date**

1551 N. Waterfront Parkway, Suite 301
Wichita, KS 67206
316.260.5900

OWNER:
City of Independence

By:_____
Date

By:_____
Date

Exhibit "A"

W CHESTNUT ST
W LAUREL ST
W MYRTLE ST
N 15TH ST
N 16TH ST
N 14TH ST

Exhibit "B"

PROPERTY DETAILS

Owner..CITY OF INDEPENDENCE
Unit.INDEPENDENCE CITY-USD446-BOND-
Legal.IC 002193

Parcel.108- 16620
CAMA #.087-36-0-10-05-001-00-0-01
Subdiv.G33 Blk. 2 Lots.
Sec....36 Twn.32 Rng.15
Address. 800 W MYRTLE ST

Deed Information:
CITY OF INDEPENDENCE
120 N 6TH ST
INDEPENDENCE, KS 67301

Values: Code.E0 Land. 40700 Impr. 10565500 Penalty. 0 Tax. .00
Total Acres. 2.3 Ag Acres. 2.2
Levy. 204.33500

	1st Half	2nd Half	Total Tax
Real Estate Tax Amount.....	.00	.00	.00
TOTAL TAXES THIS STATEMENT	**.00**	**.00**	**.00 ***
TOTAL PAID THIS STATEMENT	**.00**	**.00**	**.00 ***
TOTAL DUE THIS STATEMENT	**.00**	**.00**	**.00 ***

PLEASE MAKE PAYMENT TO:
MONTGOMERY CO TREASURER
PO BOX 767
INDEPENDENCE, KS 67301

TAX DISTRIBUTION SUMMARY

State...	.00	City....	.00	School..	.00	Special Assessments	
County..	.00	Township	.00	Library.	.00	Total..	.00
Fire....	.00	Cemetery	.00	Other...	.00		

YOUR ASSESSED VALUE

Property Class	2020	2021	Value Change	% Change
Residential*	0	0	0	.0
Non-Residential	7,930,020	10,606,200	2,676,180	33.7
TOTAL	7,930,020	10,606,200	2,676,180	33.7

* The first $2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES

Taxing Authority	2020	2021	% Chg
STATE	1.50000	1.50000	.0
COUNTY	52.08200	52.11700	.1
STATEWIDE USD*	20.00000	20.00000	.0
USD 446	26.93200	26.92500	.0
Independence City	55.24900	54.62900	-1.1
General Fund - ICC	41.70600	42.77500	2.6
Capital Outlay - ICC			
Rec Comm Emp Bene. USD44	1.00000	1.00000	
Recreation Comm. USD 446	3.99900	4.00000	
Wildcat Ext. Dst. #14	1.32100	1.38900	5.1
TOTAL	203.78900	204.33500	.3

YOUR TAXES

2020	2021	$ Chg	% Chg
.00	.00	.00	.0

REVENUE FROM PROPERTY TAX LEVIES

Taxing Authority	From 2020	From 2021	$ Change	% Change
STATE	480,313.21	488,519.73	8,206.52	1.7
COUNTY	16,716,990.63	16,972,771.41	255,780.78	1.5
STATEWIDE USD*	1,974,421.55	2,020,163.14	45,741.59	2.3
USD 446	2,972,274.93	3,031,535.76	59,260.83	2.0
Independence City	2,582,693.98	2,604,925.91	22,231.93	.9
General Fund - ICC	5,711,056.66	5,991,922.59	280,865.93	4.9
Capital Outlay - ICC				
Rec Comm Emp Bene. USD44	110,104.57	112,597.57	2,493.00	2.3
Recreation Comm. USD 446	440,299.84	450,382.33	10,082.49	2.3
Wildcat Ext. Dst. #14	421,832.96	452,342.35	30,509.39	7.2
TOTAL	31,409,988.33	32,125,160.79	715,172.46	2.3

PROPERTY DETAILS

Owner..ST JOHN BUILDING CORPORATION
Unit.INDEPENDENCE CITY-USD446-BOND-
Legal.IC 001966

Parcel.108- 14660
CAMA #.087-25-0-40-36-012-00-0-01
Subdiv.Z39 Blk. 14 Lots.12
Sec....25 Twn.32 Rng.15
Address. 900 W LAUREL ST

Deed Information:
ST JOHN BUILDING CORPORATION
PO BOX 35547 % DENNIS NICKEL
TULSA, OK 74153-0547

Values: Code.E0 Land. 9700 Impr. 2990 Penalty. 0 Tax. .00
Ag Acres. .1

Levy. 204.33500	1st Half	2nd Half	Total Tax
Real Estate Tax Amount.....	.00	.00	.00
TOTAL TAXES THIS STATEMENT	**.00**	**.00**	**.00 ***
TOTAL PAID THIS STATEMENT	**.00**	**.00**	**.00 ***
TOTAL DUE THIS STATEMENT	**.00**	**.00**	**.00 ***

PLEASE MAKE PAYMENT TO:
MONTGOMERY CO TREASURER
PO BOX 767
INDEPENDENCE, KS 67301

TAX DISTRIBUTION SUMMARY

State...	.00	City....	.00	School..	.00	Special Assessments	
County..	.00	Township	.00	Library.	.00	Total..	.00
Fire....	.00	Cemetery	.00	Other...	.00		

YOUR ASSESSED VALUE

Property Class	2020	2021	Value Change	% Change
Residential*	0	0	0	.0
Non-Residential	14,280	12,690	-1,590	-12.5
TOTAL	14,280	12,690	-1,590	-12.5

* The first $2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES

Taxing Authority	2020	2021	% Chg
STATE	1.50000	1.50000	.0
COUNTY	52.08200	52.11700	.1
STATEWIDE USD*	20.00000	20.00000	.0
USD 446	26.93200	26.92500	.0
Independence City	55.24900	54.62900	-1.1
General Fund - ICC	41.70600	42.77500	2.6
Capital Outlay - ICC			
Rec Comm Emp Bene. USD44	1.00000	1.00000	
Recreation Comm. USD 446	3.99900	4.00000	
Wildcat Ext. Dst. #14	1.32100	1.38900	5.1
TOTAL	203.78900	204.33500	.3

YOUR TAXES

2020	2021	$ Chg	% Chg
.00	.00	.00	.0

REVENUE FROM PROPERTY TAX LEVIES

Taxing Authority	From 2020	From 2021	$ Change	% Change
STATE	480,313.21	488,519.73	8,206.52	1.7
COUNTY	16,716,990.63	16,972,771.41	255,780.78	1.5
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Independence City	2,582,693.98	2,604,925.91	22,231.93	.9
General Fund - ICC	5,711,056.66	5,991,922.59	280,865.93	4.9
Capital Outlay - ICC				
Rec Comm Emp Bene. USD44	110,104.57	112,597.57	2,493.00	2.3
Recreation Comm. USD 446	440,299.84	450,382.33	10,082.49	2.3
Wildcat Ext. Dst. #14	421,832.96	452,342.35	30,509.39	7.2
TOTAL	31,409,988.33	32,125,160.79	715,172.46	2.3

PROPERTY DETAILS

Owner..ST JOHN BUILDING CORPORATION
Unit. INDEPENDENCE CITY-USD446-BOND-
Legal. IC 001964
IC 001965
Parcel.108- 14650
CAMA #.087-25-0-40-36-011-00-0-01
Subdiv.Z39 Blk. 14 Lots.10 & 11
Sec....25 Twn.32 Rng.15
Address. 908 W LAUREL ST

Deed Information:
ST JOHN BUILDING CORPORATION
PO BOX 35547 % DENNIS NICKEL
TULSA, OK 74153-0547

Values: Code.EO Land. 16900 Impr. 5090 Penalty. 0 Tax. .00
Ag Acres. .3

Levy. 204.33500	1st Half	2nd Half	Total Tax
Real Estate Tax Amount.....	.00	.00	.00
TOTAL TAXES THIS STATEMENT	**.00**	**.00**	**.00 ***
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TAX DISTRIBUTION SUMMARY

State...	.00	City....	.00	School..	.00	Special Assessments	
County..	.00	Township	.00	Library.	.00	Total..	.00
Fire....	.00	Cemetery	.00	Other...	.00		

YOUR ASSESSED VALUE

Property Class	2020	2021	Value Change	% Change
Residential*	0	0	0	.0
Non-Residential	25,180	21,990	-3,190	-14.5
TOTAL	25,180	21,990	-3,190	-14.5

* The first $2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES

Taxing Authority	2020	2021	% Chg
STATE	1.50000	1.50000	.0
COUNTY	52.08200	52.11700	.1
STATEWIDE USD*	20.00000	20.00000	.0
USD 446	26.93200	26.92500	.0
Independence City	55.24900	54.62900	-1.1
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Wildcat Ext. Dst. #14	1.32100	1.38900	5.1
TOTAL	203.78900	204.33500	.3

YOUR TAXES

2020	2021	$ Chg	% Chg
.00	.00	.00	.0

REVENUE FROM PROPERTY TAX LEVIES

Taxing Authority	From 2020	From 2021	$ Change	% Change
STATE	480,313.21	488,519.73	8,206.52	1.7
COUNTY	16,716,990.63	16,972,771.41	255,780.78	1.5
STATEWIDE USD*	1,974,421.55	2,020,163.14	45,741.59	2.3
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General Fund - ICC	5,711,056.66	5,991,922.59	280,865.93	4.9
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Wildcat Ext. Dst. #14	421,832.96	452,342.35	30,509.39	7.2
TOTAL	31,409,988.33	32,125,160.79	715,172.46	2.3

DON'T LET SCAM ARTISTS STEAL YOUR MONEY!

Because you are going to be involved in a real estate transaction where money is changing hands, **you are a potential target for cyber-criminals**. These sophisticated criminals could:

- **Try to hack into your email account or the email of other persons involved in your transaction and direct you to send a wire to the hacker's account.**
- **They can even send you emails that appear to be from your agent, your closer or another trusted source!**

WHEN YOU ARE USING REECENICHOLS, WE WILL NEVER ASK YOU TO WIRE MONEY VIA EMAIL, EVER!

If you receive wiring instructions, even if it appears legitimate, **do not send money to that account**. Always call to verify such instructions.

Closing with another company? Always contact the closer directly before wiring any money. To ensure it's the closing company:

- **Do not use a phone number or other contact information from an email.**
- **Use a business number from another source (such as the closing company's website) to make sure you are actually talking to your closer and not someone intent on stealing your money.**
- **Do not share your social security number in an email.**

I acknowledge the above information:

(Buyer/Seller) (Date) (Buyer/Seller) (Date)

ReeceNichols

ReeceNichols
SOUTH CENTRAL KANSAS

Real Estate Brokerage Relationships

Kansas law requires real estate licensees to provide the following information about brokerage relationships to prospective sellers and buyers at the first practical opportunity. This brochure is provided for informational purposes and does not create an obligation to use the broker's services.

Types of Brokerage Relationships: A real estate licensee may work with a buyer or seller as a seller's agent, buyer's agent or transaction broker. The disclosure of the brokerage relationship between all licensees involved and the seller and buyer must be included in any contract for sale and in any lot reservation agreement.

Seller's Agent: The seller's agent represents the seller only, so the buyer may be either unrepresented or represented by another agent. In order to function as a seller's agent, the broker must enter into a written agreement to represent the seller. Under a seller agency agreement, all licensees at the brokerage are seller's agents unless a designated agent is named in the agreement. If a designated agent is named, only the designated agent has the duties of a seller's agent and the supervising broker of the designated agent functions as a transaction broker.

Buyer's Agent: The buyer's agent represents the buyer only, so the seller may be either unrepresented or represented by another agent. In order to function as a buyer's agent, the broker must enter into a written agreement to represent the buyer. Under a buyer agency agreement, all licensees at the brokerage are buyer's agents unless a designated agent is named in the agreement. If a designated agent is named, only the designated agent has the duties of a buyer's agent and the supervising broker of the designated agent functions as a transaction broker.

A Transaction Broker is not an agent for either party and does not advocate the interests of either party. A transaction brokerage agreement can be written or verbal.

Duties and Obligations: Agents and transaction brokers have duties and obligations under K.S.A. 58-30,106, 58-30,107, and 58-30,113, and amendments thereto. A summary of those duties are:

An Agent, either seller's agent or buyer's agent, is responsible for performing the following duties:
- promoting the interests of the client with the utmost good faith, loyalty, and fidelity
- protecting the clients confidences, unless disclosure is required
- presenting all offers in a timely manner
- advising the client to obtain expert advice
- accounting for all money and property received
- disclosing to the client all adverse material facts actually known by the agent
- disclosing to the other party all adverse material facts actually known by the agent

The transaction broker is responsible for performing the following duties:
- protecting the confidences of both parties
- exercising reasonable skill and care
- presenting all offers in a timely manner
- advising the parties regarding the transaction
- suggesting that the parties obtain expert advice
- accounting for all money and property received
- keeping the parties fully informed
- assisting the parties in closing the transaction
- disclosing to the parties all adverse material facts actually known by the transaction broker

Agents and Transaction Brokers have no duty to:
- conduct an independent inspection of the property for the benefit of any party
- conduct an independent investigation of the buyer's financial condition
- independently verify the accuracy or completeness of statements made by the seller, buyer, or any qualified third party.

General Information: Each real estate office has a supervising broker or branch broker who is responsible for the office and the affiliated licensees assigned to the office. Below are the names of the licensee providing this brochure, the supervising/branch broker, and the real estate company.

Licensee

Real estate company name approved by the commission

Supervising/branch broker

Buyer/Seller Acknowledgement (not required)

Approved by the Kansas Real Estate Commission on October 10, 2017

#2000

Company/Franchise Disclosure Addendum

(To be used as an attachment to all agency contracts and sales contracts)

ReeceNichols South Central Kansas ("BROKER") is an independently owned and operated real estate brokerage and member of ReeceNichols Alliance, Inc.

BROKER is a franchisee and pursuant to the terms of its license agreement, ReeceNichols Alliance, Inc. and ReeceNichols Realtors, Inc. have no legal liability for the conduct and actions of BROKER. BROKER is authorized to use licensor's trade name and insignias.

CAREFULLY READ THE TERMS OF THIS FRANCHISE DISCLOSURE ADDENDUM BEFORE SIGNING. WHEN SIGNED, THIS ADDENDUM BECOMES A PART OF LEGALLY BINDING AGENCY CONTRACTS AND SALES CONTRACTS.

Sign Where Applicable

SELLER/BUYER	**Date**	**SELLER/BUYER**	**Date**

Approved for ReeceNichols Alliance members use in Kansas and Missouri. Feb 2017.

ReeceNichols
SOUTH CENTRAL KANSAS
An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

To: City Commission

From: Kerr Team

Date: 5/18/2022

Re: 811 W. Laurel Marketing Strategy

After a tour of the facility and some consideration we believe that the best course of action is marketing the property in two different paths. Marketing the space to a medical user that would come in and take the full space and use the space to its current highest and best use. Our focus under this path would be toward specialty hospitals and other regional health care providers.

The other marketing path will be a value add and redevelopment opportunity. The focus on marketing of this path would be to well established regional developers. We will work toward leveraging existing relationships with contacts that have significant development experience. Some of the uses for the space to be potentially redeveloped could be apartments, senior living, senior center, childcare, assisted living, vocational training, government offices, drug rehab facility, mental health rehabilitation as well as Disabled American Veterans. We will focus on both marketing individual spaces to these and other users as well as to the developer buyers to make the deal more attractive to both.

We look forward to working in conjunction with city staff to effect the sale of this property to benefit the city and the people of Independence.

811 W. Laurel Street, Independence,KS, 67301

Proposal for On-Call Commercial Real Estate Broker Services

Request for Proposal

David Cowan, Assistant City Manager
City of Independence

Presented By:

Tim Kerr | 316.218.5150 | timkerr@reecenichols.com

Ryan Kerr | 316.775.8900 | ryankerr@reecenichols.com

ReeceNichols
SOUTH CENTRAL KANSAS
An Independently Owned and Operated Member of the Reece & Nichols Alliance,

April 15, 2022

David Cowan
Assistant City Manager
City of Independence
811 W. Laurel Street
Independence, KS 67301

RE: Request for Proposal
811 W. Laurel Street, Building "D" Energy Building and Shop
Independence, Kansas

Dear David:

Please find enclosed our response for the Request for Proposal on the above referenced property. We have included our presentation outlining our experiences and services.

We look forward to the opportunity to work with the City of Independence. As outlined in the Scope of Work, the Kerr Team has extensive experience in both selling and leasing commercial facilities. They have also worked with Sedgwick County in a similar request and have a full understanding of the parameters of working with both municipal and county governments. We have an extensive marketing team at ReeceNichols South Central Kansas that will assist with the marketing locally, regionally, and nationally.

Once again, it would be our privilege to represent the City of Independence and their need for the disposition of your facility on Laurel Street.

If there is any other information you need, please do not hesitate to contact me as the designated person to work with on this RFP.

Sincerely,

REECENICHOLS SOUTH CENTRAL KANSAS

Dawn Truman
General Manager

DT:ms
Enclosures

General Firm Information

ReeceNichols South Central Kansas Commercial Division
1551 N Waterfront Pkwy, Suite 301
Wichita, KS 67206

Primary Contact Information
Tim Kerr
316.218.5150
timkerr@reecenichols.com

Dawn Truman
316.260.5900
dawntruman@reecenichols.com

Firm Website
www.rncommercial.com

ReeceNichols
SOUTH CENTRAL KANSAS
An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

TABLE OF CONTENTS

Section 1

Summary of Qualifications

Section 2

Marketing Strategy

Section 3

Compensation and Listing Process

ReeceNichols
SOUTH CENTRAL KANSAS
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Section 1

Summary of Qualifications

ReeceNichols
SOUTH CENTRAL KANSAS
An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

Tim Kerr

Commercial Sales and Leasing Associate

316.218.5150
www.rncommercial.com
timkerr@reecenichols.com

Tim Kerr started his real estate career in 2003 as the managing broker of a successful commercial real estate office. Tim brings with him 15 years of experience in commercial real estate, and 22 years of experience in finance. Originally from North Dakota. Tim has lived in Wichita for four years and previously worked at Equity Bank as a senior vice president and community markets manager where he oversaw two regions and nine branches across two states.

Education

Bachelor's Degree, Finance – University of North Dakota
Master's in Business Administration – University of North Dakota

Tim is active in his community and enjoys volunteering with local organizations. Over the past several years, he has led worship and chaired the board at his church, taught many different classes and was also a head varsity football coach. Tim has volunteered his time at Trinity Academy and served at many youth activities in several states.

Memberships

National Association of REALTORS (NAR)
Kansas Association of REALTORS (KAR)
REALTORS of South Central Kansas

KS Commercial RE

ReeceNichols
SOUTH CENTRAL KANSAS
An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

Ryan Kerr

Commercial Sales and Leasing Associate

316.775.8900
www.rncommercial.com
ryankerr@reecenichols.com

Ryan joined ReeceNichols South Central Kansas in 2020. Growing up around the world of commercial real estate, he will be joining his father, Tim, and working within the commercial division. As a former athlete, Ryan knows the importance of hard work, dedication, teamwork and focus. He is ready and willing to incorporate those traits toward making your real estate experience a positive one. Ryan enjoys interacting with people, is quick with a smile and works hard at gaining trust and earning respect. Ryan has spent the last couple of years honing his customer service skills at a local bank as well as attending Wichita State University pursing a Finance Degree.

Membership & Community Involvement

Leader at YoungLife Colliegate
Leader at YoungLife College on the Campus of Wichita State University
Realtors of South Central Kansas (RSCK)
Kansas Association of Realtors (KAR)
National Association of Realtors (NAR)

ReeceNichols
SOUTH CENTRAL KANSAS
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Dawn Truman

Commercial Division General Manager

316.260.5900
www.rncommercial.com
dawntruman@reecenichols.com

As General Manager of the Commercial Division for ReeceNichols South Central Kansas Commercial Dawn provides leadership and support for the commercial agents. She assists with overseeing the company operations and implementation of marketing strategies, presentation materials, and corporate calling programs. Dawn has been involved in the real estate community for over 35 years.

Dawn has resided in the Wichita area for more than 35 years. She has two grown sons and enjoys spending time with her grandchildren as well as playing golf, running, and biking.

Education

Masters in Business Administration, Friends University
B.S. degree in Business Administration and Psychology concentration in Mathematics, Evangel College, Springfield, MO.

Memberships

Realtors of South Central Kansas (RSCK)
Kansas Association of Realtors (KAR)
National Association of Realtors (NAR)
Kansas CCIM Chapter Board of Directors 2020-2021
CIE Committee Chair 2019-2020
Women in Commercial Real Estate (WICRE)

Awards & Achivements

2019 National Association of Realtors' National Commercial Award
2019 South Central Kansas MLS Committee of the Year Award
2018 South Central Kansas MLS Presidents Award

Community Involvement

KREC Commercial Task Force (2018 – 2019)
WSU Center for Real Estate Advisory Board
Chamber of Commerce KOP Committee
United Way Allocations Panel
Executive Women International (EWI) Board of Directors (2011 - 2018)
Together Wichita 2014 Board of Directors
Kansas Women of Distinction (2012)
Race for the Cure
Habitat for Humanity
YMCA Strong Kids
Wichita Metro Chamber of Commerce Keeper of the Plains Committee

ReeceNichols
SOUTH CENTRAL KANSAS
An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

Alexa Marker

Director of Marketing & Technology

316.285.6819

www.rncommercial.com

alexa@reecenichols.com

Alexa Marker utilized her design and marketing skills as well as her leadership capabilities to assist ReeceNichols South Central Kansas in the startup of a new real estate concept to the Wichita Market. From creating branding campaigns for all divisions of ReeceNichols, to designing and implementing ad layouts, marketing brochures, signage, billboards, etc., Alexa's attention to detail, creativity, and ability to see the big picture has served our agents and staff well. Among Alexa's other duties and skills are developing strategies for social media platforms, customizing agent and company websites, assisting with social media, designing and placing advertisements, and much more.

Dahlia Cain

Marketing Coordinator

316.617.2647

www.rncommercial.com

dahlia.cain@reecenichols.com

Dahlia joined ReeceNichols South Central Kansas in 2022. She brings with her a degree in Integrated Marketing Communications. Dahlia is passionate about improving processes and providing agents with the tools they need to make the client experience rewarding and to exceed expectations. Dahlia provides services including advertising, social media, and graphic design.

ReeceNichols

SOUTH CENTRAL KANSAS

An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

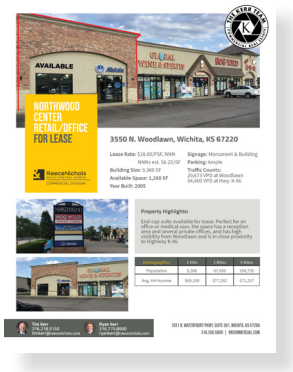
Section 2

Marketing Strategy

ReeceNichols
SOUTH CENTRAL KANSAS
An Independently Owned and Operated Member of the Reece & Nichols Alliance, Inc.

MARKETING STRATEGY

One of the most important aspects of a successful real estate transaction is the marketing plan. ReeceNichols will utilize all of our resources, including a combination of online, video, and print advertising, to present your property in a professional manner while highlighting the property's best features and maximizing advertising exposure. The following activities and materials are part of our marketing strategy:



Property Brochure

A high quality brochure is created and used for email marketing, mailed to a targeted list of buyers and brokers, and also to respond to cold calls we receive. The brochure includes:

- Detailed features of the property
- Detailed information on any property improvements
- Photos and aerial images of the property
- Map identifying the property location and surrounding

Signage

With your permission we will place signs along the perimeter of the property. Our signs are distinctive and are highly visible throughout the market, which enhance the opportunity for us to connect with prospects that have driven past your property.

MARKETING STRATEGIES TO EXPOSE YOUR PROPERTY TO THE RIGHT BUYERS

MARKETING STRATEGY

1

Online Advertising

We actively promote listings on the following websites at no additional cost to you.

- RNCommercial.com
- KSCommercialRE.com
- LoopNet and CoStar
- CREXi.com
- Brevitas
- Other websites, specific to property type

2

Social Media

To reach a targeted and diverse audience we advertise on Facebook, Twitter, Instagram, LinkedIn, and YouTube. We utilize our social media accounts to promote our listings, the industry, and the area.

3

Direct Mail

Direct mail flyers and/or postcards will be mailed to a targeted prospect group and follow up calls will be made.

4

Print Advertising

Customized specifically to each client's needs, we believe it is important to utilize multiple newspapers and other publications in our advertising plan to bring as much attention to your property as possible.

- Wichita Business Journal
- Wichita Eagle
- Addition Publications, specific to property type

5

Email Marketing

Our extensive list of prospective clients ensures that your property will reach a vast number clients throughout the region. Our database of prospects includes: bankers, attorneys, past clients, and prospects who have reached out to receive information on all of our new listings and upcoming auctions. These individuals are actively looking to buy real estate in the market.

6

Networking

The ReeceNichols affiliation connects us to a network of over 3,000 agents in over 60 offices throughout the region. Additionally, these connections give us access to market your property to an extensive database of other real estate agents, investors, and real estate developers.

Section 3

Listing and Compensation Process

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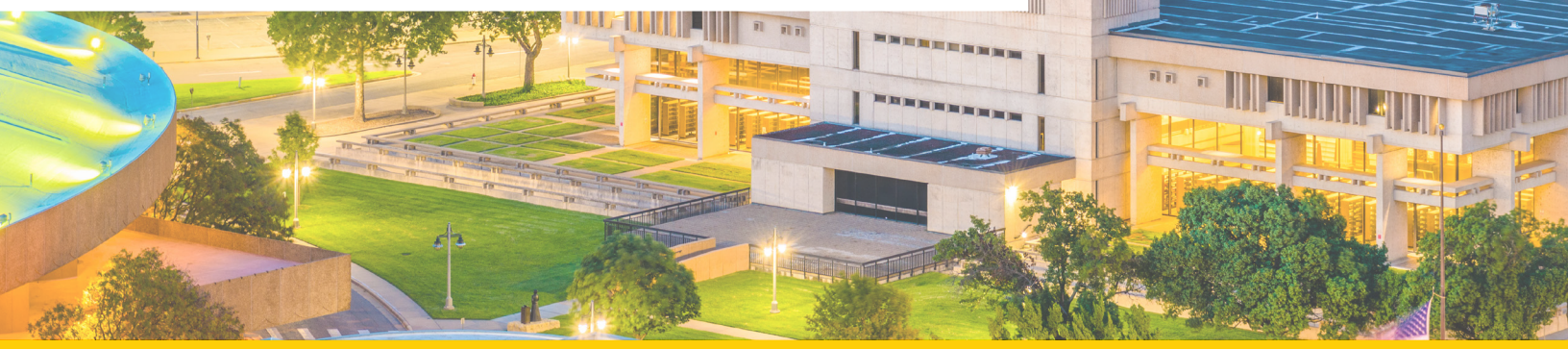
PROPOSED COMMISSION AND COMPENSATION

IN THE EVENT A TRANSACTION IS CONSUMMATED ON THE SUBJECT PROPERTY, SELLER WOULD PAY REECENICHOLS SOUTH CENTRAL KANSAS A COMMISSION AS FOLLOWS:

6% FEE ON THE FIRST $1,000,000.00 PLUS 4% OF THE SALES PRICE IN EXCESS OF $1,000,000.00.



SELLER'S AGENCY

KANSAS LAW REQUIRES REAL ESTATE LICENSEES TO PROVIDE THE FOLLOWING INFORMATION ABOUT BROKERAGE RELATIONSHIPS TO PROSPECTIVE SELLERS AND BUYERS AT THE FIRST PRACTICAL OPPORTUNITY. THIS BROCHURE IS PROVIDED FOR INFORMATIONAL PURPOSES AND DOES NOT CREATE AN OBLIGATION TO USE THE BROKER'S SERVICES.

SELLER'S AGENT

The seller's agent represents the seller only, so the buyer may be either unrepresented or represented by another agent. In order to function as a seller's agent, the broker must enter into a written agreement to represent the seller. Under a seller agency agreement, all licensees at the brokerage are seller's agents unless a designated agent is named in the agreement. If a designated agent is named, only the designated agent has the duties of a seller's agent and the supervising broker of the designated agent functions as a transaction broker.

A TRANSACTION BROKER

is not an agent for either party and does not advocate the interests of either party. A transaction brokerage agreement can be written or verbal.

AN AGENT, either seller's agent or buyer's agent, is responsible for performing the following duties:

- promoting the interests of the client with
- protecting the clients confidences, unless the utmost good faith, loyalty, and fidelity disclosure is required
- presenting all offers in a timely manner
- advising the client to obtain expert advice
- accounting for all money and property received
- disclosing to the client all adverse material
- disclosing to the other party all adverse facts actually known by the agent

THE TRANSACTION BROKER, is responsible for performing the following duties:

- protecting the confidences of both parties
- exercising reasonable skill andcare
- presenting all offers in a timely manner
- advising the parties regarding the transaction
- suggesting that the parties obtain expert advice
- accounting for all money and property received
- keeping the parties fully informed
- assisting the parties in closing the transaction
- disclosing to the parties all adverse material facts actually known by the transaction broker

Agents and Transaction Brokers have no duty to:

- conduct an independent inspection of the property for the benefit of any party
- conduct an independent investigation of the buyer's financial condition
- independently verify the accuracy or completeness of statements made by the seller, buyer, or any qualified third party

LISTING PROCESS

1

PROPERTY EVALUATION

Your ReeceNichols agent will provide a market analysis and professional feedback on pricing and selling strategy.

2

LISTING AGREEMENT

Once your agent discusses the property evaluation with you, a listing price will be determined and a listing agreement executed.

3

MARKET PROPERTY

A customized marketing strategy for your property will be implemented per the details included in the marketing section of this presentaion.

4

COORDINATE SHOWINGS

Your ReeceNichols agent will coordinate all showings and inquiries. Your agent will stay in constant contact and provide you with timely feedback.

5

RECEIVE OFFER

Once a potential buyer makes an offer on your property, your agent will contact you to review the offer and discuss next steps.

6

NEGOTIATE TERMS

Your agent will utilize experience and market knowledge to negotiate the best terms and make recommendations to you as the owner.

7

FACILITATE DUE DILIGENCE

Part of the offer and negotiations will include inspections and appraisals. Your agent will communicate and coordinate all phases of this process.

8

FINALIZE NEGOTIATIONS

There is the possibility of additional contract negotiations after the due diligence phase. Your agent will continue to represent you through these negotiations.

9

CLOSING

Clients will have the opportunity to review closing documents prior to closing. Your agent will organize and facillitate the closing process between all parties involved in the transaction.

THROUGHOUT KANSAS AND MISSOURI, REECENICHOLS REAL ESTATE SUPPORTS OVER 60 OFFICES AND NEARLY 3,000 AGENTS

HOME SERVICES OF AMERICA

Comprised of 30+ companies in more than 25 states. HomeServices of America is the largest full-service residential real estate company in the United States. As a Berkshire Hathaway Affiliate, our entire network of companies focuses on delivering the best service to our consumers.

LEADING REAL ESTATE COMPANIES OF THE WORLD

Our partnership with Leading Real Estate Companies of the World expands our reach and exposure to over 500 companies with 3,500 offices in nearly 50 countries.

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COMMERCIAL DIVISION

SCOPE OF SERVICES

ReeceNichols South Central Kansas Commercial is part of the largest real estate firm in the state of Kansas and is a full service real estate brokerage offering a full range of services. Our sales professionals are well-trained to handle all types of commercial, auction and residential real estate needs. Our wide network offers us the best tools and services. First and foremost, we provide you with services that meet your needs and since selling or buying a property is a team effort, we will work with you in developing a plan to achieve your real estate goals.

Our Services Include:

Development

Consulting

Industrial

Investment Analysis

Office

Multi-Family

Retail

Site Selection

Tenant Representation

Property Valuation

Business Valuation

Feasibility Studies

1031 Exchanges

15+ YRS

OF EXPERIENCE IN COMMERCIAL REAL ESTATE

SCOPE OF SERVICES

FOR SELLERS OR PROPERTY OWNERS

Hold or Sell Analysis – Analyze the market to determine what course of action is best for a property owner.

Property Leasing – Finding tenants for a property owner's commercial real estate. This may include advice on creating a niche for the property, or ways to attract more solid long term tenants.

Property Sale or Marketing – Determining the best course of action in order to maximize the sales price on a property and find the best possible buyer

FOR BUYERS, TENANTS, OR INVESTORS

Investment Analysis – Provide an investor or buyer with comparisons of various properties or types of property and their cash flows or investment returns in order to determine what situation may be best for the investor or buyer.

Site Selection – Assist the investor or buyer with locating a site that meets the client's needs. Assist with demographic data to support the client's business or investment goals. An agent may also be required to assist with determining the site's suitability based on zoning regulations, environmental conditions and financing considerations.

Cash Flow Analysis / Return on Investment – What kind of return can an investor expect on a particular real estate investment? Agents provide projections of potential future income and analysis of potential return on the property.

Property or Business Valuations – Any property owner wants to know what their property is worth to a buyer and what the highest sales price or lease price is possible in the current market.

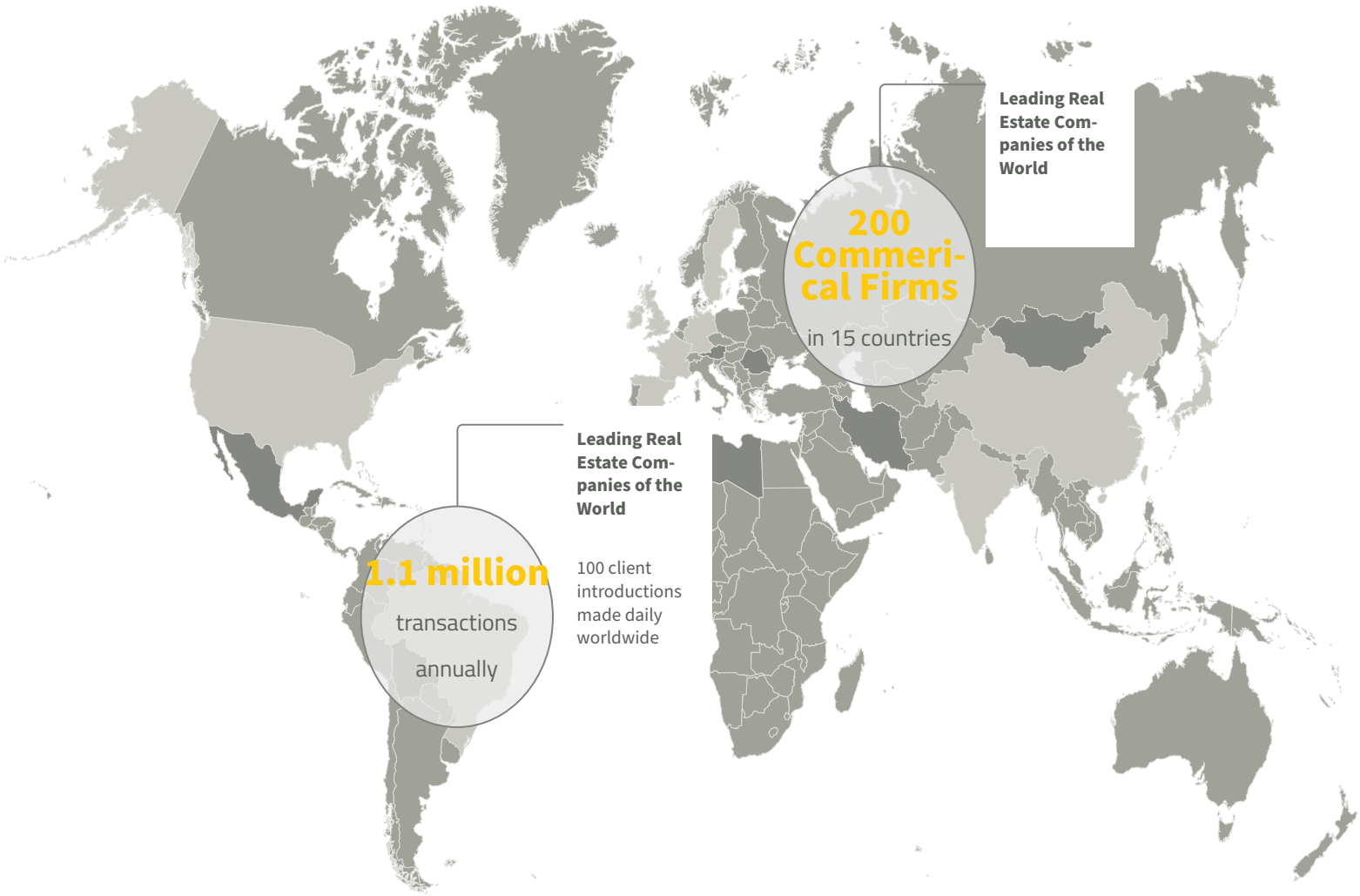
Feasibility Studies – Conduct a market study to determine the highest and best use of a property, or forecast a project's likelihood of success.

Exchange Opportunities – Tax-deferral benefits may make it worthwhile to exchange the property, or use a 1031 deferred exchange.

I'M LOCAL I'M GLOBAL

WORLD-CLASS INTRODUCTIONS FOR COMMERCIAL REAL ESTATE

As an affiliate of Leading Real Estate Companies of the World, we have access to the highest caliber professionals in commercial real estate. We



- When buying or selling commercial property, our world-class connections can help with real estate needs throughout our continent adn to points

SAMPLE BROCHURE

OFFICE SPACE

9449 E 21ST ST

FOR SALE

Listed By:

Tim Kerr
Commercial Sales and Leasing
316.218.5150
timkerr@reecenichols.com

Ryan Kerr
Commercial Sales and Leasing
316.775.8900
ryankerr@reecenichols.com

Genaro Ocasio
Sales Associate
720-620-9929
genaro@reecenichols.com

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SAMPLE BROCHURE

9449 E 21ST ST N

FOR SALE

SALES PRICE: $1,900,000

BUILDING SIZE: 7,781 SQ FT

YEAR BUILT: 2004

PARKING: APPROXIMATELY 50 SPACES

TAXES:

GENERAL: $28,508.46

SPECIAL: $6.71

Property Highlights

Class A Medical Office Space in Legacy Park

Customizable Space

Includes 6 Exam Rooms, Office, Lab, and Break Room

Signage on 21st St and on Building Available

Close to Bradley Fair Shopping Center, Webb Rd Medical Corridor, Greenwich Place Shopping, and the Waterfront.

Surrounded by Northeast Wichita Neighborhoods

Location

Located in Wilson Estates Business Park at 21st and Webb Rd. Just one mile from access to K-96.

Demographics	1 Mile	3 Miles	5 Miles
Population	4,986	40,651	131,995
Avg. HH Income	$129,350	$99,338	$76,065

OTHER DISCUSSION
CITY OF INDEPENDENCE
May 26, 2022

Department Admin **Prepared By Kelly Passauer**

AGENDA ITEM Discuss the process for handling change orders related to the Fire/EMS and 1916 City Hall projects.

BACKGROUND At the May 12, 2022 meeting there was a discussion on how to handle change orders regarding the Fire/EMS and 1916 City Hall Projects. Typically, change orders have been placed on the agenda.

Per the Section 6 of the procurement policy change orders are to be handled as follows:

6.1 General
All change orders for approved projects will come before the Governing Body for approval.

6.2 Emergency Situations
In certain limited emergency situations or due to the state of construction in progress, to prevent a lengthy delay in a project, safety concerns, and the protection of City assets and resources, the City Manager, with notification to the Governing Body, can authorize a change order in an amount not to exceed $25,000, but not in excess of the overall project budget, whichever is less. After authorizing the change order, the change order is prepared and submitted to the Governing Body for ratification. These change orders may involve such issues as cost changes and extensions of time.

6.3 Exception
Notwithstanding the above, any change order resulting in a decrease of any amount related to any construction, reconstruction, of a project for the City may be approved by the City Manager without further action by the Governing Body.

Unless directed differently by the majority of the Commission, staff will be processing change orders per the attached procurement policy.

CITY OF
INDEPENDENCE
KANSAS

RESOLUTION NO. 2019-019

A RESOLUTION ESTABLISHING APURCHASING POLICY FOR THE CITY OF INDEPENDENCE, KANSAS

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

This resolution is establishing the Purchasing Policy, as attached, for the City of Independence, Kansas.

Adopted by the Governing Body of the City of Independence, Kansas, on the 25TH day of July, 2019.

Louis Ysusi
LOUIS YSUSI, Mayor

ATTEST:

David W. Schwenker
DAVID W. SCHWENKER, City Clerk

CITY OF INDEPENDENCE
PURCHASING POLICY

SECTION 1. GENERAL PROVISIONS

1.1 Purpose

This is an Administrative Policy. The purpose of the policy is to define procurement and purchasing procedures for city departments and employees based upon the type of goods and services being acquired and to set forth the process for disposing of city assets.

1.2 Acquisition of Goods and Services

The acquisition of goods and services by or on behalf of the City of Independence, its agencies, departments, officials and authorized agents, should be made in a manner and method which provides for the prudent expenditure of City funds; provides for maximum protection of the taxpayer; prevents waste, conflict, and impropriety; provides for equal access and opportunity in an open and competitive environment to all suppliers, with regard to factors related to quality, cost and availability of the goods and services; and which complies with all applicable federal, state and local laws, rules and regulations.

1.3 Self-imposed Constraints

Even though the Governing Body approves a level of expenditures for any given department, that approval, in and of itself, is neither a permit nor a directive to expend funds unless the need exists at the time of purchase and the goods or services to be purchased are within the budget limits.

1.4 Familiarity with Policy

All personnel of the City responsible for purchases shall become familiar with and follow the City's policies and procedures as they relate to purchasing. Supervisors shall be cognizant of their respective budget limitations and initiate purchases accordingly. It is the responsibility of the individual departments to anticipate requirements and initiate action to purchase goods and services in advance of the time they are needed.

1.5 Application

This policy applies to all purchases and contracts entered into by the City. It shall apply to every expenditure of public funds for supplies and materials by a public department for public purchasing irrespective of the source of the funds. If City staff or resources are used in any manner, this policy shall apply. When the purchase involves the expenditure of federal or state assistance or contract funds, the purchase shall be conducted in accordance with any mandatory applicable federal and/or state laws and regulations. Nothing in this policy shall prevent any

public department from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.

1.6 Public Access to Purchasing Information

Purchasing information shall be a public record to the extent provided by state statute and shall be available to the public as provided in such statute.

SECTION 2. DEFINITIONS

CITY EMPLOYEE – an individual drawing a salary or wages from the City.

CITY MANAGER – the Chief Administrative Officer of the City hired on either a permanent or interim basis by the Governing Body.

CONSTRUCTION – the process of building, altering, repairing, improving or demolishing any public structure or facility or other public improvement of any kind.

CONTRACT – a legally binding promise enforceable by law.

DEPARTMENT HEAD – the director designated by the City Manager to direct the administration of the department and is charged with certain duties and responsibilities, or his/her authorized representative.

EMERGENCY – those unforeseen circumstances that present an immediate threat to public health, welfare, or safety; or when immediate response is necessary to prevent further damage to public property, machinery or equipment; or when delay would result in significant financial impacts to the City or significant interruption to the project schedule as determined by the Department Head and City Manager.

GOVERNING BODY – the elected officials comprising the ruling body of the City that performs the legislative function for the City regarding policies and procedures; currently the city commission.

INVITATION FOR BIDS – all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

MODIFICATION – any written alteration to a provision of any contract accomplished by mutual agreement of the parties to the contract.

RESPONSIBLE BIDDER – a contractor, business entity or individual who is fully capable to meet all of the requirements of the solicitation and subsequent contract; who must possess the full capability, including financial and technical, to perform as contractually required; and who must be able to fully document the ability to provide good faith performance. Documented poor performance on prior contracts for goods or services may suspend a contractor from consideration for award.

REQUEST FOR PROPOSALS – all documents, whether attached or incorporated by reference, utilized for soliciting proposals when price is a factor in selection.

REQUEST FOR QUALIFICATIONS - all documents, whether attached or incorporated by reference, utilized for soliciting proposals when price is considered after selection. This is usually applicable for engineering, architectural, consulting and other specialized or technical services.

SCOPE OF SERVICES – a detailed description of the tasks to be performed by the successful bidder.

CHANGE IN SCOPE OF WORK – a modification or amendment that alters the project from what was originally envisioned.

CHANGE ORDER – a change in the time and/or price in a contract.

SPECIFICATIONS – a description of the physical or functional characteristics, or of the nature of a supply, service, or construction item; the requirements to be satisfied by a product, material or process indicating, if appropriate, the procedures to determine whether the requirements are satisfied, and/or the capabilities and performance characteristics that the item must satisfy.

SECTION 3. PURCHASING AUTHORITY AND LIMITS FOR GOODS & NON-PROFESSIONAL SERVICES

3.1 Purchasing Authority and Approval Table

The following table shows who has the authority to make purchases for their department or division.

Amount of Purchase	Authority for Purchase	Purchase Methods	Authority for Payment
$1 - $1,500	Employees with Department Superintendent or Department Head authorization	Lowest cost through cost comparisons, avoiding nepotism	Department Superintendent or Department Head Finance Department
$1,501 - $15,000	Department Head or his/her designee	Fax quotes Email quotes Informal written quotes (3 quotes required)	Department Head Finance Department
$15,001 – $25,000	City Manager	Fax quotes Email quotes Informal written quotes (3 quotes required)	City Manager Finance Department Department Head
$25,001 or more	City Manager Governing Body (awarded contracts of $25,001 or above)	Formal written bids Advertised bid Invitation	Governing Body City Manager Finance Department Department Head

3.2 Purchase of Goods and Non-Professional Services from a Single Vendor

Any agreement for purchases, the duration of which shall exceed one year, shall be subject to annual appropriation approved by the Governing Body. The paid invoice/receipt detailing the transaction must be approved and signed by the department head or his/her designee before it is sent to the Finance Department.

All purchases are reviewed by the Finance Director and City Treasurer for payment.

3.3 *Purchases of less than $1,500*

Purchases up to $1,500 can be made by employees with approval by the department superintendent or department head. Nepotism should be avoided.

3.4 *Purchases of $1,501 to $15,000*

Purchases of at least $1,501 but less than $15,000 may be made by the department head or his/her designee. These purchases require the department to obtain at least three (3) competitive fax, email and/or informal written quotes.

3.5 Purchases of $15,001 to $25,000

Purchases of at least $15,001 but less than $25,000 may be made by the department head or his/her designee with City Manager approval. These purchases require the department to obtain at least three (3) competitive fax, email and/or informal written quotes.

3.6 Purchases of $25,001 or more

Purchases of at least $25,001 or more will be awarded by advertised formal competitive sealed bid. Formal sealed bids shall not be required when a request has been submitted in writing to the City Manager stating the reasons that it is not practical or advantageous to call for a competitive bid, and the City Manager has, in writing, approved the request.

3.7 Exception

If the goods or services being purchased are such that the required number of competitive quotes cannot in good faith be obtained, despite the exercise of due diligence, then that requirement shall not preclude the purchase of the goods or services.

SECTION 4. Formal Bidding Process

4.1 Invitation for Bids

An invitation for bids shall be issued and shall include specifications and contractual terms and conditions applicable to the purchase. Criteria for evaluation shall be set forth in the Invitation for Bids.

4.2 Public Notice

Adequate public notice of the invitation for bids shall be given for a reasonable time, no less than ten calendar days prior to the date set forth therein for the opening of bids. Such notice shall include publication in the official newspaper of general circulation within the community, appropriate trade journals or publications and/or posted on the City's website to allow adequate time for bid preparation.

4.3 Bid Requirements

The bid documents shall include:

1. A description of the work to be performed or the product to be purchased.
2. The location where copies of plans, specifications, and other contract documents may be examined.
3. The time and place where bids will be received and time and place where bids will be opened.
4. A statement detailing the evaluation criteria to be used for bid acceptance and evaluation.
5. A statement that the City reserves the right to reject any or all bids and to waive any informalities or irregularities therein.
6. A statement that the City Manager may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening bids.
7. A statement setting forth requirements for bid and performance, labor, materials, bonds, product liability coverage warranty and worker's compensation insurance.

Each bid submitted to the City shall be signed, enclosed in a sealed envelope and filed as stated in the advertisement for the bid. Fax or email bids will not be accepted. The City Manager may waive technical irregularities in the bid requirements in this Purchasing Policy, or in the advertisement of the bids, if the City Manager finds that such waiver does not compromise the integrity of the bidding process.

4.4 Late Bids

Bids not submitted by the required deadline are ineligible for consideration and will not be opened.

4.5 Opening Bids

All bid openings shall be scheduled with the City Clerk prior to giving public notice of an invitation for bid. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such relevant information as the City Clerk deems appropriate, together with the name of each bidder, shall be recorded on the bid tab provided by the Department or Consultant. The record and each bid shall be open to public inspection. In the event of good cause, as determined by the City Clerk, bid openings may be postponed.

4.6 Bid Acceptance and Bid Evaluation

Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a

particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation and delivery costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used.

4.7 Correction or Withdrawal of Bids; Cancellation of Awards

Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, the following provision shall apply:

1. A low bidder alleging a material mistake of fact may be permitted to correct its bid, within 48 hours of low-bidder notification, if the mistake is clearly evident on the face of the bid document and the intended correct bid is similarly evident.

No changes in bid prices or other provisions of bids prejudicial to the interests of the City or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the City Manager, at the sole discretion of the City Manager.

4.8 Award

The bid shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids, subject to the right of the City to reject all bids. Award contracts of $25,000 and above that were budgeted shall be forwarded to the Governing Body for approval and execution of the contract.

SECTION 5. CHANGES IN SCOPE OF WORK

5.1 General

Through approval of this policy, a change in scope of work is considered a modification or amendment that alters the project from what was originally envisioned. Except as noted below, any modification or amendment of an existing contract's scope of work that increases the total compensation in an amount to exceed $25,000 must be approved by the Governing Body prior to work commencing. Changes in scope that do not cause the total contract amount to exceed $25,000 may be executed by the City Manager.

5.2 Emergency Situations

In certain limited emergency situations, the City Manager shall be given the authority to execute an emergency change of scope. The City Manager shall only execute the emergency change of scope if the work qualifies as an "emergency" and the overall project budget is not exceeded. The emergency change of scope

supplemental agreement would be submitted to the Governing Body for ratification at the next available meeting.

SECTION 6. CHANGE ORDERS

6.1 General

All change orders for approved projects will come before the Governing Body for approval.

6.2 Emergency Situations

In certain limited emergency situations or due to the state of construction in progress, to prevent a lengthy delay in a project, safety concerns, and the protection of City assets and resources, the City Manager, with notification to the Governing Body, can authorize a change order in an amount not to exceed $25,000, but not in excess of the overall project budget, whichever is less. After authorizing the change order, the change order is prepared and submitted to the Governing Body for ratification. These change orders may involve such issues as cost changes and extensions of time.

6.3 Exception

Notwithstanding the above, any change order resulting in a decrease of any amount related to any construction, reconstruction, of a project for the City may be approved by the City Manager without further action by the Governing Body.

SECTION 7. COOPERATIVE BIDDING AND STATE BID AWARDS

7.1 Introduction

It is sometimes beneficial to group the City's requirements with the like requirements of other cities, counties or agencies. This results in lower costs to all parties while maintaining the integrity of each entity's bidding requirements.

7.2 State Bids

The State of Kansas bids many common requirements and makes the award results available to any governmental agency. State bid awards enable government agencies to purchase goods and services at a reduced price due to quantity discounts and do not require the bidding process by individual agencies. State bids are considered to meet the sealed bid requirements.

7.3 Other Cooperative Bids

The City may contract directly with other governmental entities for the purchase of items. The City may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby items are procured in accordance with a contract established by another governmental entity provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity. These cooperative purchasing agreements shall be authorized by the Governing Body.

7.4 Commission Approval of Cooperative Agreements

Additional Governing Body approval shall not be required for the purchase of any budgeted items from purchasing agreements established by governmental entities with which the Governing Body has previously approved participation. Governing Body approval will be required for the purchase of unbudgeted items in excess of $25,000 regardless of whether the Governing Body has approved participation with the governmental entity. Specific unbudgeted items less than $25,000 may be purchased through an approved cooperative purchasing program provided an alternative funding source within the respective Department's budget is identified in writing to the Finance Director and City Manager.

SECTION 8. TERM AND SUPPLY CONTRACTS

8.1 Bid Procedure

Term and supply contracts shall be bid following the same procedures established by this policy for other purchases based upon estimated value of contract. The Department Head shall prepare a recommendation of award for Governing Body for all term and supply and annual contracts over $25,000, based upon the annual value of the contract.

8.2 Multiple Year Contracts

In the instance of multiple year contracts, Governing Body approval is not required for the renewal periods when the requested price increase does not exceed the renewal period increase established in the original contract. All multiple year contracts shall contain the non-appropriation clause shown in Section 13. This states that the Contractor understands the obligation of the City to pay for goods and/or services under the contract is limited to payment from available revenues and shall constitute a current expense of the City. It shall not in any way be construed to be a debt of the City in violation of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the City nor shall anything contained in the contract constitute a pledge of the general tax revenues, funds or moneys of the City. All provisions of the contract shall be interpreted so as to give effect to such intent.

SECTION 9. PROFESSIONAL SERVICES

9.1 Procedure

Contracts for professional services such as engineering, architectural, consulting and other specialized or technical services shall be obtained through the following process and not the process in Section 3:

1. The Department Head shall prepare a scope of services to determine the format to be used, identify any special requirements, outline a timeline for the project, estimate costs, define roles, and identify potential respondents.

2. Based on the scope of services, the Department Head shall prepare a Request for Proposal or Request for Qualifications, as applicable, designed to ascertain the vendor qualifications, and obtain brochures and any other information which may be used by the selection committee during their evaluation of the proposals.
3. A selection committee shall be established by the Department Head or City Manager to review the proposals and rate each firm according to the evaluation criteria established in the Request for Proposal/Qualifications. The committee must include staff members from more than one city department. However, in the event the estimated cost of the scope of services in the Request for Proposal/Qualification exceeds $25,000, the applicable Department Head shall serve on the selection committee for that proposal evaluation.
4. The Department Head or his/her designee shall prepare a recommendation of award for Governing Body approval.

9.2 Exception

Upon approval of the City Manager, professional services under $5,000 may be exempt from the Request for Proposal and competitive bidding process.

Section 10. CONSTRUCTION CONTRACTS

10.1 Bid Procedure

Construction contracts shall be bid in accordance with the procedures established in Section 3 of this policy according to applicable price range.

10.2 Contracts Supervised by Outside Consulting Services

Construction contracts, supervised by outside consulting services, shall be bid in coordination with the Department Head. A bid package shall be reviewed and approved by the Department Head. Construction contracts shall be prepared by the Consultant. The Consultant or the Department Head, as determined by the Department Head, shall distribute the bid package to potential bidders. The Consultant or Department Head shall schedule a bid opening with the City Clerk where bids will be opened publicly in the presence of one or more witnesses at the time and place designated in the bid package. The amount of each bid, and such relevant information as the City Clerk deems appropriate, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection. The final award of the bid shall be communicated to the successful bidder by the Department Head or his/her designee.

10.3 Contract Administration

A contract administration system shall be maintained by the Department or Consultant designed to ensure that a contractor is performing in accordance with the solicitation, terms and conditions under which the contract was awarded.

Section 11. SOLE SOURCE PURCHASES

11.1 Availability

A contract may be awarded, or a purchase made without competition when, after conducting a good faith review of available sources, it is determined there is only one source for the required product.

11.2 Circumstances

Circumstances that require a sole source purchase may include, but are not limited to:

1. No competitive product or availability from only one supplier;
2. The purchase of a component or replacement part for which there is no commercially available product, and which can be obtained only from the manufacturer;
3. The purchase of an item where compatibility is the overriding consideration, such as to maintain standardization or compatibility, or to match materials already in use to produce visual harmony;
4. When supplies or services are available at a discount from a single distributor for a limited period of time;
5. When a specialized consultant or technical services is needed for a project with specific circumstances requiring a unique combination of abilities or expertise to perform the services required;
6. The purchase of a used item;
7. The purchase of a product for trial or testing.

11.3 Other Criteria

Sole source can refer to the supplier, as well as a product or service. Thus the ability to meet a delivery date or to provide on-call repairs can create a sole supplier condition. Justification for a sole source purchase depends on a needed item being available from only a single supplier under the prevailing conditions. If the item may be obtained from more than one source, price competition shall be solicited.

SECTION 12. EMERGENCY PURCHASES FOR GOODS & NON-PROFESSIONAL SERVICES

12.1 Conditions

An emergency condition exists when there is a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failure, etc.; when immediate response is necessary to prevent further damage to public property, machinery or equipment; or when delay would result in significant financial impacts to the City or significant interruption to the project schedule as determined by the Department Head and City Manager. The condition must create

an immediate and serious need for supplies, equipment, materials, and/or services that cannot be met through normal procurement methods and the lack of which would threaten the function of the City government or its programs.

12.2 Limitations

The City Manager shall only execute an emergency purchase if the work qualifies as an “emergency” and does not exceed $25,000.

12.3 Other Items

Any department may make emergency purchases, however with as much competition as is possible under the circumstances. Purchases shall be limited to only the quantity necessary to meet the emergency, and in no event shall the contract price exceed commercially reasonable prices.

SECTION 13. GENERAL INSTRUCTIONS

13.1 Local Business Preferences

Local vendors may receive preference in the amount up to five percent (5%) of the lowest, responsible, and responsive bid.

13.2 Geographical Priority

Local preference applies to businesses in the following order: (1) those within City of Independence corporate limits; (2) those located within Montgomery County; and (3) those located within the State of Kansas.

13.3 Other Considerations

Goods and services purchased by the City shall be purchased from local merchants and businesses, unless:

1. Such goods of like quality and services are not immediately available locally; or
2. The cost of such goods or services plus taxes, shipping and handling exceeds that allowed by the local preference limits; or
3. Federal/State funds or other funds are used that prohibit the application of the preference; or
4. The business entity has any outstanding liens, fines or violations or other debts with the City of Independence.

13.4 Product Specifications

It is the responsibility of the department to write their specification and establish the quality of the product or service required. Specifications shall be written to require competition at the manufacturer’s level when possible. Use of a brand name specification shall include the designation “or an approved alternate.” A “no substitute” request must be justified by the department as to why no other brand will meet the need.

13.5 Multiple Purchases

Making multiple purchases for the purpose of avoiding the bidding process shall not be permitted and shall be considered a violation of this Policy.

13.6 Unauthorized Purchases

The purchase of an item must be made in accordance with the Purchasing Policy and Procedures. Any purchase of item, which does not comply with these procedures shall be considered an unauthorized purchase. Whenever funds have been expended or payment cannot be avoided on an unauthorized purchase, anyone may report the matter in writing to the Department Head or the City Manager for action. Said action may include discipline in accordance with the City's disciplinary policies.

13.7 Minimum Insurance and Bonding Requirements for Contract Awards

Contract awards shall be made only to contractors that possess the ability to perform successfully under the terms and conditions of a proposed procurement. Contracts awarded shall include the following guarantees, except when an exemption is provided:

1. A performance bond on the part of the contractor for 100% of the contract price for any contract exceeding the sum of $100,000.
2. All construction contractors and subcontractors are to carry Workman's Compensation Insurance for all employees who work on the premises, as well as:
    a. Manufacturer's and Contractor's Public Liability Insurance as appropriate for the project (Minimum requirement - $1,000,000)
    b. Property Damage Insurance to protect them from claims for property damage. (Minimum requirement - $1,000,000)
    c. Any and all additional insurance required by the laws of the State of Kansas.
3. If any subcontracting is let, prime contractors will be required to ensure the subcontractors comply with the provisions of this plan and with all applicable required federal and state regulations. All subcontractors must be licensed through the City and provide evidence of insurance if applicable.
4. Any insurance requirements required for state and/or federal funds are also incorporated into this document by reference and will be adhered to on such projects.

All proof of insurance and bond documents shall be provided to the City Clerk prior to Contractor beginning work on any City project.

13.8 City Attorney Review of Agreements

All rental, lease agreements or contracts for goods and services must be reviewed by the City Attorney and be authorized by the City Manager, except where otherwise permitted under this policy. A copy of all rental, lease agreements or

contract requiring payment must also be forwarded to the Finance Department for processing at least thirty (30) days prior to the due date of the first payment.

13.9 Municipal Tax Exemption

The City is tax exempt as a political subdivision under Section 4221(b) of the IRS Code and K.S.A. 79-3606, except for personal property used in a business setting. Department Heads are responsible for obtaining the latest tax-exempt certificate and for remitting it to the appropriate vendor prior to every purchase.

13.10 Non-Appropriation Clause

Kansas law (K.S.A. 10-1101 *et seq.*) requires the City to operate on a cash basis. Except as otherwise provided by law, it is unlawful for the City to create any indebtedness in excess of the amount of funds actually on hand for such purpose. Any contract that would create financial obligations to the City beyond the current, fiscal year must include provisions for non-appropriation of funds, such as the following: The City's financial obligations contained herein are subject to annual appropriations of funding in the municipal budget during each calendar year the agreement remains in effect. The City shall make a good faith effort to fund said financial obligations on an annual basis. If the City determines not to do so, the agreement shall be cancelled as of the date of non-appropriation, without penalty or additional liability to either party.

13.11 State and Federal Laws

The City will comply with all state statutes, federal laws, and regulations related to local government purchase.

SECTION 14. BUDGET

14.1 Annual Budget Approvals

The Governing Body determines expenditure levels through the formulation and approval of the annual budget. In performing this policy-making function, the Governing Body establishes a set of goals, priorities and performance standards by which the City organization directs its collective effort toward accomplishing. The adoption of the annual budget is the approval of a level of expenditures necessary to accomplish the goals and objectives that have been established for each City program. With the exception of single expenditures of more than $25,000 or specific Ordinances to the contrary, no further Governing Body action is required to initiate purchases within that budget. All purchases made by the City are presented for approval by the Governing Body through appropriation ordinances presented at each regular meeting of the Governing Body.

14.2 City Manager Authority

The City Manager is delegated the responsibility by the Governing Body to carry out a program of services to the community. It is the City Manager's responsibility to manage the annual budget in such a way that the goals and priorities of the Governing Body are accomplished. All regulations, as well as recommendations

for changes in general procurement policy, will only be made with the approval of the City Manager. Under this system of control, the City Manager has delegated this responsibility and authority to respective Department Heads.

14.3 Department Head Authority

Department Heads are responsible for meeting the goals and objectives established by City Management and are provided budgeted funds to attain those goals. Each Department Head has the responsibility and authority to make certain that purchases are w**ithin the** scope of the adopted budget.

Although City Management has established goals and levels of expenditure for each program, approved budget authority is not a permit nor a directive to expend funds, unless the need for the product continues to exist at the time of purchase and the price of the product is within the parameters of the budget as stated above. In addition, these criteria must be ultimately weighted against the availability of funds and the relationship of the department goals to overall City priorities.

14.4 Governing Body Authority

No increases to dollar limitations or changes to the intent of this policy shall be made without approval of the Governing Body.

SECTION 15. LEASE OF REAL PROPERTY

15.1 In General

The Governing Body may lease real property which is currently underutilized in order to maximize the return on the property to the City until such time as such properties shall be required for public usage, after following an applicable process which results in a fair market value determination which is financially most advantageous to the City. Nothing herein shall prevent the City Manager or designated representative from negotiating the lease to a Lessee of any real property that is shown to have a unique value to such Lessee due to its configuration, accessibility or size. The Governing Body shall have final approval of all such negotiations and any transaction.

SECTION 16. DISPOSAL OF CITY ASSETS

16.1 K.S.A. 12-101

K.S.A. 12-101 allows cities to “sell and convey real or personal estate owned by the city.” When an item no longer is needed by a City Department, the respective Department Head should attempt to redistribute the item within City Departments. Should there be no need for the item across City departments, such items may be given to other local governmental agencies, local not-for-profit agencies, or may be sold or traded outside of the City. If sold, departments shall determine an applicable fair market value which is financially most advantageous to the City. Unusable property or parts that have a market value will be sold “as is” through available markets approved by City Management. Usable property which cannot

be relocated across City departments will be disposed of in accordance with the following procedures.

1. *Limitations.* Any asset which, at the time of purchase, was paid by City warrant in the amount of $15,000 or more, must receive approval by the City Manager.
2. *Prohibitions.* Under no circumstances will any employee, or family-member of an employee, have access to or ownership of any asset that is being disposed of in accordance with this policy unless such asset is being offered for sale to the general public and the process for such sale is open to any individual intending to offer a bid on such asset.
3. *Documents.* All documents will be disposed of in accordance with State policies governing same. Any document which has, or appears to have, historical value will be separated for further examination by officials approved through the Kansas State Historical Society.
4. *Computing Technology.* The IT Department shall be responsible for disposing of City computing technology assets. It is the responsibility of the IT Department and their employees to see that all data residing on any type of storage device is removed from any computing technology prior to the equipment leaving their possession.
5. *Notification.* Prior to transferring or disposing of City assets, each Department Head will determine whether such asset is part of the City's ongoing fixed asset inventory. If so, a complete description of the asset being transferred or disposed of will be sent to the Finance Department.

SECTION 17. ETHICS

17.1 Ethical Standards

All City employees authorized to conduct purchasing activities on behalf of the City shall adhere to the highest degree of ethical standards, including the avoidance of nepotism. No employee shall engage in or permit any illegal or improper purchasing practice. Further, any employee having knowledge of any questionable practice shall immediately report this knowledge to their respective Department Head or the City Manager. Engaging in or permitting unethical or illegal conduct constitutes grounds for disciplinary action in accordance with the City's disciplinary policies.

SECTION 18. RESPONSIBILITY FOR ENFORCEMENT

18.1 General

The City Manager will have the responsibility for the enforcement of this administrative policy. Department Heads will be entrusted with the responsibility of enforcing the policy within their departments.

Report
CITY OF INDEPENDENCE
May 26, 2022

Department Public Works & Utilities **Director Approval John Garris**

AGENDA ITEM Capital Projects Report.

BACKGROUND The latest Capital Projects Report is attached.

SUPPORTING DOCUMENTS

1. Project Status 5-2022

	Project Title	Project Description/Scope	Approx. Cost (000's)	Grant Portion	Arch. or Eng. Partner	Status	Last Month Progress	Next Month Plan/Issues	Projected Const Start	Projected Compl.
1	Communication Tower	Build new communication tower for emergency services north of historic City Hall.	$1,000	TBD	Sabre Industries	Pre-design.	RCA for award of consultant 4/28.	Consultant awarded.	TBD	TBD
2	Public Works Building	New building for Water, Street, and Sanitation	$1,000		Echelon	Pre-design.	Second meeting scheduled, concept drawing created.	Estimate anticipated early June.	2Q23	4Q23
3	Evidence Building	Buildout of existing building for evidence storage.	$260		Echelon	Design in progress.	Finalizing drawings, reviewing cost implications.	90% set of drawings for review, working on Permit drawings.	TBD	TBD
4	Zoo and Park Power	Move power feed for Zoo and Park underground	$300		PEC	Design in progress.	Working with PGAV on concept, start report.	Working with PGAV on concept, started on written report	1Q22	2Q23
5	Zoo Master Plan	Create Master Plan for the future of the Zoo.	$80		PGAV	Planning in progress.	Create draft Strategic Assessment, second on-site workshop.	Late June Product Development Review, understand revenue issues.	4Q21	3Q22
6	Parking Lot N. of City Hall	Design and construct new parking lot north of historic City Hall.	$600	TBD	Treanor	Design in progress.	Finalize drawings.	Drawings ready for review.	TBD	TBD
7	CCLIP Grant	Reconstruct Penn from Morningside to City Limits	$500	$370	TranSystems	Design in progress.	Traffic plan reviewed and will be changed.	Checking plans and preparing to send back to KDOT.	1Q23	2Q23
8	CCLIP Grant	Mill and overlay Chestnut from 9th to Penn	$220	$150	TranSystems	Design in progress.	KDOT wants to bid this year (summer 2022).	Plans have been sent back to KDOT.	3Q22	2Q23
9	SE Improvements	Improvements to Lift Station for Reliability	$170		TranSystems	Design in progress.	Design review.	Complete design.	2Q22	4Q22
10	Central Park	New soccer fields, revamp existing ball fields.	$7,500	TBD	Indigo	Design in progress.	Working 3D modeling, receive final report on storm sewer, review sports lighting proposals.	On hold. Finalize review of storm sewer, conduct site visit on woodland removal.	TBD (Bid on Hold)	TBD (Bid on Hold)
11	Waterline/Meter Project	New Water Meters, Replace Some Water Main	$3,400		PEC	Design in progress.	100% plan review, prepare for bidding.	100% plan review, prepare KDHE Submittal.	2Q22	4Q22
12	Water Plant Master Plan	Create Master Plan for water treatment system.	$6,000		PEC	Design in progress.	Receive plans, prepare for plan review.	100% plans to City, prepare for bidding.	1Q22	4Q26
13	KDHE Wastewater Loan	New sewer lines around 1st and Birch and around the Westminster area.	$3,000		TranSystems	Pre-bid.	Waiting on final loan document (waiting on KDHE). Working on obtaining easements.	Receive final loan document (waiting on KDHE). Working on obtaining easements.	2Q22	4Q22
14	CDBG	Lakeview lift station, I and I abatement.	$1,400	$700	TranSystems	Award.	Received bids 4/19. Receive final loan document (waiting for KDHE).	Prepare award. Receive final loan document (waiting for KDHE - same loan).	2Q22	4Q22
15	Airport Taxiway	Remove Taxiway B, Rehabilitate Taxiway D and Terminal Apron	$750	$720	Lochner	Preconstruction.	Hold.	Hold. (June 2022 start to accommodate Textron production schedule).	2Q22	3Q22
16	Wayfinding Signs	Design and installation of wayfinding signs in the City	$340		Avia	Preconstruction.	Deductive change order executed.	Project in process.	3Q22	3Q22
17	Water Park	Recoating of towers and slides	$150		N/A	Preconstruction.	Project start.	Project completion.	2Q22	2Q22
18	City Hall/Fire/EMS	Refinish City Hall, construct new Fire/EMS personnel spaces.	$10,000		Treanor	In construction.	Construction started on EMS. Contractor mobilized	Construction in progress.	1Q22	2Q23
19	Enterprise Drive	Buildout of street, utilities	$1,700	$1,100	TranSystems	In construction.	Under construction, 90% earthwork, water/sewer in.	Enterprise and Hackney intersection under construction, preparing for curb and gutter, working ROW issue.	1Q22	2Q22
20	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	$3,100	$1,600	TranSystems	In construction.	Storm sewer issue - working on pricing for potential change order.	Started paving, working with RR on engineering approval of suggested fix.	1Q22	3Q22
21	KDOT: 10th & Main	Complete rebuild, 8th to 10th	$1,700	$1,000	TranSystems	In construction.	In construction.	In construction.	1Q22	2Q22?
22	Kiddy Land Sidewalk	Sidewalk at Kiddie Land	$250		TranSystems	In construction.	In construction.	In construction. Finish final panels pending restroom construction.	4Q21	2Q22
23	Kiddy Land Restroom	Restroom.	$150		BG Consult.	In construction.	In construction.	Revised roof color.	1Q21	2Q22
24	ADA 2021	Five+ locations - Big Cheese Lot, 100 Block W., North 10th, Zoo, 10th St., Alley Work	$100		TranSystems	In construction.	Construction in progress.	Construction in progress.	Jul-21	3Q22
A	Airport Terminal	Upgrades/Remodel	$100	TBD	In-House	Hold.	May replace with grant.	Hold.		
B	Whiskey Creek	Artificial lake for runoff water impoundment	TBD		TranSystems	Hold.	Fourth meeting in April.	Fifth meeting in June.	TBD	TBD
C	Transp. Alt. Grant	8' sidewalk to Wal-Mart	TBD		TranSystems	Hold.	First round success, application in May.	Package submitted week of 5/9.	TBD	TBD
D	KDOT Bridge Grant	Replace Cherry Street bridge with box culvert.	$400	TBD	TranSystems	Hold.	Hold.	Hold.	TBD	TBD
E	KDOT CCLIP	Main Street - 8th to 2nd, two projects	$1,500	$1,200	TranSystems	Prepare Grant.	Meeting with KDOT, wait.	Wait.	TBD	TBD
F	KDOT Cost Share	Sycamore Rebuild	$1,000	$300	TranSystems	Prepare Grant.	Apply for grant, wait.	Apply for grant, wait.	TBD	TBD
G	FAA Terminal	New terminal.	$2,700	$2,565	Lochner/Echel	Prepare Grant.	Apply for grant, wait.	Wait.	2023	2025
H	Library/Memorial Hall	Maintenance projects.	TBD		Echelon	Review	Determine scope.	Report on Memorial Hall by end of month, Library to follow.	TBD	TBD

Green shade denotes changed/new information from last month.

Report
CITY OF INDEPENDENCE
May 26, 2022

Department Finance **Director Approval Lacey Lies**

AGENDA ITEM Sales Tax Reports for March, April and May.

BACKGROUND

SUPPORTING DOCUMENTS

1. March 2022 Sales Tax Report
2. April 2022 Sales Tax Report
3. May 2022 Sales Tax Report

March 2022 Sales Tax Report

City of Independence Kansas

Office of the Finance Director May 20, 2022

CITY OF INDEPENDENCE KANSAS
"Delivering Excellence"

Sales Tax Report for March 2022

One Percent Sales Tax – General Fund

The attached spreadsheet and graphs provide comparisons by fiscal year of the **one (1) percent** sales tax levied for City purposes; another one percent is levied for the Special Use Sales Tax Allocation, and another one percent for Education.

NOTE: the "receipts" reported from the State of Kansas to the City for any given month are from sales generated two months prior. For example, the March receipts shown in this report were from sales in January 2022.

March 2022 is the third month in the FY2022 Sales Tax Revenue account.

- **March** receipts totaled **$184,767,** which is an **INCREASE of $5,860** from March 2021, or **up 3.3%** (see Graph 2, "March 1% Sales Tax 10 Year History").

- March 2022 receipts are the **HIGHEST March** receipts in the 10-year history (see Graph 2, "March 1% Sales Tax 10 Year History").

- Annualized FY2022 sales tax collected (with three months reported) **is $2,389,513, or $339,513 over** our **budgeted** amount of $2,050,000; or **16.6% higher** than the budget. This would be $146,210 over our FY2021 **actual collections** of $2,243,303.

- With three months reported, we have **collected 29.1%** of the FY2022 budgeted amount of $2,050,000.

- The **Compensating Use** sales tax portion made up **15.6%** of the $184,767 total ($28,780) (see Graph 5 "2022 1% Sales Tax – Monthly/Compensating Use Sales Tax and Sales Tax.").

THANK YOU
For Shopping Local!

"Delivering

City of Independence
Sales Tax - 1% City

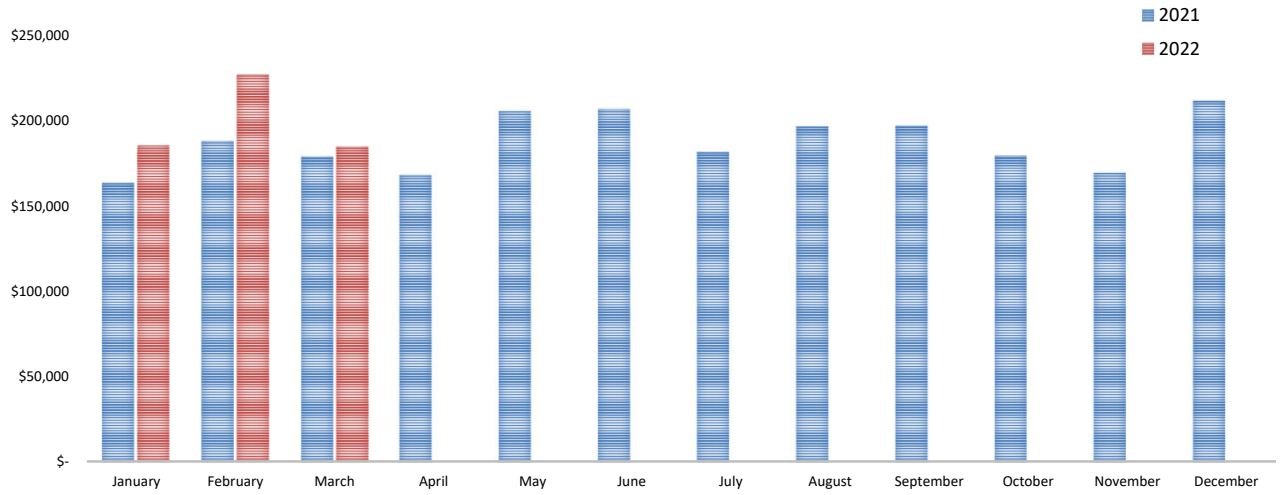
Comparison and History
January - March 2022

Month	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022	% Change FY 20-21	% Change YTD
January	155,458	150,653	163,240	172,377	169,033	163,252	185,340	13.5%	13.5%
February	178,180	179,791	165,834	178,399	200,053	187,879	227,272	21.0%	17.5%
March	**150,239**	**139,664**	**146,833**	**167,292**	**149,607**	**178,907**	**184,767**	**3.3%**	**12.7%**
April	155,915	160,947	155,702	139,790	172,804	167,798			-14.4%
May	175,729	166,595	183,899	187,854	166,798	205,282			-33.9%
June	156,021	145,881	147,180	158,263	179,353	206,304			-46.2%
July	167,882	164,178	167,392	169,308	179,594	181,396			-53.7%
August	155,386	164,255	174,341	180,142	221,770	196,182			-59.8%
September	160,338	146,156	159,813	186,618	166,847	196,679			-64.5%
October	164,757	155,995	163,360	164,463	177,190	179,011			-67.9%
November	158,752	158,730	160,797	159,872	183,599	169,058			-70.6%
December	150,228	166,874	166,699	159,474	169,275	211,556			-73.4%
Total:	**$ 1,928,886**	**$ 1,899,720**	**$ 1,955,089**	**$ 2,023,851**	**$ 2,135,922**	**$ 2,243,303**	**$ 597,378**		
% change		*-2%*	*3%*	*4%*	*6%*	*10.8%*	*-73.4%*		

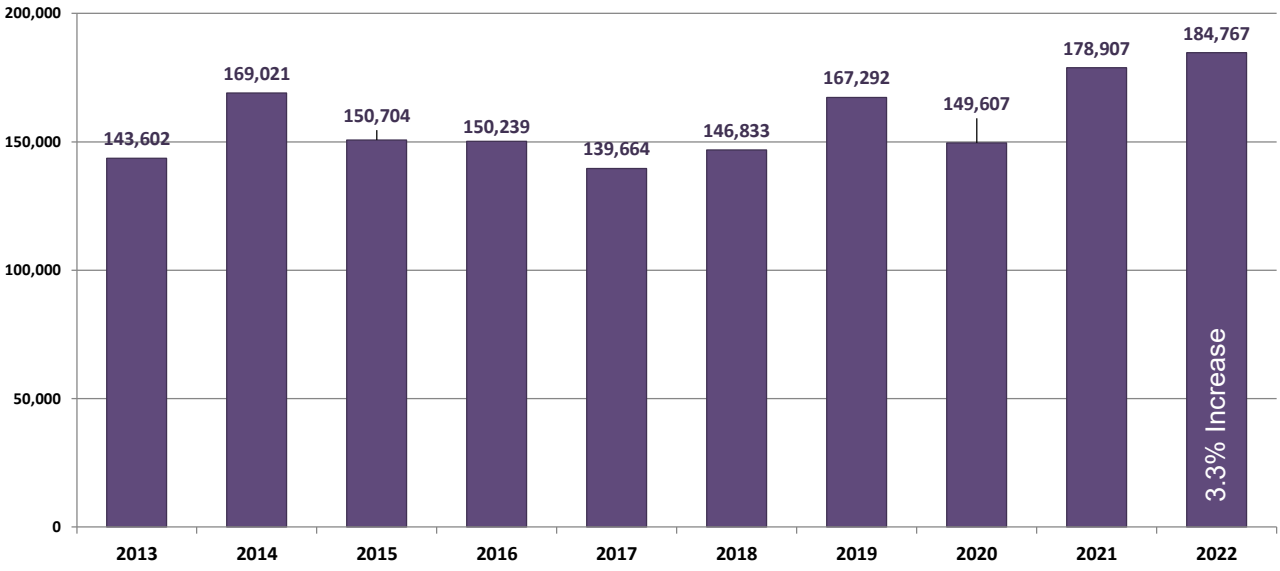
Annual	$ 2,135,922	$ 2,243,303	$ 2,389,513	$ 146,210
Budget	$ 1,931,101	$ 1,935,000	$ 2,050,000	$ 115,000
Collections Over (under) Budget	**$ 204,821**	**$ 308,303**	**$ 339,513**	

Projected % Over PY Actual	**6.5%**
YTD % of Budget Collected	**29.1%**
Projected % Over Budget	**16.6%**

Sales Tax FY 2021 - FY2022 Comparison

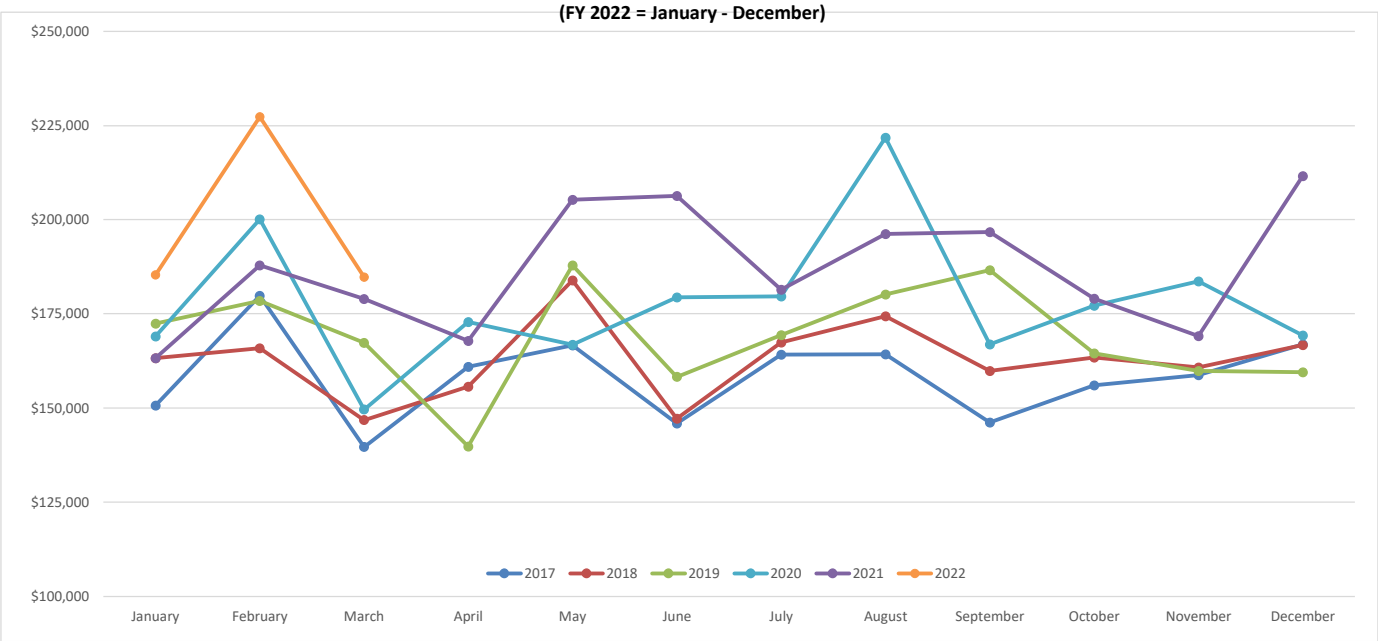


March 1% Sales Tax 10 Year History
FY 2013 - FY2022

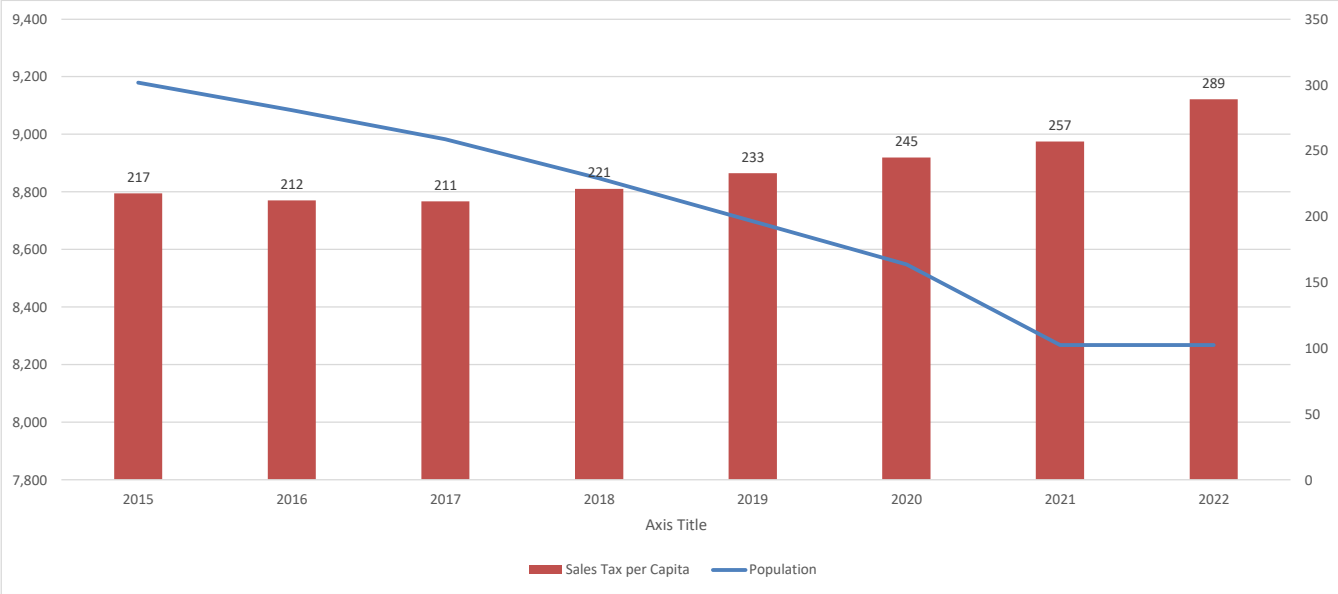


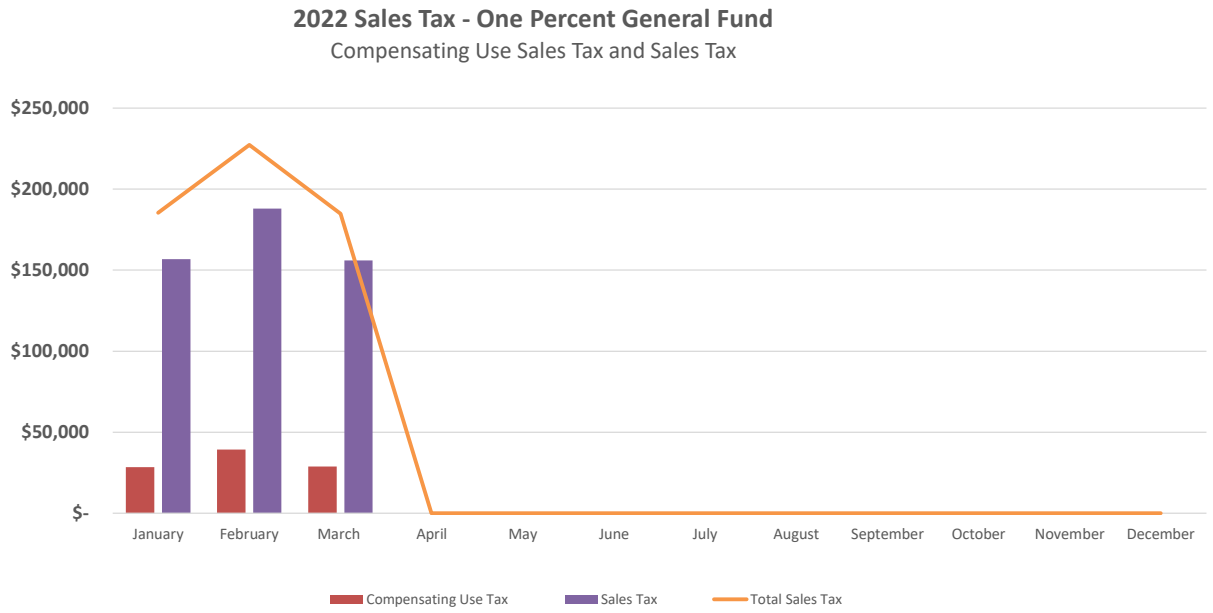
Sales Tax History Comparison - FY 2017 - FY2022

(FY 2022 = January - December)



Sales Tax per Capita and Population Trend




2022 Sales Tax - One Percent General Fund
Compensating Use Sales Tax and Sales Tax
$250,000
$200,000
$150,000
$100,000
$50,000
$-
January
February
March
April
May
June
July
August
September
October
November
December
Compensating Use Tax
Sales Tax
Total Sales Tax

CITY OF INDEPENDENCE KANSAS

April 2022 Sales Tax Report

City of Independence Kansas

Office of the Finance Director May 20, 2022

CITY OF INDEPENDENCE KANSAS
"Delivering Excellence"

Sales Tax Report for April 2022

One Percent Sales Tax – General Fund

The attached spreadsheet and graphs provide comparisons by fiscal year of the **one (1) percent** sales tax levied for City purposes; another one percent is levied for the Special Use Sales Tax Allocation, and another one percent for Education.

NOTE: the "receipts" reported from the State of Kansas to the City for any given month are from sales generated two months prior. For example, the April receipts shown in this report were from sales in February 2022.

April 2022 is the fourth month in the FY2022 Sales Tax Revenue account.

- **April** receipts totaled **$195,697,** which is an **INCREASE of $27,899** from April 2021, or **up 16.6%** (see Graph 2, "April 1% Sales Tax 10 Year History").

- April 2022 receipts are the **HIGHEST April** receipts in the 10-year history, by 13.2% (see Graph 2, "April 1% Sales Tax 10 Year History").

- Annualized FY2022 sales tax collected (with four months reported) **is $2,379,225, or $329,225 over** our **budgeted** amount of $2,050,000; or **16.1% higher** than the budget. This would be $135,923 over our FY2021 **actual collections** of $2,243,303.

- With four months reported, we have **collected 38.7%** of the FY2022 budgeted amount of $2,050,000.

- The **Compensating Use** sales tax portion made up **24.9%** of the $195,697 total ($48,659) (see Graph 5 "2022 1% Sales Tax – Monthly/Compensating Use Sales Tax and Sales Tax.").

THANK YOU
For Shopping Local!

"Delivering

City of Independence
Sales Tax - 1% City

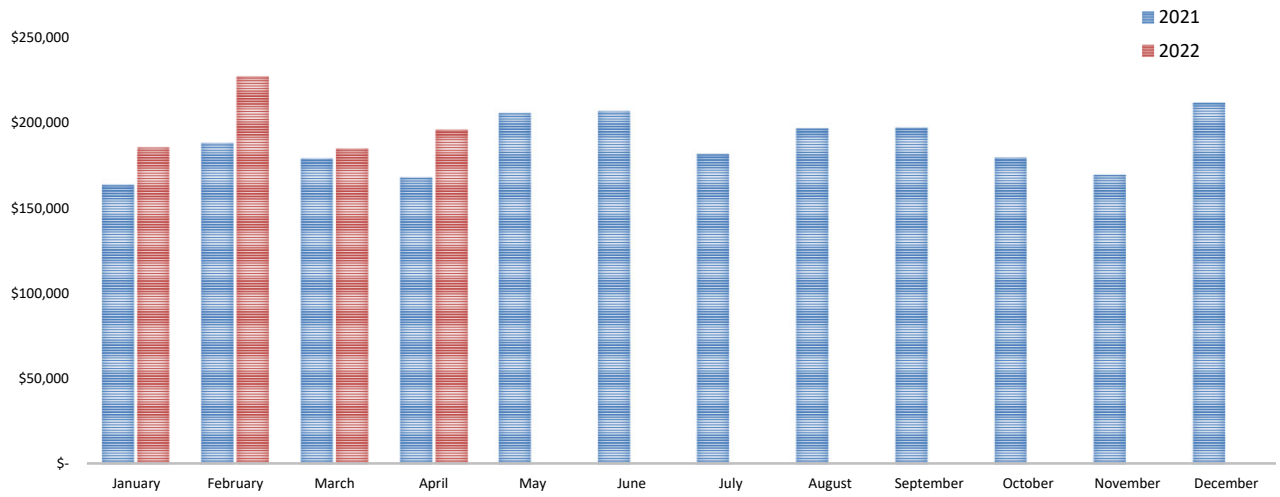
Comparison and History
January - April 2022

Month	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022	% Change FY 20-21	% Change YTD
January	155,458	150,653	163,240	172,377	169,033	163,252	185,340	13.5%	13.5%
February	178,180	179,791	165,834	178,399	200,053	187,879	227,272	21.0%	17.5%
March	150,239	139,664	146,833	167,292	149,607	178,907	184,767	3.3%	12.7%
April	**155,915**	**160,947**	**155,702**	**139,790**	**172,804**	**167,798**	**195,697**	**16.6%**	**13.6%**
May	175,729	166,595	183,899	187,854	166,798	205,282			-12.2%
June	156,021	145,881	147,180	158,263	179,353	206,304			-28.5%
July	167,882	164,178	167,392	169,308	179,594	181,396			-38.6%
August	155,386	164,255	174,341	180,142	221,770	196,182			-46.7%
September	160,338	146,156	159,813	186,618	166,847	196,679			-52.9%
October	164,757	155,995	163,360	164,463	177,190	179,011			-57.4%
November	158,752	158,730	160,797	159,872	183,599	169,058			-61.0%
December	150,228	166,874	166,699	159,474	169,275	211,556			-64.6%
Total:	**$ 1,928,886**	**$ 1,899,720**	**$ 1,955,089**	**$ 2,023,851**	**$ 2,135,922**	**$ 2,243,303**	**$ 793,075**		
% change		*-2%*	*3%*	*4%*	*6%*	*10.8%*	*-64.6%*		

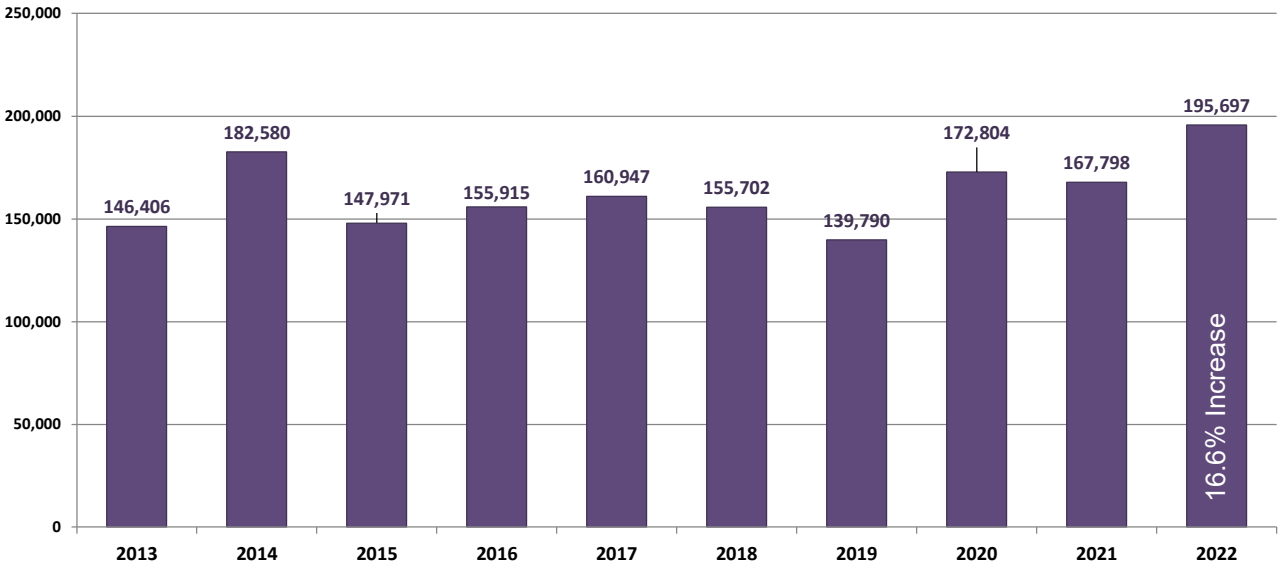
Annual	$ 2,135,922	$ 2,243,303	$ 2,379,225	$ 135,923
Budget	$ 1,931,101	$ 1,935,000	$ 2,050,000	$ 115,000
Collections Over (under) Budget	**$ 204,821**	**$ 308,303**	**$ 329,225**	

Projected % Over PY Actual	**6.1%**
YTD % of Budget Collected	**38.7%**
Projected % Over Budget	**16.1%**

Sales Tax FY 2021 - FY2022 Comparison

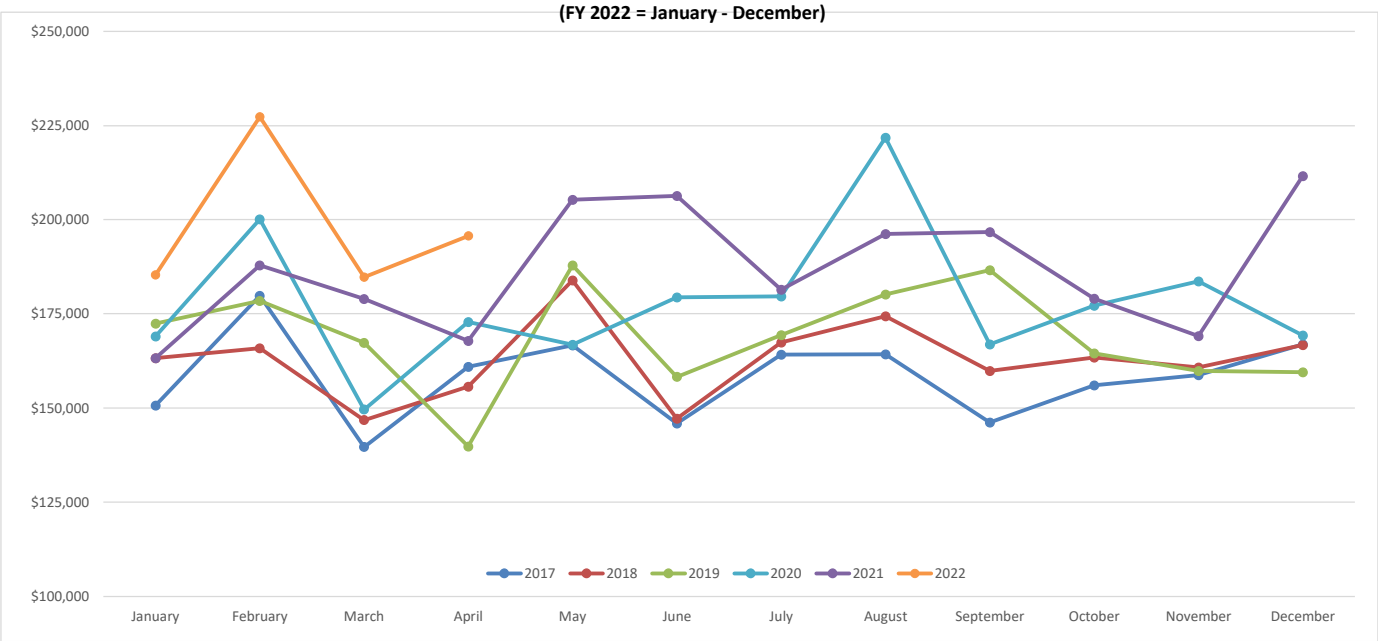


April 1% Sales Tax 10 Year History
FY 2013 - FY2022

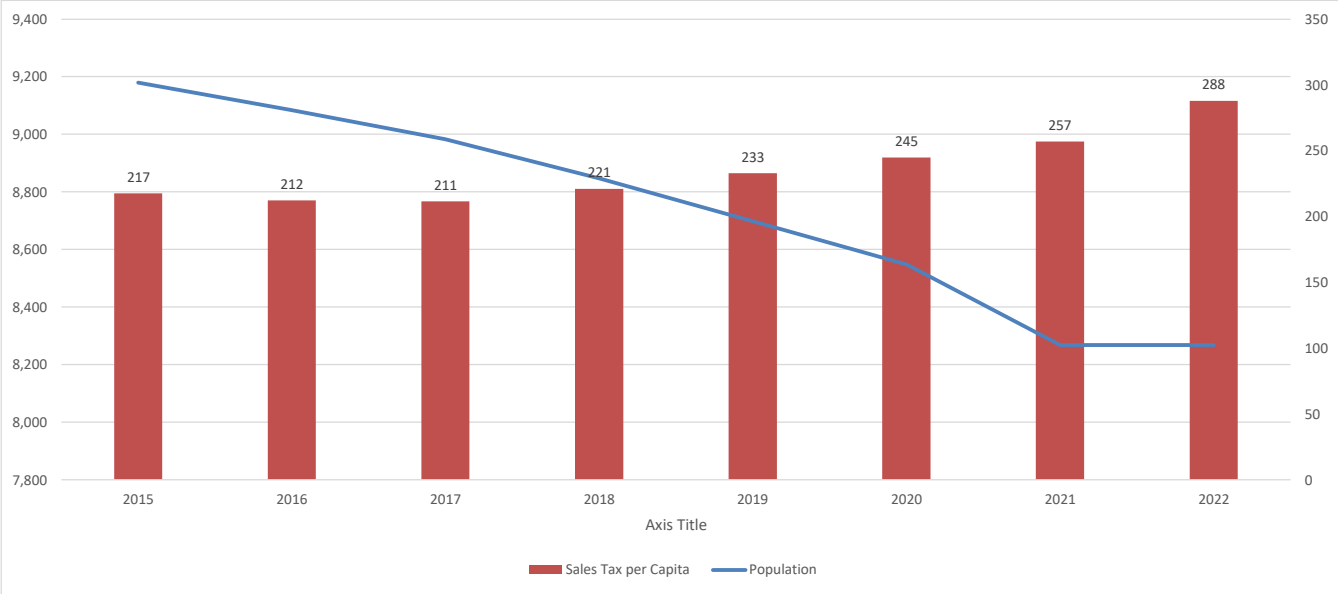


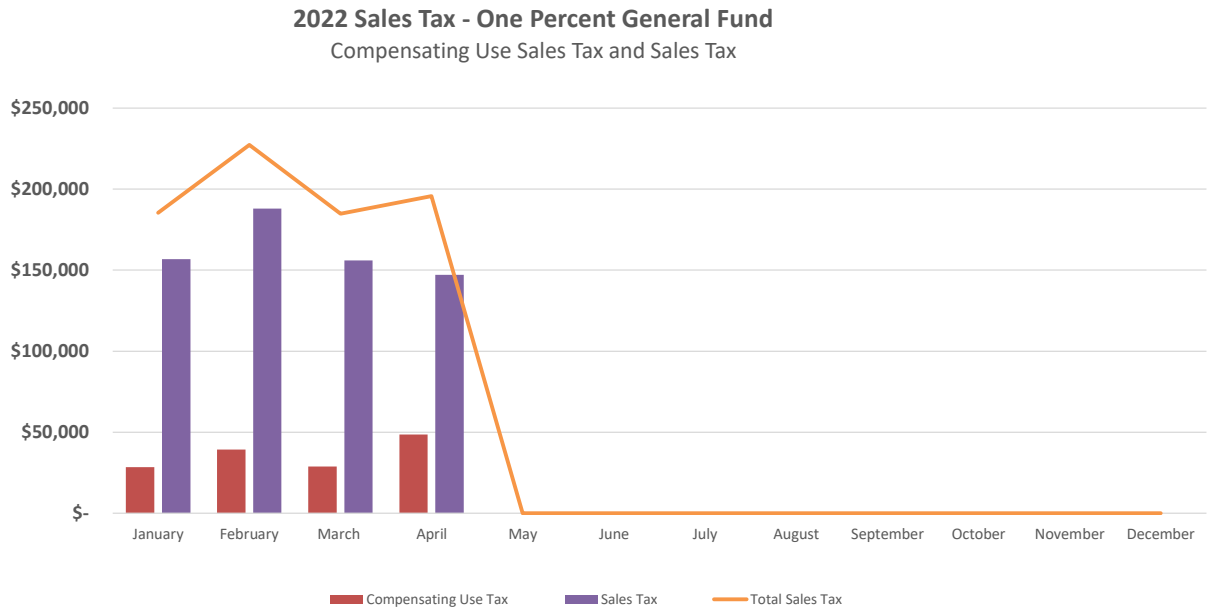
Sales Tax History Comparison - FY 2017 - FY2022

(FY 2022 = January - December)



Sales Tax per Capita and Population Trend




2022 Sales Tax - One Percent General Fund
Compensating Use Sales Tax and Sales Tax
$250,000
$200,000
$150,000
$100,000
$50,000
$-
January
February
March
April
May
June
July
August
September
October
November
December
Compensating Use Tax
Sales Tax
Total Sales Tax

May 2022 Sales Tax Report

City of Independence Kansas

Office of the Finance Director May 20, 2022

CITY OF INDEPENDENCE KANSAS
"Delivering Excellence"

Sales Tax Report for May 2022

One Percent Sales Tax – General Fund

The attached spreadsheet and graphs provide comparisons by fiscal year of the **one (1) percent** sales tax levied for City purposes; another one percent is levied for the Special Use Sales Tax Allocation, and another one percent for Education.

NOTE: the "receipts" reported from the State of Kansas to the City for any given month are from sales generated two months prior. For example, the May receipts shown in this report were from sales in March 2022.

May 2022 is the fifth month in the FY2022 Sales Tax Revenue account.

- **May** receipts totaled **$233,465,** which is an **INCREASE of $28,183** from May 2021, or **up 13.7%** (see Graph 2, "May 1% Sales Tax 10 Year History").

- May 2022 receipts are the **HIGHEST May** receipts in the 10-year history (see Graph 2, "May 1% Sales Tax 10 Year History").

- Annualized FY2022 sales tax collected (with five months reported) **is $2,463,697, or $413,697 over** our **budgeted** amount of $2,050,000; or **20.2% higher** than the budget. This would be $220,394 over our FY2021 **actual collections** of $2,243,303.

- With five months reported, we have **collected 50.1%** of the FY2022 budgeted amount of $2,050,000.

- The **Compensating Use** sales tax portion made up **17.2%** of the $233,465 total ($40,250) (see Graph 5 "2022 1% Sales Tax – Monthly/Compensating Use Sales Tax and Sales Tax.").

THANK YOU
For Shopping Local!

"Delivering

City of Independence
Sales Tax - 1% City

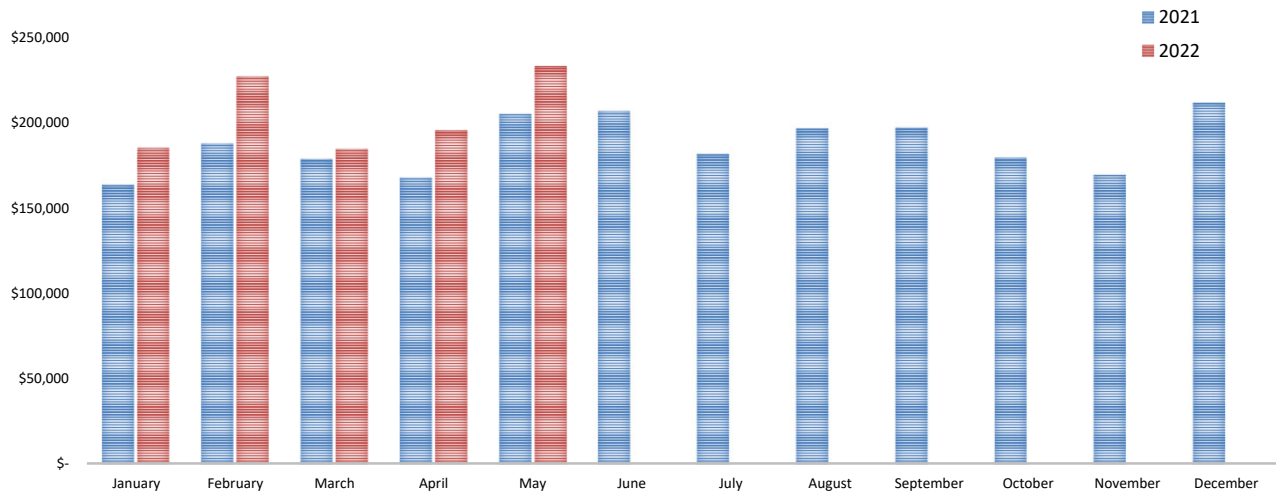
Comparison and History
January - May 2022

Month	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022	% Change FY 20-21	% Change YTD
January	155,458	150,653	163,240	172,377	169,033	163,252	185,340	13.5%	13.5%
February	178,180	179,791	165,834	178,399	200,053	187,879	227,272	21.0%	17.5%
March	150,239	139,664	146,833	167,292	149,607	178,907	184,767	3.3%	12.7%
April	155,915	160,947	155,702	139,790	172,804	167,798	195,697	16.6%	13.6%
May	**175,729**	**166,595**	**183,899**	**187,854**	**166,798**	**205,282**	**233,465**	**13.7%**	**13.7%**
June	156,021	145,881	147,180	158,263	179,353	206,304			-7.5%
July	167,882	164,178	167,392	169,308	179,594	181,396			-20.5%
August	155,386	164,255	174,341	180,142	221,770	196,182			-31.0%
September	160,338	146,156	159,813	186,618	166,847	196,679			-39.0%
October	164,757	155,995	163,360	164,463	177,190	179,011			-44.9%
November	158,752	158,730	160,797	159,872	183,599	169,058			-49.5%
December	150,228	166,874	166,699	159,474	169,275	211,556			-54.2%
Total:	**$ 1,928,886**	**$ 1,899,720**	**$ 1,955,089**	**$ 2,023,851**	**$ 2,135,922**	**$ 2,243,303**	**$ 1,026,540**		
% change		*-2%*	*3%*	*4%*	*6%*	*10.8%*	*-54.2%*		

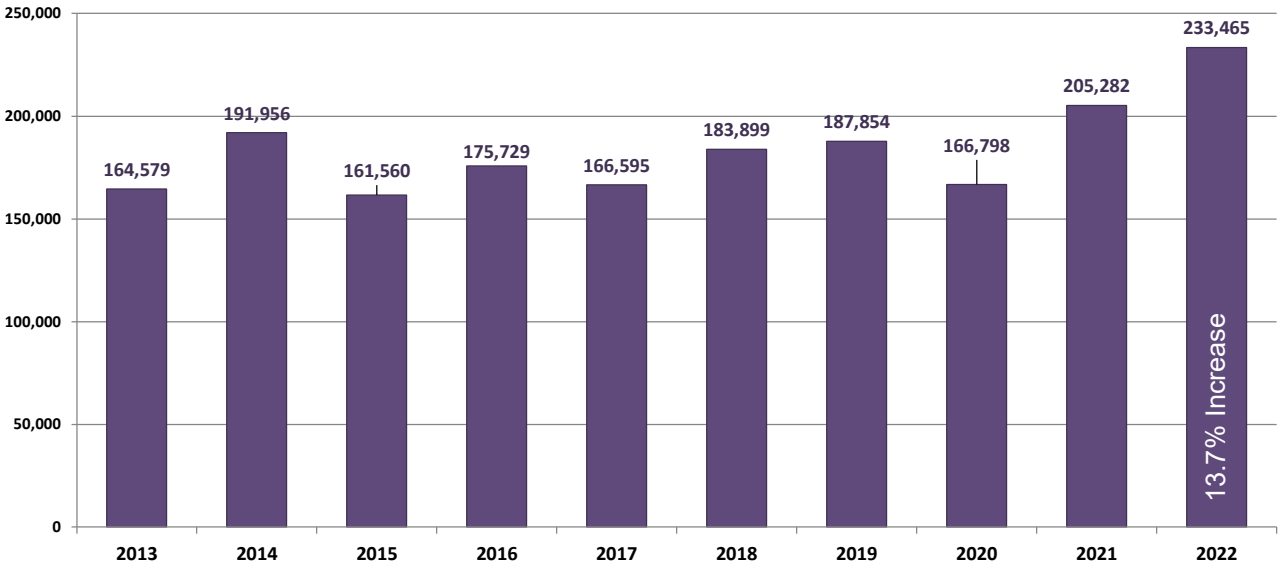
Annual	$ 2,135,922	$ 2,243,303	$ 2,463,697	$ 220,394
Budget	$ 1,931,101	$ 1,935,000	$ 2,050,000	$ 115,000
Collections Over (under) Budget	**$ 204,821**	**$ 308,303**	**$ 413,697**	

Projected % Over PY Actual	**9.8%**
YTD % of Budget Collected	**50.1%**
Projected % Over Budget	**20.2%**

Sales Tax FY 2021 - FY2022 Comparison

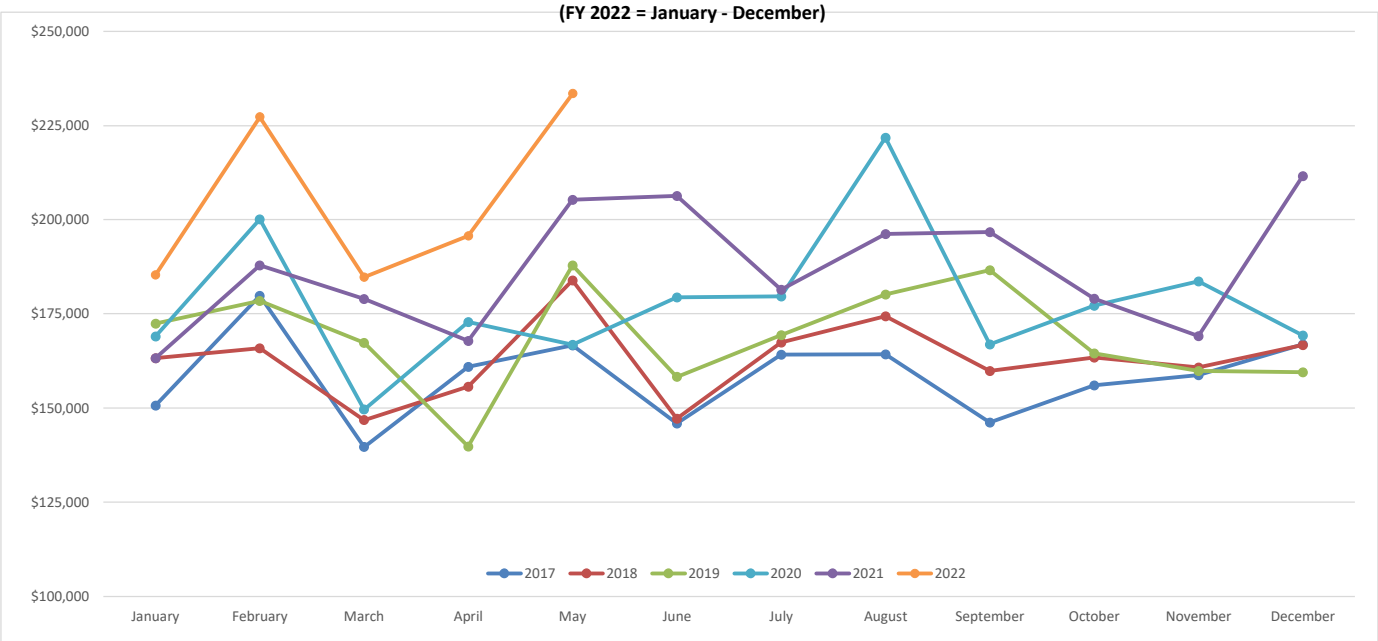


May 1% Sales Tax 10 Year History
FY 2013 - FY2022

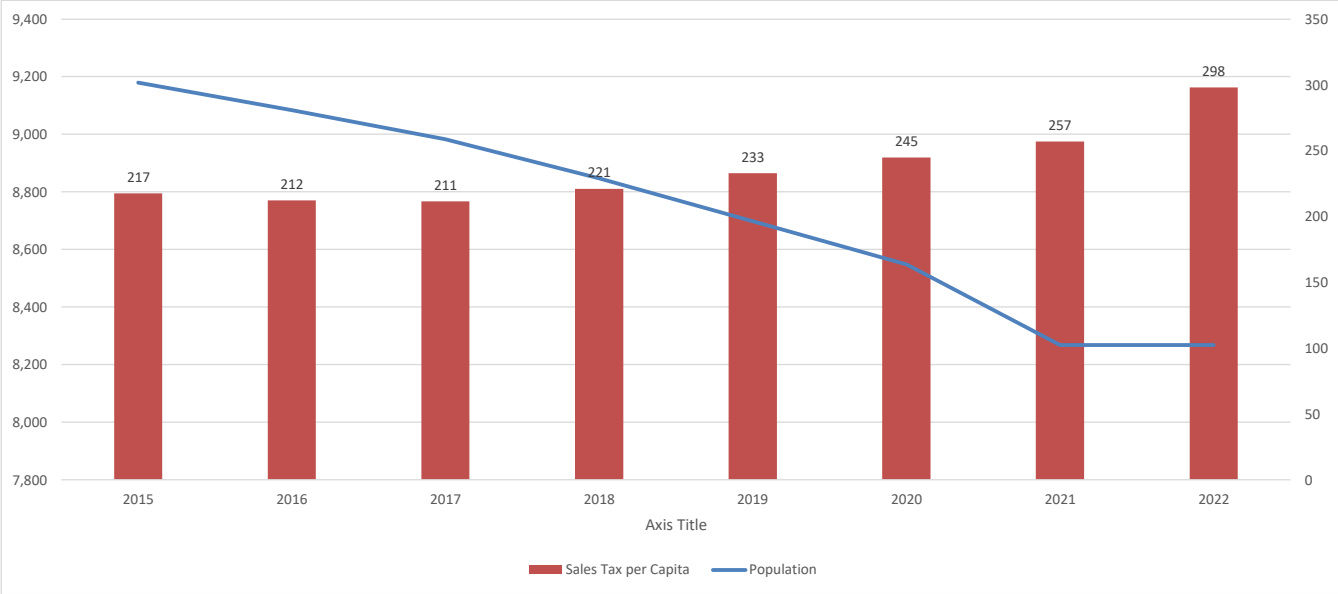


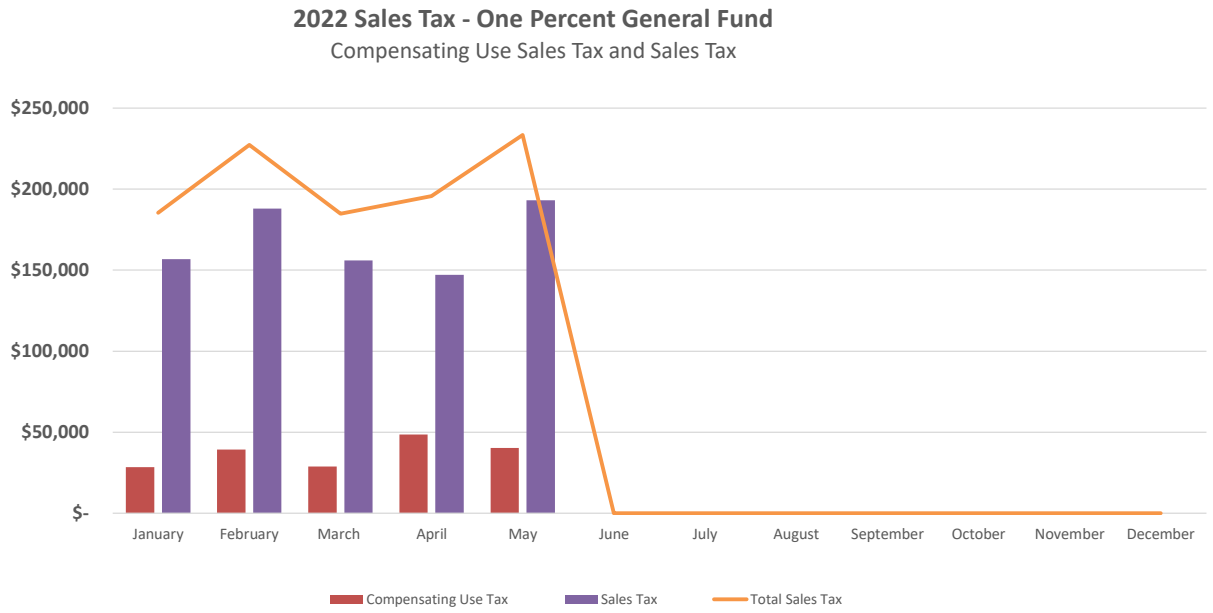
Sales Tax History Comparison - FY 2017 - FY2022

(FY 2022 = January - December)



Sales Tax per Capita and Population Trend




2022 Sales Tax - One Percent General Fund
Compensating Use Sales Tax and Sales Tax
$250,000
$200,000
$150,000
$100,000
$50,000
$-
January
February
March
April
May
June
July
August
September
October
November
December
Compensating Use Tax
Sales Tax
Total Sales Tax