

## AGENDA

# Independence City Commission

March 10, 2022

Civic Center Memorial Hall 5:30 PM

To participate by conference call:

1 785-289-4727 Conference ID: 197 828 702#

### I. REGULAR SESSION

A. Call To Order

B. Pledge Of Allegiance To The United States Of America

C. Adoption Of Agenda

### II. PRESENTATIONS

A. Presentation Of Lifesaving Awards To The Following Employees:

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

*Documents:*

[LIFESAVING AWARDS.PDF](#)

### 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 An Agreement With Community Mission For Approved Housing.**

*Documents:*

[RCA - CMIH.PDF](#)

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

*Documents:*

[RCA BOUNDARY 2022.PDF](#)

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

*Documents:*

[RCA - ORDINANCE-BOARDABSENCES.PDF](#)

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

*Documents:*

[RCA-CHANGEORDER.PDF](#)

**E. Consider Cancelling The March 16, 2022 Special Commission Meeting.**

*Documents:*

[RCA - CANCEL MEETING.PDF](#)

**IV. ITEMS FOR COMMISSION ACTION**

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

*Documents:*

[RCA - ARBOR DAY PROCLAMATION 2022.PDF](#)

**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.**

*Documents:*

[RCA - SET PH 317 S 2ND.PDF](#)

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

*Documents:*

[2022 RCA ENTERPRISE DRIVE CHANGE ORDER NUMBER 1.PDF](#)

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

*Documents:*

[RCA KDOT COST SHARE APPLICATION - SYCAMORE.PDF](#)

## **V. REPORTS**

### **A. Economic Development Advisory Board Summary Recommendation**

*Documents:*

[EDAB RECOMMENDATION.PDF](#)

### **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

*Documents:*

[CITY BOARD MINUTES.PDF](#)

## **VI. CITY MANAGER'S COMMENTS**

**VII. COMMISSIONERS' COMMENTS**

**VIII. PUBLIC CONCERNS**

**IX. ADJOURNMENT**



**PRESENTATIONS**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

**Department** Police/Fire-EMS

**Director Approval** Chief Harrison/Chief Wallis

**AGENDA ITEM** Presentation of Lifesaving Awards to the following employees:

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

**BACKGROUND**

**Police Department**

On 2-8-2022 at 7:20 AM, Officer Hilary Cook was working as a dispatcher for IPD Dispatch. She received a call of 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.

**Fire/EMS**

On February 8, 2022, at approximately 0727 hrs., Independence Fire/EMS were dispatched to a residence for report of a female not breathing. Upon arrival, the husband was administering CPR with over the phone assistance from IPD dispatch. We took over CPR and initiated Advanced Life Support and called for a medical helicopter which resulted in the saving of her life.



**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
March 10, 2022**

**Department Finance**

**Director Approval Lacey Lies**

**AGENDA ITEM** Consider approving an agreement with Community Mission for Approved Housing.

**SUMMARY RECOMMENDATION** City staff recommends approving the agreement with Community Mission for Improved Housing for partnership on the Neighborhood Exterior Grant Program.

**BACKGROUND** 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.

**BUDGET IMPACT** N/A

**SUGGESTED MOTION** I move to approve the agreement as presented.

**SUPPORTING DOCUMENTS**

1. 2022.02-04 CMIH Agreement

## AGREEMENT

***This Agreement*** is entered into by and between the **Community Mission for Improved Housing, Inc.**, a non-profit corporation, hereafter CMIH, and \_\_\_\_\_, hereafter Homeowner.

***Whereas***, Homeowner owns the improved property located at \_\_\_\_\_, Independence, Kansas, and has made application for funds from the Independence Neighborhood Exterior Grant Program.

***And Whereas***, CMIH wishes to assist Homeowner in funding the improvements to Homeowner's property which qualify for partial reimbursement under the Independence Neighborhood Exterior Grant Program.

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

1. **Independence Neighborhood Exterior Grant Program.** The City of Independence, Kansas, has created the Independence Neighborhood Exterior Grant Program. Pursuant to this program, a homeowner who meets certain qualifications may apply for and receive up to a \$5,000.00 reimbursement of costs of improvement to the homeowner's property provided they meet all qualifications of the grant program.

2. **CMIH Loan.** CMIH agrees to fund up to 50% of qualifying expenses for improvements to Homeowner's property, not to exceed \$5,000.00. CMIH may elect to make this funding available to Homeowner by direct payment to one or more contractors/sub-contractors employed by Homeowner to make the improvements to Homeowner's property.

3. **Homeowner Obligations.** Homeowner agrees to adhere to all rules pertaining to the Independence Neighborhood Exterior Grant Program, to supply all information required by the City of Independence under the grant program, to make timely application and follow all guidelines of the program, and to otherwise take all steps necessary to ensure that Homeowner will be entitled to a reimbursement of up to 50% of qualifying expenditures, not to exceed the sum of \$5,000.00. If CMIH determines that Homeowner is noncompliant with the rules of the Independence Neighborhood Exterior Grant Program, CMIH may withdraw from this agreement and may require Homeowner to reimburse CMIH for all funds advanced by CMIH to the date of withdrawal.

4. **Assignment for Reimbursement.** Homeowner hereby assigns, transfers and

conveys unto CMIH, Homeowner's right to receive reimbursement from the City of Independence, pursuant to the grant program, of up to 50% of qualifying expenditures for improvements to Homeowner's home, not to exceed \$5,000.00. The amount of this assignment shall not exceed the amount advanced by CMIH to Homeowner. Homeowner agrees that the City of Independence may make reimbursement directly to CMIH for funds advanced by CMIH to Homeowner for purposes of the grant program.

5. **Binding Effect.** This agreement shall be binding upon the heirs, successors and assigns of the parties hereto.

**COMMUNITY MISSION FOR IMPROVED  
HOUSING, INC.**

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DATE

By: \_\_\_\_\_  
Name:  
Title:

**HOMEOWNER**

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DATE

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Name:

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DATE

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Name:

**APPROVAL BY CITY OF INDEPENDENCE, KANSAS**

The City of Independence, Kansas, hereby 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 above.

**CITY OF INDEPENDENCE, KANSAS**

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DATE

By: \_\_\_\_\_  
Name:  
Title:



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

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**Department** Administration

**Director Approval** *John Garris*

**AGENDA ITEM** Consider an ordinance amending previous boundary ordinances and establishing the legal boundaries for the City of Independence.

**SUMMARY RECOMMENDATION** Adopt the ordinance.

**BACKGROUND** 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.

**BUDGET IMPACT** There is no anticipated budget impact.

**SUGGESTED MOTION** I move to adopt an ordinance amending previous boundary ordinances and establishing the legal boundaries.

**SUPPORTING DOCUMENTS** Proposed Boundary Ordinance

## **ORDINANCE NO. 4381**

### **AN ORDINANCE AMENDING PREVIOUS BOUNDARY ORDINANCES AND ESTABLISHING THE LEGAL BOUNDARIES FOR THE CITY OF INDEPENDENCE**

*Be it ordained by the Governing Body of the City of Independence, Kansas:*

- Section 1.** This ordinance is a “boundary ordinance” establishing the legal boundaries for the City of Independence, Kansas.
- Section 2.** This ordinance amends and replaces all previous boundary ordinances now in existence.
- Section 3.** The legal boundaries of the City of Independence, Kansas shall be as set forth on Exhibit A attached hereto and incorporated herein by reference.
- Section 4.** This ordinance shall take effect upon its publication in the official city newspaper.

*Adopted by the Governing Body of the City of Independence, Kansas, on the 10th day of March, 2022.*

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DEAN HAYSE, Mayor

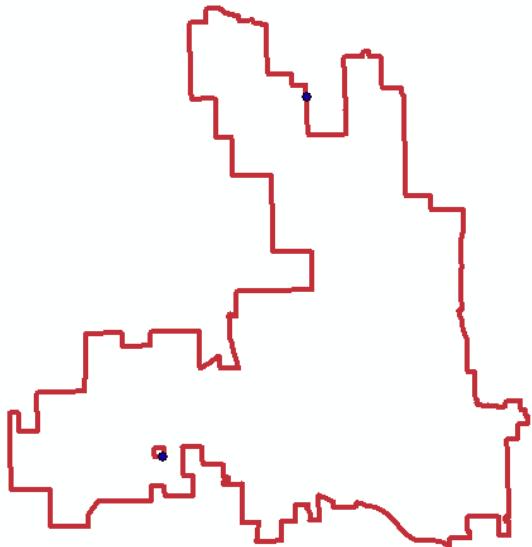
ATTEST:

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DAVID W. SCHWENKER, City Clerk

Exhibit A

Boundary 1



Beginning at a point at the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 13, Township 32 South, Range 15 East, then bearing S  $0^{\circ}12'13''$  E for a distance of 72.594'; bearing S  $0^{\circ}12'15''$  E for a distance of 155.293'; bearing S  $0^{\circ}12'15''$  E for a distance of 199.018'; bearing S  $0^{\circ}12'15''$  E for a distance of 178.474'; bearing S  $0^{\circ}12'15''$  E for a distance of 187.074'; bearing S  $0^{\circ}12'14''$  E for a distance of 183.46'; bearing S  $0^{\circ}12'15''$  E for a distance of 293.86'; bearing S  $0^{\circ}58'43''$  W for a distance of 40'; bearing S  $89^{\circ}42'50''$  E for a distance of 170.962'; bearing S  $89^{\circ}24'0''$  E for a distance of 377.301'; bearing S  $89^{\circ}5'16''$  E for a distance of 231.72'; bearing S  $89^{\circ}31'30''$  E for a distance of 475.214'; bearing N  $88^{\circ}41'39''$  E for a distance of 73.759'; bearing N  $0^{\circ}18'48''$  W for a distance of 834.735'; bearing N  $0^{\circ}15'55''$  E for a distance of 51.491'; bearing N  $4^{\circ}2'12''$  E for a distance of 126.581'; bearing N  $2^{\circ}4'10''$  E for a distance of 35.905'; bearing N  $1^{\circ}39'53''$  W for a distance of 246.093'; bearing N  $2^{\circ}57'33''$  W for a distance of 5.206'; bearing N  $0^{\circ}4'12''$  W for a distance of 37.658'; bearing N  $0^{\circ}8'5''$  E for a distance of 160.393'; bearing N  $0^{\circ}18'59''$  E for a distance of 150.654'; bearing N  $0^{\circ}9'47''$  W for a distance of 294.208'; bearing N  $0^{\circ}9'48''$  W for a distance of 193.368'; bearing N  $0^{\circ}9'48''$  W for a distance of 167.885'; bearing N  $0^{\circ}9'47''$  W for a distance of 161.688'; bearing N  $0^{\circ}9'48''$  W for a distance of 160.449'; bearing N  $1^{\circ}1'25''$  W for a distance of 20.009'; bearing S  $89^{\circ}20'55''$  E for a distance of 430.358'; bearing S  $87^{\circ}25'37''$  E for a distance of 182.95'; bearing N  $88^{\circ}33'40''$  E for a distance of 49.018'; bearing N  $0^{\circ}56'13''$  E for a distance of 22.384'; bearing N  $0^{\circ}59'57''$  E for a distance of 153.976'; bearing S  $89^{\circ}48'26''$  E for a distance of 190.778'; bearing S  $1^{\circ}10'31''$  W for a distance of 153.385'; bearing S  $1^{\circ}32'4''$  W for a distance of 20'; bearing S  $88^{\circ}17'6''$  E for a distance of 137.832'; bearing S  $87^{\circ}30'16''$  E for a distance of 166.293'; bearing N  $81^{\circ}51'18''$  E for a distance of 45.319'; bearing N  $85^{\circ}42'7''$  E for a distance of 12.438'; bearing S  $74^{\circ}2'21''$  E for a distance of 14.106'; bearing S  $62^{\circ}4'38''$  E for a distance of 15.723'; bearing S  $54^{\circ}18'45''$  E for a distance of 12.038'; bearing S  $52^{\circ}50'32''$  E for a distance of 15.717'; bearing S  $55^{\circ}11'35''$  E for a distance of 20.663'; bearing S  $0^{\circ}49'22''$  W for a distance of 143.205'; bearing S  $23^{\circ}18'30''$  W for a distance of 54.242'; bearing S  $1^{\circ}34'45''$  E for a distance of 179.026'; bearing S  $2^{\circ}12'59''$  E for a distance of 250.541'; bearing S  $3^{\circ}29'43''$  E for a distance of 176.058'; bearing S  $0^{\circ}23'53''$  E for a

distance of 154.869'; bearing S 0°12'38 W" for a distance of 94.041'; bearing S 89°3'35 E" for a distance of 41.038'; bearing S 88°57'15 E" for a distance of 200.47'; bearing S 88°57'15 E" for a distance of 201.86'; bearing S 88°57'15 E" for a distance of 238.367'; bearing S 0°32'25 E" for a distance of 185.694'; bearing S 0°32'23 E" for a distance of 55.104'; bearing S 88°55'48 E" for a distance of 20.164'; bearing S 0°10'35 E" for a distance of 1114.912'; bearing S 3°25'24 E" for a distance of 31.31'; bearing S 0°30'50 E" for a distance of 452.498'; bearing S 0°30'5 W" for a distance of 576.656'; bearing S 0°0'59 E" for a distance of 325.259'; bearing S 0°33'46 E" for a distance of 308.405'; bearing S 0°7'2 W" for a distance of 139.099'; bearing S 0°2'50 W" for a distance of 520.829'; bearing S 87°36'9 E" for a distance of 29.718'; bearing S 88°41'4 E" for a distance of 754.309'; bearing S 88°41'2 E" for a distance of 58.219'; bearing S 0°36'44 W" for a distance of 91.058'; bearing S 0°36'44 W" for a distance of 388.093'; bearing S 88°56'38 E" for a distance of 553.15'; bearing S 88°56'34 E" for a distance of 10.318'; bearing S 88°56'38 E" for a distance of 78.834'; bearing S 88°56'38 E" for a distance of 474.001'; bearing S 3°59'58 E" for a distance of 83.607'; bearing S 5°26'33 W" for a distance of 223.177'; bearing S 6°51'14 W" for a distance of 486.096'; bearing S 6°6'37 W" for a distance of 189.371'; bearing S 9°37'6 W" for a distance of 175.963'; bearing S 9°35'56 E" for a distance of 98.746'; bearing S 3°31'20 E" for a distance of 106.289'; bearing S 1°29'31 W" for a distance of 33.155'; bearing S 4°43'26 W" for a distance of 25.444'; bearing S 7°25'18 W" for a distance of 26.88'; bearing S 8°35'36 E" for a distance of 29.903'; bearing S 1°42'41 W" for a distance of 29.421'; bearing S 1°42'41 W" for a distance of 29.42'; bearing S 13°1'15 W" for a distance of 27.276'; bearing S 1°42'41 W" for a distance of 22.734'; bearing S 0°53'28 E" for a distance of 29.451'; bearing S 8°17'32 W" for a distance of 35.002'; bearing S 3°4'33 W" for a distance of 56.183'; bearing S 0°11'56 E" for a distance of 40.141'; bearing S 7°22'41 E" for a distance of 33.858'; bearing S 1°42'41 W" for a distance of 28.083'; bearing S 10°27'24 W" for a distance of 35.179'; bearing S 1°42'41 W" for a distance of 46.806'; bearing S 9°52'50 E" for a distance of 53.242'; bearing S 8°3'5 W" for a distance of 72.659'; bearing S 9°56'49 W" for a distance of 102.694'; bearing S 6°17'5 W" for a distance of 61.889'; bearing S 6°17'7 W" for a distance of 38.73'; bearing S 1°42'41 W" for a distance of 78.901'; bearing S 15°16'46 E" for a distance of 50.34'; bearing S 0°8'11 E" for a distance of 41.478'; bearing S 10°27'27 W" for a distance of 52.769'; bearing S 3°10'48 W" for a distance of 52.172'; bearing S 16°46'46 W" for a distance of 36.009'; bearing S 0°9'47 W" for a distance of 19.54'; bearing S 0°9'45 W" for a distance of 29.959'; bearing S 10°23'52 W" for a distance of 97.403'; bearing S 1°14'6 E" for a distance of 6.485'; bearing S 6°0'7 W" for a distance of 4.455'; bearing S 1°42'41 W" for a distance of 3.791'; bearing S 10°55'21 E" for a distance of 44.579'; bearing S 10°55'18 E" for a distance of 34.909'; bearing S 6°25'7 E" for a distance of 37.825'; bearing S 0°35'17 W" for a distance of 68.216'; bearing S 13°58'32 W" for a distance of 31.476'; bearing S 2°41'14 E" for a distance of 34.873'; bearing S 3°9'12 E" for a distance of 63.081'; bearing S 8°49'42 E" for a distance of 58.491'; bearing S 1°45'24 E" for a distance of 88.425'; bearing S 1°47'32 E" for a distance of 65.65'; bearing S 2°41'13 E" for a distance of 69.746'; bearing S 9°19'49 E" for a distance of 55.864'; bearing S 14°50'45 E" for a distance of 44.724'; bearing S 14°8'13 E" for a distance of 41.933'; bearing S 74°24'22 W" for a distance of 167.067'; bearing S 4°16'37 E" for a distance of 60.34'; bearing S 15°20'1 E" for a distance of 398.315'; bearing S 11°22'50 E" for a distance of 159.038'; bearing S 18°39'16 E" for a distance of 253.612'; bearing S 18°44'18 E" for a distance of 113.419'; bearing S 0°18'12 W" for a distance of 875.637'; bearing S 0°18'12 W" for a distance of 297.792'; bearing S 89°21'43 E" for a distance of 261.126'; bearing S 6°29'49 W" for a distance of 51.076'; bearing S 1°42'41 W" for a distance of 20.459'; bearing S 6°45'36 E" for a distance of 63.547'; bearing S 4°12'0 W" for a distance of 30.787'; bearing S 5°39'24 W" for a distance of 77.748'; bearing S 0°58'36 W" for a distance of 104.319'; bearing S 2°6'10 E" for a distance of 20.104'; bearing S 15°44'49

W" for a distance of 33.083'; bearing S 9°18'24 W" for a distance of 20.237'; bearing S 1°4'54 W" for a distance of 62.623'; bearing S 1°4'54 W" for a distance of 59.079'; bearing S 6°25'53 W" for a distance of 146.263'; bearing S 1°42'41 W" for a distance of 81.575'; bearing S 10°10'39 E" for a distance of 51.932'; bearing S 15°52'52 E" for a distance of 57.52'; bearing S 15°38'33 E" for a distance of 44.835'; bearing S 29°24'41 E" for a distance of 82.794'; bearing S 52°49'33 E" for a distance of 23.772'; bearing S 42°45'8 W" for a distance of 67.369'; bearing S 35°9'31 E" for a distance of 36.075'; bearing S 57°19'28 E" for a distance of 25.28'; bearing S 57°19'30 E" for a distance of 25.205'; bearing S 61°43'26 E" for a distance of 51.627'; bearing S 70°17'5 E" for a distance of 60.692'; bearing S 83°48'15 E" for a distance of 73.819'; bearing S 85°33'43 E" for a distance of 49.117'; bearing N 88°8'31 E" for a distance of 53.679'; bearing N 86°25'15 E" for a distance of 36.045'; bearing S 79°42'20 E" for a distance of 64.007'; bearing S 77°31'41 E" for a distance of 95.681'; bearing S 82°20'30 E" for a distance of 69.639'; bearing S 82°53'56 E" for a distance of 34.034'; bearing S 82°53'59 E" for a distance of 42.785'; bearing S 81°30'2 E" for a distance of 36.225'; bearing S 81°30'0 E" for a distance of 24.81'; bearing S 89°19'49 E" for a distance of 47.329'; bearing S 89°30'57 E" for a distance of 161.952'; bearing N 79°46'25 E" for a distance of 53.612'; bearing N 0°20'6 W" for a distance of 196.92'; bearing S 89°14'50 E" for a distance of 27.083'; bearing S 89°14'49 E" for a distance of 314.176'; bearing S 89°14'49 E" for a distance of 170.864'; bearing S 8°20'35 W" for a distance of 35.209'; bearing S 0°17'19 E" for a distance of 296.87'; bearing S 83°17'20 E" for a distance of 164.5'; bearing S 0°17'19 E" for a distance of 191'; bearing N 89°42'40 E" for a distance of 99.9'; bearing S 0°17'20 E" for a distance of 172.39'; bearing S 0°17'17 E" for a distance of 9.949'; bearing S 0°38'5 W" for a distance of 61.307'; bearing N 89°32'39 W" for a distance of 376.782'; bearing S 0°22'9 E" for a distance of 40.125'; bearing S 0°26'59 W" for a distance of 472.533'; bearing N 89°22'24 W" for a distance of 351.034'; bearing N 89°32'19 W" for a distance of 30.611'; bearing S 0°28'46 E" for a distance of 301.612'; bearing S 0°21'33 E" for a distance of 416.568'; bearing S 0°30'58 W" for a distance of 374.236'; bearing S 0°5'15 W" for a distance of 295.007'; bearing S 0°25'2 W" for a distance of 318.944'; bearing S 0°42'55 E" for a distance of 330.12'; bearing S 0°23'14 E" for a distance of 309.095'; bearing S 0°40'36 W" for a distance of 307.029'; bearing N 89°12'16 W" for a distance of 117.716'; bearing S 1°46'15 W" for a distance of 31.549'; bearing S 0°22'11 E" for a distance of 147.857'; bearing S 88°16'54 E" for a distance of 89.23'; bearing S 89°18'19 E" for a distance of 29.514'; bearing S 0°18'33 E" for a distance of 34.588'; bearing S 0°1'6 W" for a distance of 464.743'; bearing N 86°4'26 W" for a distance of 29.824'; bearing N 89°24'12 W" for a distance of 320.036'; bearing N 0°9'0 W" for a distance of 324.673'; bearing N 0°8'59 W" for a distance of 322.727'; bearing N 1°24'27 E" for a distance of 31.078'; bearing N 89°19'4 W" for a distance of 336.479'; bearing N 88°52'3 W" for a distance of 156.193'; bearing N 89°38'0 W" for a distance of 298.682'; bearing N 89°25'29 W" for a distance of 194.682'; bearing N 89°25'17 W" for a distance of 104.46'; bearing S 3°34'59 W" for a distance of 31.117'; bearing S 0°6'0 W" for a distance of 295.893'; bearing S 0°5'59 W" for a distance of 50.329'; bearing S 0°6'0 W" for a distance of 142.421'; bearing S 88°54'18 E" for a distance of 96.8'; bearing S 0°1'39 W" for a distance of 166.808'; bearing S 0°1'37 W" for a distance of 16.575'; bearing S 0°1'37 W" for a distance of 22.057'; bearing N 89°19'48 W" for a distance of 678.768'; bearing N 89°25'58 W" for a distance of 25.634'; bearing S 1°15'33 W" for a distance of 277.567'; bearing N 58°44'0 W" for a distance of 140.053'; bearing N 63°28'49 W" for a distance of 88.133'; bearing N 67°51'39 W" for a distance of 90.778'; bearing N 72°32'16 W" for a distance of 87.938'; bearing N 77°9'48 W" for a distance of 105.719'; bearing N 81°12'35 W" for a distance of 66.916'; bearing N 85°17'2 W" for a distance of 132.474'; bearing N 87°31'35 W" for a distance of 228.318'; bearing N 85°9'33 W" for a distance of 159.004'; bearing N 79°30'48 W" for a distance of 65.436'; bearing N 74°9'4 W" for a distance of

62.451'; bearing N 69°0'8 W" for a distance of 65.512'; bearing N 63°57'35 W" for a distance of 89.55'; bearing N 58°34'46 W" for a distance of 52.37'; bearing N 52°38'20 W" for a distance of 77.448'; bearing N 46°47'58 W" for a distance of 100.239'; bearing N 40°47'57 W" for a distance of 77.72'; bearing N 40°21'49 W" for a distance of 126.302'; bearing N 39°59'26 W" for a distance of 90.687'; bearing N 39°56'15 W" for a distance of 121.281'; bearing N 40°47'16 W" for a distance of 133.63'; bearing N 39°20'19 W" for a distance of 120.285'; bearing N 41°8'42 W" for a distance of 91.89'; bearing N 42°46'54 W" for a distance of 34.681'; bearing N 45°19'26 W" for a distance of 108.897'; bearing N 50°4'14 W" for a distance of 114.355'; bearing N 54°48'20 W" for a distance of 99.914'; bearing N 60°27'11 W" for a distance of 77.893'; bearing N 63°52'17 W" for a distance of 77.696'; bearing N 68°24'30 W" for a distance of 103.383'; bearing N 73°23'36 W" for a distance of 133.388'; bearing N 74°9'35 W" for a distance of 129.794'; bearing N 74°7'47 W" for a distance of 211.145'; bearing N 73°56'54 W" for a distance of 166.472'; bearing N 74°17'57 W" for a distance of 62.791'; bearing S 0°35'33 W" for a distance of 139.952'; bearing N 88°17'18 W" for a distance of 50.01'; bearing N 89°4'45 W" for a distance of 748.922'; bearing N 0°33'46 E" for a distance of 118.916'; bearing N 1°41'6 W" for a distance of 83.811'; bearing N 73°11'39 W" for a distance of 23.304'; bearing N 71°11'17 W" for a distance of 20.741'; bearing N 69°38'6 W" for a distance of 22.87'; bearing N 68°49'19 W" for a distance of 13.193'; bearing N 67°12'16 W" for a distance of 19.687'; bearing N 65°58'0 W" for a distance of 20.603'; bearing N 62°26'19 W" for a distance of 17.531'; bearing N 60°27'14 W" for a distance of 10.117'; bearing N 60°51'51 W" for a distance of 12.129'; bearing N 61°31'5 W" for a distance of 23.357'; bearing N 62°19'26 W" for a distance of 20.367'; bearing N 62°57'16 W" for a distance of 13.848'; bearing N 63°27'37 W" for a distance of 13.519'; bearing N 68°37'41 W" for a distance of 9.093'; bearing N 68°15'16 W" for a distance of 10.906'; bearing N 67°53'38 W" for a distance of 8.309'; bearing N 67°33'23 W" for a distance of 9.853'; bearing N 67°12'45 W" for a distance of 8.424'; bearing N 66°55'2 W" for a distance of 7.518'; bearing N 66°34'59 W" for a distance of 10.243'; bearing N 66°13'35 W" for a distance of 8.763'; bearing N 65°52'14 W" for a distance of 10.421'; bearing N 65°28'57 W" for a distance of 10.235'; bearing N 65°4'36 W" for a distance of 11.512'; bearing N 64°37'11 W" for a distance of 12.941'; bearing N 49°28'33 W" for a distance of 17.81'; bearing N 53°51'13 W" for a distance of 22.57'; bearing N 57°39'33 W" for a distance of 12.536'; bearing N 60°46'33 W" for a distance of 16.221'; bearing N 64°3'8 W" for a distance of 13.997'; bearing N 71°58'36 W" for a distance of 7.548'; bearing N 73°3'24 W" for a distance of 9.94'; bearing N 73°9'11 W" for a distance of 13.064'; bearing N 73°15'51 W" for a distance of 12.803'; bearing N 73°22'31 W" for a distance of 13.401'; bearing N 73°29'23 W" for a distance of 13.194'; bearing N 73°35'36 W" for a distance of 11.213'; bearing N 73°40'58 W" for a distance of 9.786'; bearing N 64°32'1 W" for a distance of 14.561'; bearing S 0°47'27 W" for a distance of 52.688'; bearing S 0°20'41 W" for a distance of 358.545'; bearing S 0°11'41 E" for a distance of 449.137'; bearing S 89°37'52 W" for a distance of 346.31'; bearing N 30°3'15 E" for a distance of 32.122'; bearing N 26°27'4 E" for a distance of 32.122'; bearing N 22°50'54 E" for a distance of 32.122'; bearing N 19°14'43 E" for a distance of 32.122'; bearing N 15°38'32 E" for a distance of 32.122'; bearing N 7°10'41 E" for a distance of 14.635'; bearing N 0°35'59 E" for a distance of 14.635'; bearing N 5°58'42 W" for a distance of 14.635'; bearing N 12°33'24 W" for a distance of 14.635'; bearing N 20°13'35 W" for a distance of 34.499'; bearing N 23°13'53 W" for a distance of 34.499'; bearing N 26°14'11 W" for a distance of 34.499'; bearing N 29°14'28 W" for a distance of 34.499'; bearing N 32°14'46 W" for a distance of 34.499'; bearing N 32°42'10 W" for a distance of 21.189'; bearing N 26°5'20 W" for a distance of 21.189'; bearing N 19°28'30 W" for a distance of 21.189'; bearing N 12°51'41 W" for a distance of 21.189'; bearing N 6°14'51 W" for a

distance of 21.189'; bearing N 0°21'59 E" for a distance of 21.189'; bearing N 6°58'48 E" for a distance of 21.189'; bearing N 13°35'38 E" for a distance of 21.189'; bearing N 20°12'28 E" for a distance of 21.189'; bearing N 0°20'22 W" for a distance of 18.318'; bearing S 88°50'6 W" for a distance of 442.404'; bearing S 0°13'8 W" for a distance of 197.77'; bearing S 0°13'0 W" for a distance of 361.761'; bearing S 89°27'35 W" for a distance of 189.742'; bearing S 89°50'25 W" for a distance of 267.096'; bearing N 89°56'54 W" for a distance of 61.731'; bearing S 1°35'28 E" for a distance of 548.499'; bearing S 2°45'25 E" for a distance of 102.566'; bearing N 88°7'23 W" for a distance of 83.99'; bearing S 89°9'9 W" for a distance of 104.3'; bearing N 89°59'22 W" for a distance of 679.747'; bearing N 9°58'42 E" for a distance of 110.157'; bearing N 13°39'35 E" for a distance of 229.519'; bearing N 2°19'16 E" for a distance of 87.587'; bearing N 4°45'21 E" for a distance of 87.706'; bearing N 11°10'25 E" for a distance of 130.352'; bearing N 0°24'14 W" for a distance of 7.573'; bearing N 2°0'32 E" for a distance of 25.128'; bearing S 89°53'23 W" for a distance of 315.906'; bearing S 88°53'7 W" for a distance of 267.894'; bearing N 10°33'11 E" for a distance of 148.101'; bearing N 7°43'13 E" for a distance of 186.39'; bearing N 3°11'29 E" for a distance of 152.899'; bearing N 1°46'5 E" for a distance of 349.28'; bearing N 1°46'5 E" for a distance of 494.658'; bearing S 89°17'56 W" for a distance of 60.562'; bearing S 89°18'58 W" for a distance of 225.575'; bearing S 89°16'31 W" for a distance of 19.993'; bearing N 89°37'26 W" for a distance of 21.164'; bearing S 89°28'0 W" for a distance of 142.545'; bearing S 89°38'11 W" for a distance of 19.999'; bearing S 89°29'7 W" for a distance of 143.322'; bearing S 89°29'5 W" for a distance of 28.079'; bearing N 0°1'2 E" for a distance of 149.429'; bearing N 88°36'59 E" for a distance of 29.32'; bearing N 88°34'26 E" for a distance of 142.28'; bearing N 0°4'31 E" for a distance of 100.045'; bearing S 89°29'30 W" for a distance of 141.501'; bearing S 88°56'16 W" for a distance of 30.254'; bearing N 1°39'5 W" for a distance of 87.526'; bearing N 1°22'38 E" for a distance of 85.227'; bearing N 0°3'5 W" for a distance of 274.475'; bearing N 89°54'34 W" for a distance of 361.374'; bearing N 89°54'33 W" for a distance of 187.786'; bearing N 89°54'33 W" for a distance of 151.722'; bearing N 0°28'38 E" for a distance of 30.044'; bearing N 0°7'18 W" for a distance of 115.847'; bearing N 0°24'4 W" for a distance of 155.904'; bearing N 0°40'23 E" for a distance of 137.314'; bearing N 0°41'8 W" for a distance of 187.798'; bearing N 89°39'40 W" for a distance of 16.424'; bearing S 89°39'46 W" for a distance of 350.579'; bearing N 89°11'1 W" for a distance of 315.166'; bearing S 1°39'26 E" for a distance of 30.013'; bearing S 0°16'43 E" for a distance of 626.166'; bearing S 0°16'43 E" for a distance of 331.778'; bearing S 89°2'0 E" for a distance of 322.736'; bearing S 0°7'11 E" for a distance of 673.268'; bearing N 89°5'24 W" for a distance of 955.133'; bearing N 88°51'42 W" for a distance of 23.391'; bearing N 0°36'54 W" for a distance of 133.602'; bearing N 0°23'47 E" for a distance of 205.931'; bearing N 88°15'7 W" for a distance of 25.007'; bearing N 89°23'4 W" for a distance of 447.501'; bearing S 0°12'18 E" for a distance of 466.984'; bearing N 89°16'35 W" for a distance of 1806.25'; bearing S 88°0'28 W" for a distance of 66.356'; bearing S 36°55'34 W" for a distance of 529.24'; bearing S 2°23'31 E" for a distance of 80.13'; bearing S 0°5'32 E" for a distance of 362.737'; bearing N 89°35'7 W" for a distance of 274.177'; bearing N 89°35'8 W" for a distance of 124.896'; bearing N 89°36'33 W" for a distance of 912.064'; bearing N 0°3'44 E" for a distance of 1320.786'; bearing N 89°36'14 W" for a distance of 1295.602'; bearing N 88°11'47 W" for a distance of 25.013'; bearing N 0°13'26 W" for a distance of 772.193'; bearing N 0°12'1 E" for a distance of 546.314'; bearing N 0°26'35 E" for a distance of 1327.221'; bearing S 89°44'0 E" for a distance of 325.771'; bearing S 1°17'20 E" for a distance of 39.46'; bearing S 0°0'7 E" for a distance of 621.407'; bearing S 89°51'19 E" for a distance of 329.31'; bearing S 89°51'18 E" for a distance of 319.561'; bearing N 0°20'53 E" for a distance of 620.097'; bearing N 0°3'26 W" for a distance of 40.379'; bearing N 0°12'14 E" for a distance of 39.622'; bearing N 0°11'16 W" for a distance of 621.738'; bearing

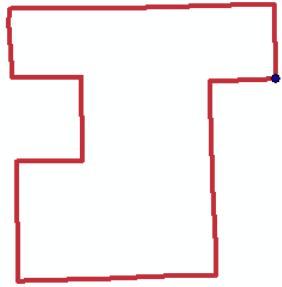
S 89°34'40 E" for a distance of 337.042'; bearing S 89°19'30 E" for a distance of 658.652'; bearing S 89°32'41 E" for a distance of 304.599'; bearing S 89°26'32 E" for a distance of 328.697'; bearing S 89°27'49 E" for a distance of 30.097'; bearing N 0°19'12 E" for a distance of 356.487'; bearing N 0°6'11 W" for a distance of 145.543'; bearing S 89°52'54 E" for a distance of 30'; bearing N 0°7'48 E" for a distance of 1478.294'; bearing S 89°36'12 E" for a distance of 626.575'; bearing S 89°36'13 E" for a distance of 660.688'; bearing S 0°2'13 W" for a distance of 472.764'; bearing S 88°38'26 E" for a distance of 613.251'; bearing N 10°17'53 E" for a distance of 43.844'; bearing S 89°21'33 E" for a distance of 22.196'; bearing S 89°21'33 E" for a distance of 349.41'; bearing N 0°20'40 W" for a distance of 447.806'; bearing S 89°37'49 E" for a distance of 515.507'; bearing S 89°37'49 E" for a distance of 1119.79'; bearing S 0°0'23 E" for a distance of 1256.081'; bearing S 26°21'45 E" for a distance of 52.02'; bearing N 56°16'57 E" for a distance of 103.548'; bearing N 56°45'18 E" for a distance of 233.433'; bearing N 59°22'16 E" for a distance of 243.242'; bearing N 61°4'17 E" for a distance of 131.663'; bearing N 61°53'16 E" for a distance of 78.544'; bearing S 1°22'58 E" for a distance of 58.292'; bearing S 0°25'15 W" for a distance of 367.912'; bearing N 89°31'22 E" for a distance of 584.006'; bearing N 88°52'4 E" for a distance of 59.46'; bearing N 12°22'41 W" for a distance of 91.287'; bearing N 12°48'56 W" for a distance of 49.14'; bearing N 13°48'47 W" for a distance of 109.624'; bearing N 14°28'45 W" for a distance of 137.791'; bearing N 13°58'27 W" for a distance of 118.799'; bearing N 15°11'59 W" for a distance of 115.189'; bearing N 14°12'19 W" for a distance of 80.084'; bearing N 14°6'15 W" for a distance of 98.737'; bearing N 11°48'0 W" for a distance of 108.489'; bearing N 8°44'14 W" for a distance of 117.08'; bearing N 6°3'4 W" for a distance of 234.457'; bearing N 1°19'1 W" for a distance of 157.572'; bearing N 1°49'48 W" for a distance of 346.051'; bearing N 1°37'38 W" for a distance of 142.976'; bearing S 70°58'6 E" for a distance of 48.161'; bearing S 68°14'25 E" for a distance of 209.638'; bearing S 71°50'33 E" for a distance of 31.655'; bearing N 0°16'15 W" for a distance of 226.891'; bearing N 0°4'19 E" for a distance of 332.135'; bearing N 0°40'16 E" for a distance of 284.717'; bearing S 89°44'46 E" for a distance of 498.472'; bearing S 89°40'58 E" for a distance of 304.883'; bearing S 89°44'39 E" for a distance of 1080.924'; bearing S 89°42'11 E" for a distance of 138.442'; bearing S 89°24'10 E" for a distance of 138.467'; bearing N 89°53'49 E" for a distance of 269.442'; bearing N 89°53'49 E" for a distance of 208.447'; bearing N 0°6'11 W" for a distance of 30'; bearing N 0°17'41 E" for a distance of 204.117'; bearing N 0°12'39 E" for a distance of 222.717'; bearing N 0°14'3 E" for a distance of 829.152'; bearing N 0°14'4 E" for a distance of 23.591'; bearing N 89°15'56 W" for a distance of 1326.77'; bearing N 0°9'54 E" for a distance of 330.966'; bearing S 89°46'51 E" for a distance of 17.817'; bearing N 0°4'29 W" for a distance of 370.269'; bearing N 89°58'12 W" for a distance of 19.244'; bearing N 0°3'22 W" for a distance of 1936.387'; bearing N 89°36'59 W" for a distance of 1289.667'; bearing S 89°44'41 W" for a distance of 25.002'; bearing N 0°8'7 E" for a distance of 1264.328'; bearing N 6°20'20 W" for a distance of 66.92'; bearing N 89°29'18 W" for a distance of 220.271'; bearing S 89°52'50 W" for a distance of 277.816'; bearing N 0°35'21 E" for a distance of 20.001'; bearing N 0°9'51 W" for a distance of 1303.746'; bearing N 89°23'40 W" for a distance of 125.346'; bearing N 89°23'39 W" for a distance of 43.181'; bearing N 89°23'41 W" for a distance of 65.377'; bearing N 89°23'40 W" for a distance of 88.62'; bearing N 89°23'40 W" for a distance of 91.896'; bearing N 89°23'39 W" for a distance of 82.031'; bearing N 89°21'41 W" for a distance of 4.189'; bearing N 89°21'29 W" for a distance of 88.772'; bearing N 89°23'58 W" for a distance of 71.831'; bearing N 89°19'11 W" for a distance of 18.525'; bearing N 89°25'33 W" for a distance of 117.239'; bearing N 89°39'18 W" for a distance of 24.999'; bearing N 0°6'0 E" for a distance of 177.044'; bearing N 0°8'30 E" for a distance of 431.62'; bearing N 0°6'21 W" for a distance of 507.869'; bearing N

0°35'9 E" for a distance of 350.289'; bearing N 0°27'51 W" for a distance of 153.629'; bearing N 0°57'35 W" for a distance of 183.011'; bearing N 0°2'36 W" for a distance of 343.868'; bearing N 0°41'30 E" for a distance of 196.274'; bearing N 0°27'13 W" for a distance of 292.845'; bearing S 89°44'47 E" for a distance of 17.797'; bearing S 89°43'21 E" for a distance of 550.693'; bearing N 0°22'7 E" for a distance of 456.398'; bearing S 87°25'38 E" for a distance of 431.7'; bearing S 87°25'38 E" for a distance of 22.936'; bearing S 87°25'37 E" for a distance of 34.164'; bearing S 61°43'31 E" for a distance of 16.434'; bearing S 69°51'14 E" for a distance of 11.621'; bearing S 54°35'55 E" for a distance of 13.25'; bearing S 69°51'10 E" for a distance of 11.62'; bearing S 43°17'24 E" for a distance of 10.393'; bearing S 69°51'8 E" for a distance of 11.621'; bearing S 54°36'4 E" for a distance of 13.25'; bearing S 69°51'10 E" for a distance of 11.62'; bearing S 69°51'14 E" for a distance of 11.621'; bearing S 43°17'15 E" for a distance of 10.394'; bearing S 16°43'25 E" for a distance of 11.621'; bearing S 43°17'26 E" for a distance of 15.591'; bearing S 43°17'19 E" for a distance of 10.394'; bearing S 69°51'16 E" for a distance of 11.62'; bearing S 43°17'19 E" for a distance of 0.994'; bearing S 43°17'14 E" for a distance of 9.4'; bearing S 54°35'55 E" for a distance of 13.25'; bearing S 43°17'29 E" for a distance of 10.395'; bearing S 43°17'10 E" for a distance of 10.394'; bearing S 43°17'24 E" for a distance of 10.393'; bearing S 43°17'24 E" for a distance of 10.393'; bearing S 69°51'6 E" for a distance of 11.621'; bearing S 43°17'19 E" for a distance of 10.394'; bearing S 69°51'14 E" for a distance of 11.621'; bearing S 61°43'22 E" for a distance of 16.434'; bearing S 61°43'23 E" for a distance of 16.434'; bearing S 88°17'19 E" for a distance of 11.025'; bearing S 88°17'19 E" for a distance of 14.699'; bearing S 54°36'1 E" for a distance of 13.249'; bearing S 88°17'19 E" for a distance of 11.024'; bearing S 69°51'14 E" for a distance of 11.621'; bearing S 54°35'59 E" for a distance of 13.25'; bearing S 74°15'5 E" for a distance of 15.151'; bearing S 69°51'16 E" for a distance of 11.621'; bearing S 88°17'19 E" for a distance of 11.025'; bearing S 88°17'19 E" for a distance of 14.7'; bearing S 43°17'10 E" for a distance of 10.394'; bearing S 88°17'19 E" for a distance of 14.699'; bearing S 69°51'16 E" for a distance of 11.621'; bearing S 69°51'4 E" for a distance of 11.62'; bearing S 69°51'16 E" for a distance of 11.62'; bearing S 55°7'47 E" for a distance of 10.532'; bearing S 52°33'9 E" for a distance of 2.719'; bearing S 69°51'14 E" for a distance of 11.621'; bearing S 69°51'12 E" for a distance of 11.621'; bearing S 69°51'12 E" for a distance of 11.621'; bearing S 54°35'57 E" for a distance of 13.249'; bearing S 88°17'19 E" for a distance of 11.025'; bearing S 74°14'59 E" for a distance of 15.152'; bearing S 88°17'19 E" for a distance of 11.025'; bearing S 43°17'19 E" for a distance of 10.393'; bearing S 88°17'19 E" for a distance of 11.024'; bearing S 88°17'19 E" for a distance of 11.025'; bearing S 78°49'33 E" for a distance of 22.352'; bearing S 88°17'19 E" for a distance of 11.025'; bearing S 69°51'14 E" for a distance of 11.621'; bearing S 88°17'19 E" for a distance of 11.024'; bearing S 57°19'29 E" for a distance of 21.427'; bearing S 88°17'19 E" for a distance of 11.025'; bearing S 88°17'19 E" for a distance of 11.024'; bearing S 43°17'19 E" for a distance of 10.394'; bearing S 88°17'19 E" for a distance of 11.024'; bearing S 54°36'9 E" for a distance of 13.25'; bearing S 69°50'42 E" for a distance of 3.329'; bearing S 1°44'23 E" for a distance of 130.221'; bearing S 89°19'17 E" for a distance of 338.162'; bearing S 89°15'30 E" for a distance of 107.486'; bearing S 0°8'10 E" for a distance of 45.072'; bearing S 64°21'19 E" for a distance of 29.798'; bearing S 66°43'7 E" for a distance of 50.632'; bearing S 69°41'38 E" for a distance of 50.632'; bearing S 72°40'7 E" for a distance of 50.632'; bearing S 75°38'39 E" for a distance of 50.632'; bearing S 78°12'44 E" for a distance of 36.768'; bearing S 81°10'50 E" for a distance of 73.828'; bearing S 84°19'31 E" for a distance of 27.901'; bearing S 85°35'53 E" for a distance of 15.705'; bearing S 87°32'44 E" for a distance of 50.944'; bearing N 89°39'35 E" for a distance of 44.787'; bearing S 0°13'25 E" for a distance of 404.303'; bearing S 0°13'27 E" for a distance of 184.506'; bearing S 0°13'27 E" for a distance of 364.007'; bearing S 0°13'27 E" for a distance of 183.428'; bearing S 0°13'27 E" for a

distance of 182.511'; bearing S 0°13'27 E" for a distance of 180.58'; bearing S 0°13'27 E" for a distance of 213.946'; bearing S 89°10'0 E" for a distance of 154'; bearing S 89°9'59 E" for a distance of 160.537'; bearing S 89°10'0 E" for a distance of 162.51'; bearing S 89°10'0 E" for a distance of 165.271'; bearing S 89°9'59 E" for a distance of 168.179'; bearing S 0°28'39 E" for a distance of 152.16'; bearing S 0°28'39 E" for a distance of 248.088'; bearing N 89°9'37 E" for a distance of 337.129'; bearing N 89°9'37 E" for a distance of 154.395'; bearing S 0°12'56 E" for a distance of 156.908'; bearing S 0°12'56 E" for a distance of 158.519'; bearing S 0°0'30 E" for a distance of 80.462'; bearing S 1°1'8 W" for a distance of 13.577' to the Point of Beginning.

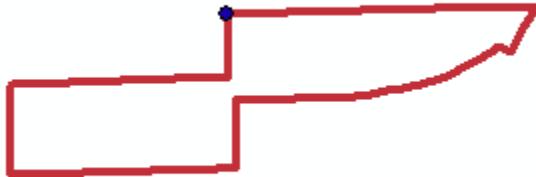
Boundary excludes the enclaved area as defined by the point of beginning located at the Southeast Corner of the Southwest Quarter of the Northeast Quarter of Section 35, Township 32 South, Range 25 East, then bearing S 88°59'21 E" for a distance of 25.011'; bearing N 0°1'53 W" for a distance of 334.421'; bearing N 89°21'57 W" for a distance of 340.405'; bearing S 0°28'14 W" for a distance of 30.001'; bearing S 0°20'7 W" for a distance of 303.703'; bearing S 89°16'11 E" for a distance of 317.61' to the Point of beginning.

Boundary 2



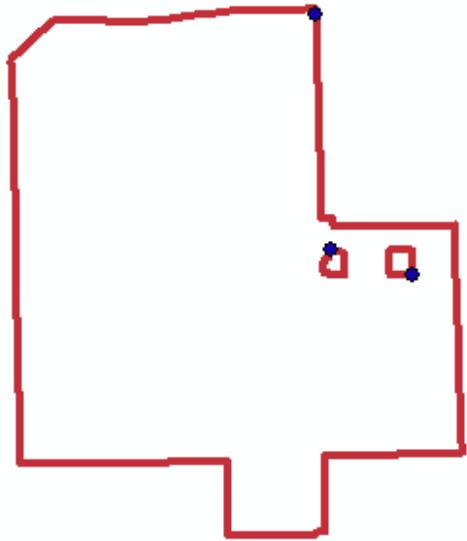
Beginning at a point located 271.11 feet South of the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section 1, Township 33 South, Range 15 East, then bearing S 89°37'42 W" for a distance of 33.003'; bearing S 89°39'57 W" for a distance of 207.456'; bearing S 0°8'24 E" for a distance of 268.664'; bearing S 0°8'19 E" for a distance of 134.541'; bearing S 0°8'20 E" for a distance of 168.192'; bearing S 0°8'19 E" for a distance of 132.246'; bearing S 89°46'7 W" for a distance of 190.129'; bearing S 89°46'7 W" for a distance of 195.586'; bearing S 89°46'8 W" for a distance of 310.418'; bearing S 89°49'34 W" for a distance of 25.002'; bearing N 0°32'41 E" for a distance of 436.836'; bearing N 89°52'13 E" for a distance of 25.002'; bearing S 89°24'13 E" for a distance of 220.57'; bearing N 13°35'59 W" for a distance of 2.128'; bearing N 0°18'54 E" for a distance of 12.063'; bearing N 0°18'52 E" for a distance of 15.842'; bearing N 0°18'54 E" for a distance of 258.862'; bearing N 62°15'36 E" for a distance of 1.206'; bearing N 0°8'49 E" for a distance of 14.398'; bearing N 89°39'42 W" for a distance of 226.647'; bearing S 89°9'22 W" for a distance of 24.992'; bearing N 1°16'1 W" for a distance of 185.278'; bearing N 1°10'48 E" for a distance of 38.566'; bearing N 9°32'23 E" for a distance of 28.039'; bearing N 89°1'39 E" for a distance of 22.247'; bearing N 89°56'2 E" for a distance of 33.625'; bearing S 88°36'24 E" for a distance of 437.1'; bearing S 89°48'53 E" for a distance of 466.439'; bearing S 0°12'48 W" for a distance of 271.114' to the Point of Beginning.

Boundary 3



Beginning at a point 948.78 feet East of the Northwest Corner of Section 22, Township 33 South, Range 15 East, then bearing N 89°55'37 E" for a distance of 257.374'; bearing S 89°33'42 E" for a distance of 644.689'; bearing S 89°33'25 E" for a distance of 439.603'; bearing S 33°36'17 W" for a distance of 15.919'; bearing S 32°56'46 W" for a distance of 94.414'; bearing S 31°20'30 W" for a distance of 113.247'; bearing N 66°48'20 W" for a distance of 53.768'; bearing S 48°30'21 W" for a distance of 24.697'; bearing S 63°43'55 W" for a distance of 105.201'; bearing S 62°47'5 W" for a distance of 126.05'; bearing S 75°0'42 W" for a distance of 60.622'; bearing S 73°16'35 W" for a distance of 64.267'; bearing S 79°10'57 W" for a distance of 80.301'; bearing S 83°56'45 W" for a distance of 64.463'; bearing S 82°37'15 W" for a distance of 73.505'; bearing S 84°16'13 W" for a distance of 69.797'; bearing S 89°42'41 W" for a distance of 517.599'; bearing S 0°42'41 W" for a distance of 277.699'; bearing S 0°42'38 W" for a distance of 13.301'; bearing S 89°42'40 W" for a distance of 82.567'; bearing S 89°42'41 W" for a distance of 869.431'; bearing S 89°25'21 W" for a distance of 24.754'; bearing N 0°26'41 E" for a distance of 262.268'; bearing N 0°30'34 E" for a distance of 133.233'; bearing N 89°43'24 E" for a distance of 24.752'; bearing N 89°42'40 E" for a distance of 924.028'; bearing N 0°42'40 E" for a distance of 242.482'; bearing N 0°21'25 E" for a distance of 24.959' to the Point of Beginning.

## Boundary 4



Beginning at a point 3860 feet South of the Northeast Corner of the Northeast Quarter of Section 21, Township 33 South, Range 15 East, then bearing S 0°14'24 W" for a distance of 97.15'; bearing S 0°2'22 W" for a distance of 3631.696'; bearing S 88°17'19 E" for a distance of 225.21'; bearing S 0°41'39 W" for a distance of 149.281'; bearing S 89°0'19 E" for a distance of 2148.627'; bearing S 87°40'15 E" for a distance of 24.944'; bearing S 0°23'29 W" for a distance of 224.781'; bearing S 0°9'31 E" for a distance of 166.711'; bearing S 0°53'21 W" for a distance of 257.827'; bearing S 0°23'37 W" for a distance of 232.901'; bearing S 0°23'36 W" for a distance of 77.759'; bearing S 0°32'32 W" for a distance of 319.076'; bearing S 0°44'46 W" for a distance of 144.866'; bearing S 1°8'19 E" for a distance of 369.934'; bearing S 0°23'51 W" for a distance of 567.856'; bearing S 0°17'54 E" for a distance of 668.379'; bearing S 0°52'46 E" for a distance of 576.109'; bearing S 0°45'57 E" for a distance of 307.905'; bearing S 1°5'55 E" for a distance of 155.289'; bearing S 89°35'14 W" for a distance of 24.76'; bearing S 89°56'3 W" for a distance of 2277.661'; bearing N 89°45'5 W" for a distance of 184.678'; bearing S 0°23'35 E" for a distance of 1291.015'; bearing S 1°42'41 W" for a distance of 56.086'; bearing S 88°35'22 W" for a distance of 151.693'; bearing S 89°1'39 W" for a distance of 0.105'; bearing S 88°35'11 W" for a distance of 41.286'; bearing N 89°42'17 W" for a distance of 1560.389'; bearing N 0°22'45 E" for a distance of 53.858'; bearing N 0°22'44 E" for a distance of 398.463'; bearing N 0°43'35 W" for a distance of 897.455'; bearing N 89°56'38 W" for a distance of 1033.692'; bearing N 0°15'36 W" for a distance of 2.594'; bearing N 89°10'32 W" for a distance of 2619.612'; bearing N 0°0'30 W" for a distance of 2599.403'; bearing N 0°17'59 E" for a distance of 47.882'; bearing N 0°26'5 E" for a distance of 654.507'; bearing N 0°27'6 E" for a distance of 3236.979'; bearing N 0°29'22 E" for a distance of 610.88'; bearing N 1°10'51 E" for a distance of 82.217'; bearing N 47°56'38 E" for a distance of 130.153'; bearing N 49°2'21 E" for a distance of 453.363'; bearing N 49°5'50 E" for a distance of 176.93'; bearing N 49°4'59 E" for a distance of 155.733'; bearing N 48°33'34 E" for a distance of 58.251'; bearing S 89°12'2 E" for a distance of 90.739'; bearing S 89°39'28 E" for a distance of 706.888'; bearing N 88°5'28 E" for a distance of 120.07'; bearing S 72°46'33 E" for a distance of 73.14'; bearing S 79°4'40 E" for a distance of 92.919'; bearing S 83°58'22 E" for a distance of 87.838'; bearing S 87°18'3 E" for a distance of 47.933'; bearing S 89°59'9 E" for a distance of 223.203'; bearing S 89°55'17 E" for a distance of 126.92'; bearing N 88°49'7

E" for a distance of 157.584'; bearing N 86°59'58 E" for a distance of 139.514'; bearing N 85°27'56 E" for a distance of 251.645'; bearing N 82°56'56 E" for a distance of 222.395'; bearing N 82°21'21 E" for a distance of 218.575'; bearing N 82°30'1 E" for a distance of 123.892'; bearing N 84°51'40 E" for a distance of 256.334'; bearing N 86°26'37 E" for a distance of 117.005'; bearing N 88°3'7 E" for a distance of 142.416'; bearing N 89°5'30 E" for a distance of 126.558'; bearing S 89°22'26 E" for a distance of 218.186'; bearing S 89°48'15 E" for a distance of 312.456'; bearing S 89°52'0 E" for a distance of 300.066'; bearing S 89°40'15 E" for a distance of 388.223'; bearing S 87°42'26 E" for a distance of 108.51'; bearing S 88°17'19 E" for a distance of 78.84' to the Point of Beginning.

Boundary excludes the enclaved area as defined by beginning at a point 4,270 feet South and 2,301.85 feet West of the Northeast Corner of the Northeast quarter of Section 21, Township 33 South, Range 15 East, then bearing S 89°49'57 W" for a distance of 34.966'; bearing S 0°57'28 E" for a distance of 147.636'; bearing N 88°17'19 W" for a distance of 61.04'; bearing S 4°0'6 W" for a distance of 58.739'; bearing N 84°40'9 W" for a distance of 29.841'; bearing S 0°33'28 W" for a distance of 219.621'; bearing S 88°17'19 E" for a distance of 88.42'; bearing S 6°4'30 W" for a distance of 26.543'; bearing S 88°46'28 E" for a distance of 277.037'; bearing N 0°43'4 E" for a distance of 406.211'; bearing N 89°58'25 W" for a distance of 239.568'; bearing N 1°35'47 E" for a distance of 50.019' to the Point of Beginning.

Boundary also excludes the enclaved area described as beginning at a point located 546.75' North and 769.27' West of the Southeast corner of Section 21, Township 33 South, Range 15 East, then bearing N 1°26'10 E" for a distance of 450'; bearing N 89°34'6 W" for a distance of 402.279'; bearing S 1°42'41 W" for a distance of 441.825'; bearing S 1°7'37 W" for a distance of 8.17'; bearing S 89°33'42 E" for a distance of 404.356' to the Point of Beginning.



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

**Department Admin**

**Director Approval Kelly Passauer**

**AGENDA ITEM** Consider adopting an ordinance authorizing the Mayor to remove members of Boards or Commissions for non-attendance.

**SUMMARY RECOMMENDATION** Adopt the ordinance.

**BACKGROUND** 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.

**BUDGET IMPACT** N/A

**SUGGESTED MOTION** I move to adopt an ordinance authorizing the Mayor to remove members of Boards or Commissions for non-attendance.

**SUPPORTING DOCUMENTS**

1. Ordinance-Board Absences

**ORDINANCE NO. \_\_\_\_\_**

**An Ordinance Authorizing the Mayor to Remove  
Members of Boards or Commissions for Non-Attendance**

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

**Section 1.** City Code Section 2-99 which is specific to members of the planning commission is hereby repealed.

**Section 2.** The Mayor, upon a majority vote of the governing body, may remove any persons appointed by the governing body to any board or commission of the city for non-attendance based upon the following criteria:

- a. Absence from three consecutive meetings at which a vote can be taken; or
- b. Absence during any 12-month period of one-third of the total meetings at which votes can be taken.

**Section 3.** This Ordinance shall take effect upon its publication in the official City newspaper.

*Adopted by the Governing Body of the City of Independence, Kansas, on the 10th day of March, 2022.*

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DEAN HAYSE, Mayor

ATTEST:

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DAVID W. SCHWENKER, City Clerk



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Consider approval of Change Order with Bryant and Bryant for the Main Street from 8th to 10th project.

**SUMMARY RECOMMENDATION** City Staff recommends the change order

**BACKGROUND** The 8<sup>th</sup> 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 south side of the Main Street sidewalk between 8<sup>th</sup> and 9<sup>th</sup>. 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 8<sup>th</sup> 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 access businesses on gravel, and greatly reduce the impact on 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 to allow customers access to the businesses. We would place these signs on 8<sup>th</sup> and 9<sup>th</sup> street.

A summary of the cost:

Sawcut	\$2,100.00
Fence	\$4,387.61
Total	\$6,487.61

## **BUDGET IMPACT**

**SUGGESTED MOTION** I move to approve a change order for Bryant and Bryant in the amount of \$6,487.61 and authorize City crews to install additional temporary signage and parking for the businesses during construction.

## **SUPPORTING DOCUMENTS**

1. Bryant and Bryant Change Order
2. Directional Signs - Main St. Eastbound-Westbound
3. Reserved Parking Signs

Justin,

To begin, we are requesting that KDOT add the line item "Extra Work Saw Cuts (SET PRICE)" Item No.

037209 @ \$3.50/LF to this contract to cover the unanticipated extra saw cuts to facilitate the phasing and orange construction fence outlined below. In keeping with consistency, we'll just figure this quantity to be 600 LF to match the fencing so we'd be looking at an addition to the contract of approximately \$2,100.00. Joe Bryant anticipates the actual saw cut to be more in the 500 LF range. We are requesting 1 working day be added to facilitate this extra work item.

We are also requesting a new line item for Fence (Construction)(Temporary) Item No. 071252 be added. Attached is a quote from our supplier for the fence and posts. We're figuring 1 post per 10 LF so we'll need 6 ea 4' x 100' rolls of fence, 60 posts, and 3 packages of UV Cable ties to cover 600 LF. Since the items won't be incorporated into the final product we'll be charged sales tax. Wichita sales tax, where we'll be purchasing these items, runs 7.5 %. So, breakdown is as follows:

- Materials:

- Fence: 6 Rolls x \$84.93 = \$509.58
- Posts: 60 ea x \$10.21 = \$612.60
- Ties: 3 Packages x \$10.61 = \$31.83
- Total Materials: \$1,154.01 x 1.15 (15% Mat'l Markup) = \$1,327.11

- Labor:

- Material Pickup/Delivery: 1 guy x 6 hrs (round trip) x \$20/hr = \$120.00
- Install: 3 guys x 10 hours x \$20/hr = \$600.00
- Total Labor: \$720 x 1.55 (55% OH/Ins.) = \$1,116.00 (1 working day)

- Equipment:

- ¾ TN Pickup: (pickup/delivery): 6 hrs x \$35.50/hr = \$213.00
- Mini Ex: (leveling/driving posts): \$29/hr x 10 hr = \$290.00
- Total Equipment: \$503.00

- Travel/Subsistence:

- 2 rooms x \$100/ea = \$200.00
- 3 guys x \$25/day x 1 day = \$75.00
- Total: \$275.00 x 1.15 (15% markup) = \$316.25

- Removal:

- Anticipate ½ the time to remove but Travel/Subsistence remain the same:

- Labor: \$1,116.00 ÷ 2 = \$558.00
- Equipment: \$503.00 ÷ 2 = \$251.00
- Travel/Sub.: \$316.25
- Total for Removal: \$1,125.25 (1 working day)
- Unit Price: \$1,327.11 + \$1,116.00 + \$503.00 + \$316.25 + \$1,125.25 = \$4,387.61 ÷ 600 LF ≈ \$7.32/LF

**To summarize, we are requesting the line items for Extra Work Saw Cut (SET) @ \$3.50/LF and Fence (Construction)(Temporary) @ \$7.32/LF and 3 working days be added to this contract.**

*The undersigned hereby certifies, under the penalty of law for perjury or falsification, that I am authorized to submit this contract adjustment request on behalf of the Contractor and to bind the Contractor, that the contract adjustment request is made in good faith and, to the best of the Contractor's knowledge and belief, is a true and complete statement of the estimated costs and time*

*sought for the Contract Change and is authorized by the Contract. I further certify that no additional*

*claims will be submitted related to this contract adjustment request, and the Contractor will maintain documentation that supports the contract adjustment request.*

Regards,  
Ray Bryant  
Bryant & Bryant Const., Inc.

BOOTH HOTEL



CREATIVE CONCEPTS



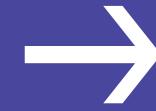
HAGER'S MARKET



INDY BREW WORKS



POLISHED SALON



GOLD & SILVER PAWN



SCOOTER'S



WEBB & RODRICK

BOOTH HOTEL

CREATIVE CONCEPTS

HAGER'S MARKET

INDY BREW WORKS

POLISHED SALON

GOLD & SILVER PAWN

SCOOTER'S

WEBB & RODRICK



BOOTH HOTEL



CREATIVE CONCEPTS



HAGER'S MARKET



INDY BREW WORKS



POLISHED SALON

GOLD & SILVER PAWN

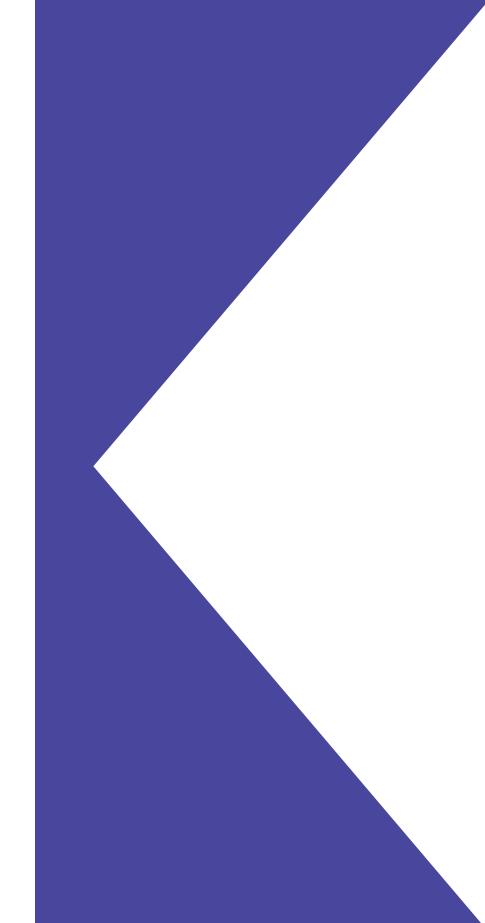


SCOOTER'S



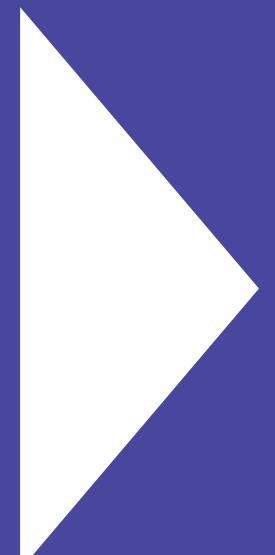
WEBB & RODRICK





BOOTH HOTEL  
CREATIVE CONCEPTS  
HAGER'S MARKET  
INDY BREW WORKS  
POLISHED SALON

GOLD & SILVER PAWN  
SCOOTER'S  
WEBB & RODRICK



**RESERVED  
PARKING**

**PENMAC**

**RESERVED  
PARKING  
CREATIVE  
CONCEPTS**

**RESERVED  
PARKING  
POLISHED  
SALON**

**RESERVED  
PARKING  
HAGER'S  
MARKET**



**REQUEST FOR COMMISSION ACTION  
CITY OF INDEPENDENCE  
March 10, 2022**

**Department Admin**

**Director Approval Kelly Passauer**

**AGENDA ITEM** Consider cancelling the March 16, 2022 Special Commission meeting.

**SUMMARY RECOMMENDATION** Cancel Meeting

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

**BUDGET IMPACT** N/A

**SUGGESTED MOTION** I move to cancel the March 16, 2022 Special City Commission meeting.

**SUPPORTING DOCUMENTS**



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

**Department** Park

**Director Approval** Scott Patton

**AGENDA ITEM** Consider proclaiming April 29, 2022 as Arbor Day.

**SUMMARY RECOMMENDATION** Approve Request

**BACKGROUND** On February 25<sup>th</sup>, 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 29<sup>th</sup>, 2022. This is the first step in renewing our recertification for Tree City USA.

**BUDGET IMPACT** N/A

**SUGGESTED MOTION** I move to sign the Arbor Day Proclamation for April 29, 2022.

**SUPPORTING DOCUMENT** 2022 Arbor Day Proclamation



**TREE CITY USA®**

An Arbor Day Foundation Program

★★★ OFFICIAL PROCLAMATION ★★★

**WHEREAS** in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

**WHEREAS** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

**WHEREAS** Arbor Day is now observed throughout the nation and the world, *and*

**WHEREAS** trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

**WHEREAS** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

**WHEREAS** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

**WHEREAS** trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, \_\_\_\_\_, Mayor of the City of \_\_\_\_\_, do hereby proclaim \_\_\_\_\_ as **ARBOR DAY**. In the City of \_\_\_\_\_, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands. *and*

**FURTHER,** I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

**DATED THIS** \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Mayor \_\_\_\_\_



 Arbor Day Foundation®



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

**Department Admin**

**Director Approval David Cowan**

**AGENDA ITEM** Consider setting the date of May 26, 2022 at 5:30 p.m. for a public hearing to consider condemnation of 317 S. 2<sup>nd</sup> as dangerous and unsafe.

**SUMMARY RECOMMENDATION** City staff recommend setting the date of the public hearing

**BACKGROUND** The structure was involved in a fire on October 14, 2021, that extended into the attic space and did substantial damage to the structure.

**BUDGET IMPACT** The cost of removing the structure

**SUGGESTED MOTION** I move to adopt a resolution setting the date of May 26, 2022, at 5:30 p.m. for a public hearing to consider condemnation of 317 S. 2<sup>nd</sup> as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. Photo 1
2. Photo 2
3. Photo 3
4. Photo 4
5. Photo 5
6. Photo 6
7. Photo 7
8. Photo 8
9. Photo 9
10. RESOLUTION 2022-007 - CONDEMNATION - PH - 317 S 2ND



















## RESOLUTION NO. 2022-007

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 10<sup>th</sup> day of March 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:** Original Plat Lot 4 Block 74 to the City of Independence, Montgomery County, Kansas

**Common Address:** 317 S 2nd 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, **May 26, 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 10<sup>th</sup> day of March 2022.

(SEAL)

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Mayor

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City Clerk



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

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**Department** Administration/Public Works      **Director Approval** David Cowan/John Garris

**AGENDA ITEM** Consider authorizing Change Order Number 1 with J. Graham Construction on the Enterprise Drive project.

**SUMMARY RECOMMENDATION** Authorize change order.

**BACKGROUND** 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.

**SUGGESTED MOTIONS** I move to authorize Change Order Number 1 with J. Graham Construction in the amount of \$18,700 and the execution of any required documentation.

**SUPPORTING DOCUMENTS** Change Order Number 1



### *Change Order*

<b>PROJECT:</b> Enterprise Drive Improvements	<b>CHANGE ORDER NO.:</b> 001	<b>Owner</b>	X	
	<b>DATE:</b> 3/2/2022	<b>Engineer</b>	X	
		<b>Contractor</b>	X	
	<b>PROJECT NUMBER</b>	P112210015	<b>Field</b>	X
<b>TO CONTRACTOR</b>	<b>CONTRACT DATE:</b>	1/20/2022	<b>Other</b>	
Graham Construction	<b>CONTRACT FOR:</b>	General Construciton		
1306 S. Elm St.				
Coffeyville, KS				

**THE CONTRACT IS CHANGED AS FOLLOWS:**

This change is a result of the new Precision building site requiring the City to change its water supply. We will be eliminating the existing 8" waterline that currently runs on the Southern Boundary of the Precision property and increaseing the new 8" HDPE line to 12" in order to handle the demand. This increase covers the material and labor to abandon and cap the existing line and upsize the proposed 8" HDPE to 12" HDPE water line

<b>Original Contract Sum</b>	\$ 1,490,923.00
<b>Net Change by Previously authorized Change Orders</b>	\$ -
<b>Contract Sum Prior to this Change Order</b>	\$ 1,490,923.00
<b>Contract Sum will be Increased by this Change Order by</b>	\$ 18,700.00
<b>New Contract Sum Including this Change Order</b>	\$ 1,509,623.00

**Contract Time will be Increased by Zero ( 0 ) Days**

**Substantial Completion as of the Date of this Change Order Therefore is**

NOT VALID UNTIL SIGNED BY THE ENGINEER, CONTRACTOR AND OWNER

TranSystems <u>ENGINEER (Firm Name)</u>	Graham Construction <u>CONTRACTOR (Firm Name)</u>	City of Independence <u>OWNER (Firm Name)</u>
<u>115 S. 6th, Independence, KS</u> <u>ADDRESS</u>	<u>1306 S. Elm St., Coffeyville, KS</u> <u>ADDRESS</u>	<u>811 W. Laurel St., Independence</u> <u>ADDRESS</u>
BY  (Signature)	BY  (Signature)	BY _____ (Signature)
<u>Jon L. Johnson</u> (Typed Name)	<u>Stephan J. Graham</u> (Typed Name)	_____ (Typed Name)
<u>3-2-2022</u> DATE	<u>3-2-2022</u> DATE	_____ DATE



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

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**Department** Administration/Public Works      **Director Approval** David Cowan/John Garris

**AGENDA ITEM** Consider authorizing TranSystems to prepare and submit a KDOT Cost Share Program grant application for: Sycamore, 10<sup>th</sup> to 21<sup>st</sup>.

**SUMMARY RECOMMENDATION** Authorize submissions.

**BACKGROUND** 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).

**SUGGESTED MOTIONS** I move to authorize TranSystems to prepare an application for KDOT's Cost Share Program for Sycamore from 10<sup>th</sup> Street to 21<sup>st</sup> Street and to submit the application to KDOT.

**SUPPORTING DOCUMENTS** Cost Estimate

**Opinion of Probable Construction Cost**  
**City of Independence, Kansas**  
**Cost Plus**  
**Sycamore Street from 10th to 21st, New Curb & Gutter, Mill & Overlay**  
**and Ramp Replacement**

ITEM NO.	PARTICIPATING BID ITEM	UNIT	UNIT BID PRICE	QUANTITY	COST
1	Contractor Construction Staking	LSUM	\$5,000.00	1.0	\$ 5,000.00
2	Mobilization	LSUM	\$30,000.00	1.0	\$ 30,000.00
3	Clearing & Grubbing	LSUM	\$5,000.00	1.0	\$ 5,000.00
4	Milling (4 inches)	S.Y.	\$4.00	18277.0	\$ 73,108.00
5	Asphalt (2 inches)	Ton	\$110.00	2500.0	\$ 275,000.00
6	Concrete Patching, 8"	S.Y.	\$120.00	100.0	\$ 12,000.00
7	4" Concrete Sidewalk	S.Y.	\$60.00	350.0	\$ 21,000.00
8	Ramps (4") (AE)	S.Y.	\$150.00	100.0	\$ 15,000.00
9	Box Culvert under Sycamore	LSUM	\$35,000.00	1.0	\$ 35,000.00
10	Rock Excavation	C.Y.	\$70.00	650.0	\$ 45,500.00
11	4" Base Rock	S.Y.	\$10.00	450.0	\$ 4,500.00
12	Curb and Gutter (in place)	LF	\$30.00	7900.0	\$ 237,000.00
13	Traffic Control	LSUM	\$15,000.00	1.0	\$ 15,000.00
14	Permanent Striping	L.F.	\$2.50	8750.0	\$ 21,875.00

City Cost			
Construction	\$ 794,983	\$ 119,247	
Design	\$ 78,000	\$ 78,000	
Inspection	\$ 100,000	\$ 100,000	
Estimated Total	\$ 972,983	\$ 297,247	

- 4" Milling and 2" overlay

New Curb and Gutter Along Sycamore St and to the Curb Return on Side Streets

New sidewalk ramps

Add 10x5 box culvert at Sycamore (storm sewer South of Sycamore not eligible under program)



**REPORT**  
**CITY OF INDEPENDENCE**  
**March 10, 2022**

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**Department Finance**

**Director Approval Lacey Lies**

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**AGENDA ITEM** Economic Development Advisory Board Summary Recommendation

**SUMMARY** No changes to the program were recommended at this time.

**BACKGROUND** At the March 1, 2022 Economic Development Advisory Board meeting, the board reviewed the language and requirements of the Downtown Independence Building Grant Program to see if any modifications should be recommended to the Commission. The board spent over an hour analyzing the grant program, requirements, the purpose and mission of the grant, as well as other grant opportunities that could help address gaps in eligibility.

The Downtown Independence Building Grant Program was established for the sole purpose of aiding in the preservation of the structural integrity of existing commercial buildings located within the Central Business District of the City of Independence to maintain the economic stability of the Central Business District. The structural integrity of the district as a whole relies on the sum of all parts. Due to the nature of their construction, one building's degradation can significantly affect the integrity of the adjacent buildings and the district as a whole.

The board recognizes that other commercial buildings play an important role in independence, but struggles with where to draw the line if program requirements were changed. Because there are not unlimited funds and there are still many buildings in the downtown central business district that need significant improvement, it was voted unanimously that no changes to the program be recommended at this time.

# **Economic Development Advisory Board**

## **February 1, 2022, Meeting Minutes**

### **I. Call to order**

Chair Chuck Goad called to order the regular meeting of the Economic Development Advisory Board at 3:30 PM on February 1, 2022, at Memorial Hall and via conference call.

### **II. Roll call**

The following members were present:

Chair Chuck Goad (17-1)  
Vice-Chair Wayne Stephany (18-0)  
Paul Yaroslaski (15-3)  
Rod Zinn (1-0)  
Tabitha Snodgrass (Ex-Officio)  
Lisa Wilson (Ex-Officio)  
April Nutt (Ex-Officio)

The following members were absent:

Lori Kelley (16-2)  
Jason Curtis (16-2)  
J.D. Cox (1-1)

The following staff were present:

Kelly Passauer, City Manager  
David Cowan, Assistant City Manager  
Lacey Lies, Director of Finance  
Lydia Collins, Administrative Aide

The following visitors were present:

Tom Simpson

### **III. Approval of Minutes from January 4, 2022**

A motion was made by Wayne Stephany to approve the minutes, seconded by Paul Yaroslaski. The motion passed unanimously.

## **IV. New Business**

### **A. Reorganization**

- Election of Chair – Chuck Goad.
- Election of Vice Chair – Wayne Stephany.
- Election of Secretary – Paul Yaroslaski.
- Time and Date of Meetings – set the same
- Orientation from City Attorney- City Attorney Jeff Chubb presented rules on decisions and policies and answered questions.

### **B. Consider changes to the city's Downtown Business District Commercial Building Grant**

David Cowan presented the changes that April Nutt suggested. The City is working on providing incentives to owners to develop upper story housing. The source of the funds is in economic development. The grant starts new every year with \$50,000. Fire suppression, electrical and plumbing upgrades are the three new incentives. Every will require every new building owner to put in new electrical systems. April Nutt is working with the City Commission to make the downtown RHID qualified. Chuck Goad recommends that the City Commission allow the funds to carry over annually to a maximum of \$100,000. Chuck Goad moved to support the changes, Wayne Stephany seconded. Motion carried.

## **V. Items for Discussion**

### **A. Update on Internet Access**

- Internet Subcommittee

Wayne Stephany gave the report. The group met with area cities. Coffeyville does their own, competing against Cox. We will visit with Coffeyville more in depth. The consensus was to pool our resources to improve service and hold down the cost. With the State offering assistance with broadband we will work together. A Zoom meeting is being set up on February 7<sup>th</sup> at 1:00 p.m.

### **B. Update on Neighborhood Revitalization Plan**

Lacey Lies has reached out to the county to have them share their format to mirror that for the City.

### **C. Update on County's Participation in Rural Opportunity Zone**

Charlotte said the county approved participation but not a funding level which she will be taking to the next meeting for \$15,000 which is entry level. This will qualify us for the student loan forgiveness program. Rod Zinn asked about the HUB and if Independence is in that. Lacey Lies said she would look into it.

### **D. Land Acquisition Subcommittee**

Research is being done to either expand the industrial park or have a new industrial park which could involve annexation. J.D. Cox asked if this and the annexation subcommittee should be combined since they overlap. Chuck Goad said not at this time, but it could be looked at again. Chuck suggested meeting at 2:30 on the first Tuesday. March 1<sup>st</sup> is tentatively set for the first

meeting.

E. Annexation Subcommittee

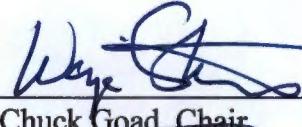
Kelly Passauer suggested having Jeff Chubb come to the first meeting to explain annexation.

F. Other items for discussion

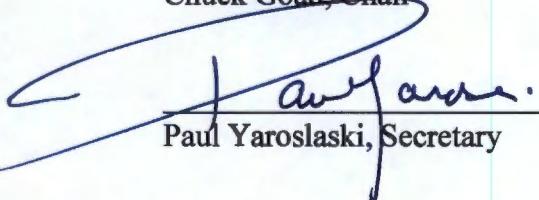
**VI. Adjournment**

A motion was made to adjourn by Wayne Stephany, seconded by Paul Yaroslaski. Motion carried unanimously.

Minutes approved by:



\_\_\_\_\_  
Chuck Goad, Chair



\_\_\_\_\_  
Paul Yaroslaski, Secretary



Tuesday, February 1, 2022  
Civic Center, Memorial Hall 5:30 p.m.  
Independence Planning Commission/Board of Zoning Appeals

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## MINUTES

### Call to Order

The Planning and Zoning Commission meeting was called to order by Kendall Neill.

### Planning Commissioners Present

Michelle Anderson (by phone)

Anthony Royse (by phone)

Kendall Neill

Brent Littleton

Mary Jo Meier

Andy McLenon

Rachel Lyon

Lisa Richard

### Planning Commissioners Absent

None (1 vacancy)

### Staff Present

Kelly Passauer, City Manager

David Cowan, Assistant City Manager

April Nutt, Housing Director

Jeff Chubb, City Attorney

Lydia Collins, Administrative Aide

### Visitors Present

Sarah Kromer

Matthew McLenon

Miranda Bruening

Anna Krstulic (by phone)

### Minutes

- a. Consider approving minutes of the December 7, 2021, meeting.

### Motion

*Kendall Neill moved to approve the minutes of the December 7, 2021, meeting. Brent Littleton seconded the motion. Motion carried 8-0.*



*Kendall Neill authorized Barb Emert to sign the minutes in the absence of Rachel Lyon.*

**Board of Zoning Appeals (Does not include outside City appointments)**

b. To receive comments on a variance request to exceed the number and size of signs in the C-3, central business district, at 100 North 10<sup>th</sup> Street.

Details:

Site Address: 100 North 10<sup>th</sup> Street  
Legal Description: Lot 6-9 Block 40 Orig Plat, City of Independence, Montgomery County, Independence.  
Property Owner: Brew Crew Properties LLC, Sarah Kromer  
Existing Use: Scooter's coffee kiosk  
Existing Zoning: C-3, central commercial district

Background/History: Scooter's was recently built, and they are wanting to add three of their brand standard snap signs to the building that are 8 sq. ft. rather than the 5 sq. ft. the City Code allows. They currently have 4 signs, one on the front, one on the back and one on each side of the building. This would add three signs on each side.

Request:

There is a Scooter's Coffee Drive-Thru sign already on the building and they want to add 3 more signs to each side of the building. City Code for a corner building allows for one sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.

A standard Scooter's coffee kiosk has four (4) signs on each side of the building, one sign in front and one at the rear, for a total of ten (10) signs. They have one free-standing sign which City code allows. The brand standard size they use for the three signs they want to add is 8 sq. ft. The City Code allows for 5 sq. ft. signs. The total sq. ft. for the four signs on each side of the building is 66.4 sq. ft., 16.4 sq. ft. more than the City Code allows.

Policy Explanation:

*802.6. District C-3, central commercial district:*

a. *Permitted signs:*

1. *[Generally:]* Signs permitted in the C-3 district shall be illuminated signs, nonilluminated signs, marquee signs, temporary signs, wall signs and projecting signs with the exception that no sign shall be mounted, painted or affixed to any surface extending above the transom or storefront beam whichever is higher.



2. *Wall signs:* One sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.
3. *Corner buildings:* One sign equal to standards above for each wall.
4. *Multiuse signs:* Total sign area for all uses not to exceed above standards.
5. *[Signs hanging from awnings or mounted to storefronts:]* Signs hanging from awnings or mounted to storefronts may not exceed five square feet per face.
6. *[Freestanding buildings:]* Freestanding buildings shall be permitted one freestanding sign not to exceed 80 square feet per face or 160 square feet total of all faces in the sign area. The top of the sign shall not be higher than 25 feet above ground level.
7. *Historical restorations or reproductions:* Historically significant or reproduced signs shall be referred to the Main Street Committee for recommendation to the city commission who may authorize such installation.
8. *[Rear wall signs:]* One rear wall mounted sign not to exceed 18 inches by 36 inches for business identification.

b. *[Poster panels and billboards:]* Poster panels and billboards shall not be permitted in the C-3 zone.

c. *Signs on awnings, canopies, and marquees:*

1. There shall not be more than one sign exceeding an aggregate gross surface area of such awning, canopy or marquee of ten percent of the gross area for each principal building.
2. The gross surface area of a sign shall not exceed 50 percent of the gross surface area of the awning, canopy or marquee to which the sign is fixed.

d. *General standards:*

1. Any awning, canopy, marquee or projecting sign shall not be less than seven feet above the surface of the grade of any street or sidewalk.
2. Awnings and canopies shall be no closer than four feet from the public street curb and in no case extend more than 12 feet from the property line.
3. Marquees shall be no closer than two feet from the property line.

**Variance:** The granting of permission by the board of zoning appeals to allow the development of a lot or tract for uses allowed within the zoning district in a manner which exceeds maximum limits or is less than minimum limits established by these regulations and where such limits prohibit use of the land in a manner equivalent to the abutting similarly zoned properties.

#### **Sec. 2-116. - Variances, exceptions.**

When deemed necessary by the board of zoning appeals, the board may grant variances and exceptions from the zoning regulations on the basis and in the following manner:



1. To authorize in specific cases a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. A request for a variance may be granted in such case, upon a finding by the board that all the following conditions have been met:

In considering the providing of a variance we wish to provide the following information:

1. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant;*
  1. The four (4) standard brand signs are made for all Scooter's coffee kiosks and used for continuity.
2. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents as the signs are not in excess.
3. *That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;* The four (4) standard brand signs are used at all Scooter's coffee kiosks. Scooter's has done ample research for specific sizing on their snap frames and they are large enough to be seen but not in excess.
4. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;* It does not appear that the variance will adversely affect public health, safety, morals, order, convenience, prosperity or general welfare.
5. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations. According to section 801.2 of the zoning code, the intent and purpose of the sign code is: "Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Independence without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein."* Granting the variance will not be opposed to the general spirit and intent of the zoning regulations. The signs are standard to any Scooter's coffee kiosk.
2. To grant exceptions to the provisions of the zoning regulation in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation.



In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation. Under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulation by the board of commissioners, are not found to be present.

**Staff Recommendation:** City Staff recommends approving the variance based upon staff recommendation of the evidence presented in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  1. There is no apparent issue with public safety, health or welfare.
  2. The coffee kiosk has already made improvements by tearing down the old gas station and improving the area.
- b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property.
  1. The standard brand snap signs are used universally and would make this coffee kiosk stand out as different from other Scooter's coffee kiosks if the variance is not granted.
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
  1. The store would not be in continuity with other Scooter's coffee kiosks.

Chair Kendall Neill opened the hearing. There were no public comments.

**Motion:**

Lisa Richard moved to approve a variance to exceed the number and size of signs in the C-3, central business district, at 100 North 10th Street by allowing three (3) additional signs on both the east and west side of the building for a total of six (6) additional "snap frame" signs measuring 8.4 square feet each for a total of 50.4 square feet of additional signage. Mary Jo Meier seconded. Motion carried 8-0.



Tuesday, February 1, 2022  
Civic Center, Memorial Hall 5:30 p.m.  
Independence Planning Commission/Board of Zoning Appeals

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c. To receive comments on a variance request to decrease the setbacks in an R-2 single-family dwelling district at 1222 North 2<sup>nd</sup> Street.

**Details:**

Site Address: 1222 North 2<sup>nd</sup> Street  
Legal Description: Lot 33 & 34 Belmont Addition, City of Independence, Montgomery County, Independence.  
Property Owner: Hentges, Stephanie L Amended & Restated Rev Trust 5/24/2018  
Existing Use: Residence  
Existing Zoning: R-2, single-family dwelling district

**Background/History:** Mr. and Mrs. Hentges own the property and have been working with Miranda Bruening from HBK Architecture to build a new garage.

**Request:**

Mr. and Mrs. Hentges want to place a detached garage within two (2) foot from the south side yard property line and the neighbor's garage. This would be a six (6) foot encroachment. The residence had an existing garage, but it was not structurally sound, and they tore it down. They now want to build a new, deeper garage in the same place the old garage was in with the same two (2) foot between their garage and the neighbor's garage.

**Policy Explanation:**

**03.0. - R-2, single-family dwelling district.**

**503.1. Intent:** The purpose of this district is to provide for single-family residential development of low population density together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

**503.2. Permitted uses:** The listing of permitted uses is set out in appendix "A" of these regulations.

**503.3. Conditional uses:** The listing of conditional uses is set out in appendix "A" of these regulations.

**503.4. Intensity of use regulations:**

a. **Minimum lot area:** Single-family dwellings—7,200 square feet

**Exception:** Where a use is not connected to a public sewer, lot area shall be increased to area determined as adequate by the city engineer to meet current health standards.

b. **Minimum lot width:** 50 feet at the front building line, except cul-de-sac lots may be 35 feet at the front building setback line.



c. *Maximum lot coverage:* 30 percent.

*503.5. Height regulations:*

a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

*503.6. Yard regulations:*

a. *Minimum front yard:*

1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
2. Where lots have a double frontage, the required front yard shall be provided on both streets.

b. *Minimum side yard:*

1. Interior side yards: Eight feet.
2. Where the side yard fronts on a street, the minimum front yard shall be provided.

c. *Minimum rear yard:* Ten feet.

*Exception:* On lots of irregular rear property lines or when residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of building parallel to the sides and the perpendicular measurement taken from the rear of building to the furthest point of the lot. The average of these three measurements shall equal at least ten feet. However, in no case shall the building or structure be located less than eight feet perpendicular from any property line.

*503.7. Parking regulations:*

a. *Off-street parking:* Two spaces for each single-family dwelling. (See article VII for additional parking requirements.)

*Variance:* The granting of permission by the board of zoning appeals to allow the development of a lot or tract for uses allowed within the zoning district in a manner which exceeds maximum limits or is less than minimum limits established by these regulations and where such limits prohibit use of the land in a manner equivalent to the abutting similarly zoned properties.

**Sec. 2-116. - Variances, exceptions.**

When deemed necessary by the board of zoning appeals, the board may grant variances and exceptions from the zoning regulations on the basis and in the following manner:

1. To authorize in specific cases a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. A request for a



Tuesday, February 1, 2022  
Civic Center, Memorial Hall 5:30 p.m.  
Independence Planning Commission/Board of Zoning Appeals

---

variance may be granted in such case, upon a finding by the board that all the following conditions have been met:

In considering the providing of a variance we wish to provide the following information:

- a. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant;* The previous garage was in the same location and is the only place a new garage would fit.
- b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* The neighborhood has mostly detached garages similar to this residence.
- c. *That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;* There is no other space on the property where a garage can be placed.
- d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;* It does not appear that the variance will adversely affect public health, safety, morals, order, convenience, prosperity or general welfare.
- e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.* 503.6. *Yard regulations: c. Minimum rear yard:* Ten feet. Granting the variance will not be opposed to the general spirit and intent of the zoning regulations. The previous garage was built in the same place and matches the neighborhood.

2. To grant exceptions to the provisions of the zoning regulation in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation.

In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation. Under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulation by the board of commissioners, are not found to be present.

**Staff Recommendation:** City Staff recommends approving the variance based upon staff recommendation of the evidence presented in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  1. There is no apparent issue with public safety, health or welfare.



- b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property.
  - 1. The new garage is going back in the same spot as the old garage.
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
  - 1. The size of the old garage was too small for modern vehicles and was deteriorating.
  - 2. The new garage will be deeper but in the same location as the previous garage.

Chair Kendall Neill opened the hearing. There were no public comments.

**Motion:**

Kendall Neill moved to approve the variance to reduce the south side yard setback from eight (8) feet to two (2) feet, based on the staff's recommendation that all City Codes and conditions are met. Rachel Lyon seconded. Motion carried 8-0.

**Planning Commission**

- d. Consider setting the date of March 1, 2022, for a public hearing to receive comments to consider text amendments to Article B. – Zoning on the subject of tiny houses.

At your previous meeting you provided feedback on what you would like to see regarding a text amendment regarding Tiny Houses. The City requested the assistance of Stinson LLP to assist us with this text amendment. Below and attached is the information they provided:

Attached for review are drafts of the following documents: i) a proposed Ordinance amending provisions of the City's Zoning Code in order to allow for "tiny houses"; and ii) a comparison draft, in Word, showing proposed changes to Section 507.0 of the Zoning Code (Residential Planned Unit Developments). The latter can either be incorporated into the proposed Ordinance as an exhibit or inserted directly into the body of the ordinance, depending upon your preference. The revisions to Section 507 are currently set up as an exhibit for ease of review.

The goal was to follow the apparent consensus from the December Planning and Zoning meeting. Accordingly, the Ordinance provides as follows:



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 a 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. Minimum PUD size is one acre (Section 507.2.d). Permitted dwelling units is determined by doubling the amount of dwelling units that would be calculated if it was a normal residential PUD (Section 507.2.h). Please note that the numbers only reflect a general assessment of what I thought might be appropriate. Adjusting zoning ordinances to accommodate tiny houses appears to be a relatively new concept, and there isn't much in the way of relevant examples.

After discussion and any suggested modifications, if you wish to move forward with this text amendment, the next step is to schedule a public hearing.

Kelly Passauer asked if there were any questions or further modifications. If not, the next step would be to set the date for a public hearing. Any suggested modifications can be made now or at the March 1<sup>st</sup> public hearing.

An attachment of the Proposed Ordinance amending provisions of the City's Zoning Code in order to allow for "tiny houses"; a comparison draft, in Word, showing proposed changes to Section 507.0 of the Zoning Code (Residential Planned Unit Developments) and the Hearing Notice was provided in the staff report.

Motion:



Tuesday, February 1, 2022  
Civic Center, Memorial Hall 5:30 p.m.  
Independence Planning Commission/Board of Zoning Appeals

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Kendall Neill moved to set the date of March 1, 2022, for a public hearing to receive comments to consider text amendments to Article B. – Zoning on the subject of tiny houses. Lisa Richard seconded. Motion carried 8-0.

e. Other discussion.

- a. Kelly Passauer stated that there is an opening for the Planning and Zoning Commission. The application deadline is February 4, 2022.

**Adjournment**

**Motion**

*Kendall Neill moved to adjourn. Mary Jo Meier seconded. Motion carried 8-0.*

A red ink signature of Kendall Neill.

Kendall Neill, Chairperson

A blue ink signature of Rachel Lyon.

Rachel Lyon, Secretary

## INDEPENDENCE USD #446 RECREATION COMMISSION

*Monthly Meeting February 16, 2022*

*Ash Youth Center  
1501 N. 10<sup>th</sup> Street*

### MEMBERS PRESENT:

Christy Mavers  
Ron Goins  
Tony Turner  
Joe Cooley

### OTHERS PRESENT:

Brent Julian  
Lori Bromley  
Nick McBride  
Jim Butts  
Galen Palmer  
Lacey Lies

Christy Mavers opened the commission meeting at 11:31 a.m.

### ROUTINE

#### **Agenda**

The agenda was amended to move D. Central Park Sports Complex Payment & Update under III. Bus/Finance up to A. under Bus/Finance and everything else moves down one. Tony Turner moved to approve the agenda as presented. Ron Goins seconded. Motion carried 4-0.

#### **Minutes**

Joe Cooley moved to approve the minutes from the January 19, 2022 board meeting. Ron Goins seconded. Motion carried 4-0.

#### **Bills**

Joe Cooley moved to approve the February 2022 invoices and checks for payment as printed in the amount of \$1,671.79 as well as the bills and employee benefits paid since the last board meeting in the amount of \$21,198.51. Ron Goins seconded. Motion carried 4-0.

#### **Treasurer's Report:**

Galen Palmer reported the following bank balances as of January 31, 2022: First Oak Bank – Checking: \$23,916.64; First Oak Bank – Petty Cash: \$500.00; and Equity Bank – Savings: \$331,694.47. Galen informed the commission that \$220,000.00 was immediately transferred from Equity Bank into First Oak Bank in accordance with FDIC recommendations. Tony Turner moved to approve the treasurer's report as presented. Joe Cooley seconded. Motion carried 4-0.

### PROGRAM/OPERATIONS

#### **Maintenance Report**

Jim Butts answered any questions the board had on the maintenance report. A discussion was held on any maintenance needing done at the Ash Youth Center in the near future. Jim stated that he would like

to get the lights in the indoor pool area upgraded and will need to get bids on that soon. Brent stated that a lot of updates were done last fiscal year so the Ash Center should be good to go for a while.

### **Programs Report**

Nick McBride answered any questions the board had on the programs report. A discussion was held on the pickle ball tournament scheduled for March 19<sup>th</sup> and Nick informed the board that he is hoping to have enough registrants to include divisions for men's doubles, women's doubles as well as mixed doubles. Christy Mavers asked about available gym time at the Ash Center and stated she has received some complaints that time is being taken away from open gym for members, for more adult activities. Brent stated that it is a very busy time of year as it is every basketball season, as well as women's volleyball season which will lead into a co-ed volleyball season. Brent stated that Nick does a good job scheduling the gym and even though it is the Ash Youth Center it is also the Independence Recreation Commission who holds activities from ages 1 to 100 years old. Brent pointed out the graph Nick designed to show the Central Park Sports Complex fundraising progress. Nick stated that they will soon be announcing the fundraising information and going public through IRC's Face book page and website as well as hanging banners around town etc... Nick stated donation options will be available online, at the concession stands, the Ash Center and through the purchase of engraved paving stones similar to what Forpaz did a few years ago. Ron Goins asked about flooding at the new complex stating that it seems to be one of the major concerns of the public moving forward. Brent stated that the new design will be built at a two foot higher grade as well as the plans and materials used will include features designed to withstand water. Brent stated that yes, it will most likely flood, however as many precautions are being taken as possible.

### **Directors Report**

IRC Director, Brent Julian, answered any questions the board had on the director/aquatics report. Brent informed the board that he received the Memo of Understanding back from IRC lawyer, Dan Reynolds, and the indoor pool is set to open the weekend of March 5<sup>th</sup> from 1:00 – 6:00 p.m. Brent stated that he will put the information out on IRC's social media pages soon. Christy asked about offering the meeting room for birthday parties. Brent stated that IRC has always rented out the meeting room in two hour increments for \$50.00, however there just has not been much interest without the pool included or at least the gym, some days the gym is available and sometimes it is not. Christy stated she understands not renting out the pool, but suggested going ahead and putting the information out there on the meeting room.

## **BUSINESS/FINANCE**

### **Central Park Sports Complex Update & Payment**

Brent stated that IRC made the first \$40,000.00 payment to the City of Independence on December 28, 2021 for the Independence Central Park Sports Complex. Brent reminded the board that this will be an annual installment, but he is requesting payment be made in June each year instead of December. Brent stated that the month shouldn't matter as long as the payment is made each fiscal year and feels IRC has more available funds in June than in December when things tend to get tight. Christy asked if that means IRC would pay another \$40,000.00 five months from now and Brent said that it would, however it will still only be one payment per fiscal year, IRC is just better off financially in June rather than December. Ron Goins moved to approve moving the \$40,000.00 annual installment to the City of Independence to June each year. Tony Turner seconded. Motion carried 4-0. Lacey gave a quick update on where things stand with the new Central Park Sports Complex stating the timing is a little delayed due to wildlife permits and waiting on grants etc..., but the construction has been put into phases. Lacey stated, for example phase I will be the west side of the complex and will include two

baseball fields, the fitness court and concessions. Lacey stated the walking trail will be a separate phase all together. Phase II will consist of the basketball courts, pickle ball courts, batting cages and press boxes. Lacey stated they are looking into an alternative to a vertical press box, by doing covered seating for scorekeepers behind each back stop, could mean a total savings of approximately \$180,000. Lacey informed the board members that the timeline is now breaking ground this May on the west side and playing the first baseball games the summer of 2023 and soccer games the fall of 2023. Christy asked about the funding and how things are coming along, Lacey stated they have \$580,000 in pledges thus far. Lacey stated the 3-D renderings of the entire complex will be ready soon so that is exciting. Christy stated that the Community Chest would like to make a donation to the new Sports Complex, but they need more information in order to do so. Lacey suggested going through the Independence Community Foundation, which is a 501-C3 non-profit, along with financial reports from IRC would most likely work for them.

#### **Senior Dance Contract**

Brent informed the board members that it is time to renew our rental contract with ICC West for senior dances, age 55 and up. Brent stated the cost is the same as last year, \$100 per month for a total of \$1,200.00 per year. Brent stated that they normally hold two dances per month and this is an activity IRC has sponsored for several years. Joe Cooley moved to approve the rental agreement with ICC West for senior dances in the amount of \$1,200.00. Tony Turner seconded. Motion carried 4-0.

#### **Going Digital with Board Reports**

As previously discussed, Brent reminded the board IRC will go to digital board reports and packets by the next meeting March 16<sup>th</sup>. Brent stated that staff will get their reports to Lori by Monday afternoon of the board meeting week and she will scan and/or download reports into an email for all board members. Brent reminded board members to bring a device such as a tablet or a phone to the meetings to view their reports. The board agreed this would save paper and time as well as getting their packets and the agenda at least 24 hours before the meeting. Ron Goins moved to approve board reports and packets going to a digital format by the March 16, 2022 meeting. Joe Cooley seconded. Motion carried 4-0.

#### **RBFAC Restoration Work**

Brent updated the commission on the status of the restoration work going on at Riverside Beach Family Aquatic Center for paint and fiberglass repairs that the city has agreed to cover in the amount of \$140,000.00. Lacey Lies, with the City of Independence, was present to further discuss the project and ask if IRC would be willing to pay \$10,000.00 toward such improvements as it came in higher than the city anticipated. Christy Mavers stated that her concern is IRC's small budget and the fact IRC already commits \$10,000 to the pool each year. Christy stated that she feels IRC has contributed a lot for the pool, sports complex, way-finding signage etc....which is great, but the budget only goes so far. Ron Goins asked if the \$10,000.00 IRC budgets for pool expenditures each year would cover the cost; however, Lacey stated this would be an additional \$10,000 on top of the original making IRC's pool expenditures \$20,000.00 for FY22. Brent informed the commission that the City is filing for FEMA Recovery funds from 2019 and IRC has been included in this filing. Brent stated that Jim has been helping to get the necessary documentation of IRC's 2019 loss to Lacey and the city. Christy asked if any FEMA funds are granted to IRC would the money go to the city and Lacey stated that it would go directly to the city, however, they would put the funding back into IRC facility's such as the pool or central sports complex. Christy Mavers suggested tabling further discussion of the \$10,000 pool restoration project

until the March meeting. Ron Goins moved to approve tabling a decision on a \$10,000 payment for RBFAC Restoration Work until the March 16<sup>th</sup> meeting. Joe Cooley seconded. Motion carried 4-0.

**Executive Session**

Christy Mavers requested to move into executive session for approximately ten minutes. At 12:23 p.m. Tony Turner moved to adjourn into executive session for five to ten minutes. Ron Goins seconded. Motion carried 4-0. The meeting re-convened at 12:30 p.m.

**Items from the Commission**

There were no Items from the Commission.

**Adjournment**

The meeting adjourned at 12:40 p.m.

Respectfully Submitted,

Tony Turner  
Secretary