

AGENDA
Independence Planning Commission
Independence Board of Zoning Appeals
Tuesday, August 4, 2020
Veterans Room Memorial Hall 5:30 p.m.

To join by Conference Call dial: 1 785-289-4727 Conference ID: 753 776 542#

Call to Order

Minutes

- a. Consider approving minutes of the May 5, 2020 meeting.

Planning Commission

- b. Welcome new member Rachel Lyon.
- c. Orientation by City Attorney Jeff Chubb.
- d. Consider joint letter with the City Commission thanking past members.

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

- e. None.

Adjournment

Minutes

- a. Consider approving minutes of the May 5, 2020 meeting.

AGENDA
Independence Planning Commission
Independence Board of Zoning Appeals
Tuesday, May 5, 2020
Veterans Room Memorial Hall 5:30 p.m.

Call to Order

The Planning Commission meeting was called to order by Chair Andy McLenon.

Planning Commissioners Present

Andy McLenon was present in Person. Those virtually present through Teams were Mary Jo Meier, Barb Emert, Michelle Anderson, Brent Littleton, Lisa Richard, Kendall Neill and Steve McBride.

Planning Commissioners Absent

Tony Royse

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator, and Jeff Chubb, City Attorney

Visitors

Kenneth Devore present in person. Those virtually present were John Trever Wood, JJ Stuttler, Crystal & Greg House, Danny Riggs, Bill Franzon, Aaron Hargrave, and Ben Mellick.

Minutes

- a. Consider approving minutes of the March 3, 2020 meeting.

Barb Emert made a motion to approve the minutes of the March 3, 2020 meeting, Mary Jo Meier seconded the motion. The motion carried 8-0.

Planning Commission

- b. Public hearing to consider a request for a conditional use permit for a communication tower in a C-2, commercial services district at 1101 E. Main Street.

The following staff report was previously provided:

Summary

We have received a request for a conditional use permit for a communication tower in a C-2, commercial services district at 1101 E. Main Street.

Appendix “A” of the Zoning Ordinance allows communication towers as a conditional use in the A-1, C-2, C-4 and M-2 districts. The property at 1101 E. Main Street is zoned C-2.

Conditional Use Permit

The zoning ordinance in section 901.1 (page 87) describes the purpose of a conditional use as:

“...those types of uses which are considered by the City to be essentially desirable, necessary or convenient to the community but which by their nature or in their operation have:

- 1) a tendency to generate excessive traffic,*
- 2) a potential for attracting a large number of persons to the area of the use thus creating noise or other pollutants,*
- 3) a detrimental effect on the value of potential development of other properties in the neighborhood,*
or
- 4) an extraordinary potential for accidents or danger to the public health or safety.*

Such conditional uses cannot be allowed to locate as a ‘right’ on any parcel of land within certain districts without consideration of existing conditions at the proposed locations and of properties neighboring the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse effects.”

Staff Report

The Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance.

In considering those types of uses which may be desirable, necessary or convenient to the community, the Commission should review and make recommendations based in part on 901.1.

Additionally, the decision of the Planning Commission to recommend approval or denial of the proposed conditional use shall be based on the following criteria (902.2):

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.*
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.*
- c. The proposed conditional use will not cause substantial injury to the value of other property in*

- the neighborhood in which it is to be located.*
- d. *The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:*
 - 1. *The location, nature and height of buildings, structures, walls and fences on the site, and*
 - 2. *The nature and extent of landscaping and screening on the site.*
 - e. *Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).*
 - f. *Adequate utility, drainage, and other such necessary facilities have been or will be provided.*
 - g. *Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.*

Action by the Planning Commission

Any recommendations regarding a conditional use permit for the subject property shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the request. If the request is approved the applicant must be required to meet the conditions the Planning Commission wishes to require. Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

Staff Recommendation

City staff recommends granting the conditional use permit with the following conditions:

1. The conditional use permit is not transferable to another location.
2. The conditional use permit shall be reviewed periodically for compliance.
3. The antennas shall receive all required local, state and federal permits prior to installation.
4. Installation, maintenance and use of the antennas shall be in compliance with all local, state and federal laws and regulations.
5. The communication antennas shall be required to meet the

requirements listed in Section 1014.0 Communication antenna or communication towers of Article X. Special Provisions Applying to Miscellaneous Conditional Uses in Appendix B. Zoning of the Independence, Kansas, Code of Ordinances.

If any of the above conditions are not met the conditional use permit will no longer be valid.

The basis of staff's recommendation is that granting the conditional use permits is consistent with criteria "a through g" of Section 902.2 of the zoning code.

John Trever Wood, SSC in Overland Park spoke on behalf of the applicant Evergy who wants to improve their critical infrastructure by decommissioning a standing structure and installing a taller monopole wireless with a single microwave antenna on the east end of the existing Evergy property. Engineer drawings have been provided and it meets all City and EI codes that concerns wind and ice loading structures.

The public hearing was opened by Chair Andy McLenon. Kenneth Devore asked if the tower was a 5G. John Trever Wood explained it was not a 5G tower, that it is a microwave hop to an adjacent facility. Crystal House asked that with this particular tower is there any risk to humans or animals in the near area. John responded that no this is a microwave hop that is FCC licensed and is safe technology that has been used for many years. Crystal asked if that included livestock and John replied that it did. Kenneth Devore asked what the height of the tower is, and Andy replied that it is 100 feet. Mary Jo Meier asked if the pole is 100 feet versus 65 feet and is a monopole design and it increases the circumference of the reception from 200 feet to 1000 feet, what kind of clamps or bolts or structure, do we have enough in this design to secure a 100 foot pole, that it will be secure through winds loading? John Trevor Wood stated that yes, we submitted the plans from the tower manufacturer supporting that the tower and the foundation itself, which is what I believe you're asking is how is the pole secured to the ground, I can tell you it's secured with an immense amount of concrete that is tied into an expansive steel structural system and we meet and exceed all codes. Having permitted this type of structure for the last 20 years of my life, it is one of the last structures to go down in say a F5 tornado. Lisa Richard asked whether the tower is 100 feet or 99. The project says it's 100 but other places stated 99. John stated that 100 feet was put in to make sure they were covered to include the steel. The physical steel is 99 feet and the radius of the microwave is 24 inches. There are a few inches of leeway. Lisa asked under the City Ordinance 1014.0 for Communication Towers, one of the requirements is that the applicant provides a statement that alternative sites or towers within one-half mile are not available and asked if John had a statement of that nature. John stated that if one was not in the material provided, I will state on the record that this tower directly supports the service center that the property of the tower is immediately adjacent the east side of the service center and the equipment that services the tower is within the building so you are going to have a direct input right into the service center. Lisa Richard asked that the applicant's representative provide something clarifying that it's a unique site and that there couldn't be an alternative to cover that requirement in the code. She further asked that this information be to Kelly

Passauer. John stated absolutely, I'll write a letter up and make sure Kelly has it first thing in the morning. Lisa stated that she had one more question, also in the requirements for towers there is a requirement that it be 200 feet from any existing residences, is that the case here? John replied that yes, the nearest residences you would have to jump over the top of the service center which is an expansive building, and we are well in excess of that. Andy stated that he heard someone else prior to Lisa Richard or was the question satisfied, Crystal House asked if this microwave was going to cause any disruption in their Wi-Fi. John answered no there will be no disruption, this is within the FCC licensed spectrum that Evergy owns and Wi-Fi operates on a different spectrum. Being no other comments were made, the public hearing was closed. Andy asked Kelly Passauer to give a staff recommendation.

The recommendation in the staff report was reviewed by Kelly Passauer.

Brent Littleton moved to approve the conditional use permit with the conditions as recommended by City staff, Lisa Roberts seconded the motion. The motion was carried 8-0.

- c. Consider draft letter regarding updating the Comprehensive Plan.

At the March 3, 2020 Planning Commission meeting during the annual review of the Comprehensive Plan the following motion was made:

Mary Jo Meier moved to direct staff to prepare a draft request in writing to be reviewed at their next meeting to ask the Commission to set aside \$50,000 for 2021, and \$50,000 for 2022, or consider funding a portion from the revised 2020 budget to update the Comprehensive Plan. The motion was carried 6-0. Member Kendall Neill was not yet in attendance during this vote.

Attached is a draft letter as requested.

Lisa suggested that the last sentence be worded a little stronger instead of giving them a pretty big out. Barb Emert suggested that the sentence read: However, we ask that this vital project be kept in mind.”

Andy McLenon made a motion to approve the letter regarding the Comprehensive Plan, as amended. Brent Littleton seconded the motion. The motion carried 8-0.

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

- d. Consider a variance request to decrease the setbacks in a C-2, commercial services district at 611 W. Main Street, 615 W. Main Street, and 101 S. 12th Street.

The following staff report was previously provided:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from SimonCRE JC Sparky V, LLC to grant a variance from the setback regulations as provided for

in the zoning ordinance. Their request is to encroach upon the 10' rear yard setback 8.33' to construct a retail store 1.67' from the rear property line.

Review of Request

The applicant is planning to construct an O'Reilly's Auto Parts Store 1.67' from the rear property line.

Board of Zoning Appeals Considerations

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; This lot is 140' deep, which is common for lots in many of the older neighborhoods in the City. This area was originally platted for residential use. The applicant has indicated that they feel the lot is too shallow to fit their desire site layout.

b. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents; It is not believed that this encroachment will create any adverse effects to adjacent property owners.

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; The hardship would consist of requiring the developer to redesign the layout for the auto parts store.

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 affect public health, safety, or general welfare.

e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations. City staff feels it is not opposed to the general spirit and intent of the zoning regulations.

Staff Recommendation

If the Board of Zoning Appeals wishes to approve this request, then the recommended motion would be to reduce the rear yard setback on the south 8.5', from 10' to 1.5'.

Aaron Hargrave, Anderson Engineering representing SimonCRE spoke on behalf of the applicant. He stated that they are building an O'Reilly retail auto parts store, 7,800 sq ft, and we're removing a couple of houses and structures. We have met all parking requirements per City code and there's an alley behind that is being repaved and we are requesting a setback to 1.8'.

The public hearing was opened by Chair Andy McLennon. Lisa Richard asked if the lot site drawings were 140 feet deep. Aaron Hargrave stated that he did not remember if he had the exact dimensions. Ben Mellick stated that he did not know if they had the dimensions in the preliminary. Andy, it was brought up during that time that we would need the setback. He further stated that the reason they are requesting the setback is because the previous residential parcel does not fit that

much commercial space and the alley already gives a 20 foot buffer and it is the best place to place the building. Lisa Richard stated that they provided a site plan previously that just depicted next to the alley. Lisa Richard further asked if there was any consideration of drainage since the building will be right on the alley. Aaron Hargrave stated that all the runoff is being collected and piped to 12th Street, and there is a pipe along the rear of the building collecting runoff so there will not be an adverse impact to the alley. Kelly Passauer stated that when the rezoning was done drainage was one of the conditions of the rezoning and they do have a drainage plan that we have received and are going over. Lisa Richard asked if either of the two big trees in the right-of-way of 12th Street are going to be retained. Aaron Hargrave stated the 32-inch oak is going to be kept. The other is in front of the alley will be removed. Being no other comments were made, the public hearing was closed. Andy asked Kelly Passauer to give a staff recommendation. The staff recommendation previously provided was reviewed by Kelly Passauer.

Mary Jo Meier made a motion to reduce the rear yard setback on the south 8.5', from 10' to 1.5' as recommended by City staff, Kendall Neill seconded the motion. The motion carried 8-0.

Adjournment

Barb Emert moved to adjourn the meeting, with Andy McLenon seconding the motion, which passed 8-0.

Andy McLenon, Chair

Michelle Anderson, Secretary



May 5, 2020

Independence City Commission
City Hall
811 W. Laurel Street
Independence, KS 67301

RE: Comprehensive Plan Update

Dear Mayor and City Commissioners,

On March 3, 2020 the Planning Commission completed the annual review of the Comprehensive Plan adopted initially in 1982. The Planning Commission discussed the need to update this important document, particularly as it relates to economic development. With the \$100,000 estimated cost of the plan update, one suggestion was to recommend encumbering funds from multiple budget years until adequate funds were available.

With the 2020 pandemic, we understand that the readjustment of future priorities may need to occur due to the potential long term financial impact on the City's finances. However, we ask that this vital project be kept in mind.

Sincerely,



[Andy McLenon \(May 10, 2020\)](#)

Andy McLenon, Chair
Independence Planning Commission



[Barbara Emert \(May 10, 2020\)](#)

Barb Emert, Vice Chair
Independence Planning Commission



[Michelle Anderson \(May 10, 2020\)](#)

Michelle Anderson, Secretary
Independence Planning Commission



May 7, 2020

VIA ELECTRONIC MAIL (KellyP@IndependenceKs.gov)

Kelly Passauer
Assistant City Manager/Zoning Administrator
City of Independence, KS
811 West Laurel Street
Independence KS 67301
(620)332-2500

RE: Evergy – CUP for a communication tower replacement at 1101 E.
Main Street

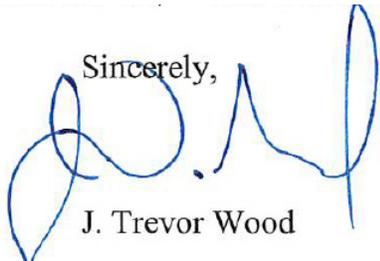
Dear Ms. Passauer:

I represented Evergy and Hayden Tower regarding the above-referenced project before the Planning Commission on Tuesday evening. One of the Commissioners asked that I place a formal letter on file with you explaining that it was infeasible to utilize other towers or an alternative property within a certain distance from the tower site.

The tower is an FCC-licensed microwave hop that supports the Evergy Service Center in Independence. It is directly tied to an equipment room inside the Service Center, and it is therefore necessary the tower be placed on-site.

If you could confirm for me when this application will be considered by the Independence City Commission, I would be most appreciative. Please feel free to give me a call at (913)907-4893 with questions.

Congratulations on running a public hearing remotely. It flowed very well. It was a first for me.

Sincerely,

J. Trevor Wood

Cc:

David Blaha, Hayden Tower
Joseph Moore, SSC

Planning Commission

- b. Welcome new member Rachel Lyon.

From: noreply@civicplus.com
To: [Kelly Passauer](#)
Subject: Online Form Submittal: Board Application
Date: Tuesday, February 11, 2020 2:05:00 PM

Board Application

Board Applying For: Planning and Zoning

Name Rachel Lyon

Date 2/11/2020

Address 313 W Walnut

Email Address [REDACTED]

Phone Number [REDACTED]

Educational Background:

High School Name and Location Independence Sr. High School, Independence, KS

Graduated/Degree GED

College Name and Location Independence Community College, Independence, KS

Graduated/Degree Associate of Science

Major Biology

Other Education Name and Location Pittsburg State University, Pittsburg, KS

Graduated/Degree Bachelor of Science

Emphasis Biology w/ Natural History Interpretation

Do you reside inside the corporate limits of the City of Independence? Yes

If no, do you reside within 3 miles of the corporate limits of the City of Independence? *Field not completed.*

What experiences have you had that you feel would assist you as a board member?

I have served on a number of City boards in years past and am familiar with procedures. Through my work in both the private and public sectors I have formed relationships that can be beneficial to making suggested changes that will prove valuable for Independence.

Why do you want to become a member of the board?

I am a homeowner, small business owner, and real estate agent in Independence and I want to ensure the best policies are in place to promote growth and innovation. I am dedicated to my community and would like the opportunity to serve it once again.

Do you feel that there are any issues needing immediate attention by the board? If so, please explain.

Being unfamiliar with the objectives of this board, I cannot immediately say.

Other comments:

I appreciate your consideration.

Email not displaying correctly? [View it in your browser.](#)

- c. Orientation by City Attorney Jeff Chubb.
See attached orientation packet.

PLANNING COMMISSION ORIENTATION

BY CITY ATTORNEY JEFF CHUBB

City Website: www.IndependenceKs.gov

City Code: <http://library.municode.com/index.aspx?clientId=12808>

City Zoning Code:

<http://library.municode.com/HTML/12808/level1/APXBZO.html>

Comprehensive Plan:

<https://www.independencesks.gov/DocumentCenter/View/1380/COMPREHENSIVE-PLAN---FEB-1982>

Agendas and Minutes:

<http://www.independencesks.gov/AgendaCenter/Planning-CommissionBoard-of-Zoning-Appea-2>

I. Planning and Zoning Commission/Board of Zoning Appeals (Two Separate and Independent Boards)

A. Planning and Zoning Commission

- 1. Size of Commission - 9 members**
- 2. Composition - 7 members reside in City limits 2 members reside outside City, but within 3 miles**
- 3. Appointments - 3 years**
- 4. Removal of Members:**
 - a) Absence from 3 consecutive meetings at which a vote is taken*
 - b) Miss 4 meetings during any 12 month period*
- 5. Quorum to conduct business – 5 members**
 - a) 5 members' favorable vote for:*
 - (1) Adoption on amendment of Comp Plan
 - (2) Amendment of By-laws
 - (3) Election of officers
 - (4) Set time of regular meeting
 - (5) Zoning ordinance text amendments
 - b) Majority of Quorum - 3 members all other actions:*
 - (1) Plat approval
 - (2) Rezoning recommendations
- 6. Open Meeting Requirements - 5 members cannot discuss business**
- 7. Conflicts of Interest**

- 8. Abstaining**
- 9. Quasi-judicial capacity on Rezoning**
 - a) Cannot discuss rezoning requests except at public meetings or public hearings with other members or public-may discuss with City staff*
- 10. Jurisdiction**
 - a) Comprehensive Plan - City and up to 3 miles*
 - b) Zoning – City limits*
 - c) Board of Appeals - City limits*
 - d) Zoning 3 mile area - County Planning Commission*
 - e) Platting - City limit*
 - f) Platting 3 miles - Joint Board*
- 11. Powers and Duties**
 - a) Prepare and amend City Comprehensive Plan*
 - b) Develop subdivision regulations*
 - c) Review and approve plats - that conform to subdivision regulations*
 - d) Adopt recommendations for zoning districts and regulations*
- 12. Zoning Ordinance vs. Subdivision Regulations**
 - a) Zoning -land use*
 - b) Subdivision - development standards and dedication of public rights-of-way and easements*
- 13. Zoning Classification**

a) City Ordinance based on "Restrictive Use" vs. "Pyramidal Use"

- (1) Appendix A - Permitted and Conditional use table
- (2) Appendix B - Coding land use activities

b) Zoning Classifications (14)

- (1) 13 classifications - 1 overlay (Flood plan)

c) Other Special Classifications

- (1) Planned Unit Developments
- (2) Conditional Use Permits

d) Regulations

- (1) Height limitations, setbacks, lot area coverage per zoning classifications
- (2) Home Occupations
- (3) Day Care
- (4) Recreation Vehicles
- (5) Off-street parking
- (6) Sign Regulations

e) Non-conforming Uses: Land use and structures

14. Zoning Amendments

a) Public Hearing - Quasi-judicial

b) Criteria for rezoning or conditional use (Sec. 2-101 City Code)

- (1) The character of the neighborhood.
- (2) The zoning and uses of properties nearby.

- (3) The suitability of the subject property for the uses to which it has been restricted.
- (4) The extent to which the proposed use will detrimentally affect nearby property.
- (5) The length of time the subject property has remained vacant as zoned.
- (6) The relative gain to public health, safety, and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- (7) The economic impact on the owner of the subject property and the economic impact on the surrounding properties.
- (8) Recommendation of City's permanent staff.
- (9) Conformance of the requested change to the adopted comprehensive plan being utilized by the City.
- (10) The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include but are not limited to sanitary and storm sewers, water, and electrical service, police and fire protection, schools, parks and recreation facilities, etc.
- (11) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network influenced by the use, or present parking problems in the vicinity of the property.
- (12) The environmental impacts the proposed use will generate, including but not limited to storm water runoff: nighttime lighting, or other environmental conditions.

(13) The ability of the applicant to satisfy any requirements (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning district regulations or other applicable ordinances.

c) Tools - Comp Plan, Zoning Ordinance, Stat Reports, Past practices and policies of Planning Commission.

d) Actions Planning Commission may take:

(1) Recommend approval of application – give reasons

(2) Recommend denial of application - give reasons

e) Effect of not following statutory requirements may result in legal challenge and City action may be over-turned.

B. Board of Zoning Appeals

1. Membership – The 7 members of the Planning Commission that live within the City limits shall serve as the Board of Zoning Appeals.

2. Frequency of Meetings -- When application filed for request for variance on appeal.

3. Authority -- Decide appeals or approval of variance subject to challenge in district court.

4. Items Considered:

a) Appeals regarding application of Zoning Ordinance by Zoning Administrator - appeal must be from aggrieved party.

b) Variances - approve exceptions to Zoning Ordinance when following conditions are met and for which Zoning Ordinance allows a variance:

- (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;
- (2) That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;
- (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;
- (4) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- (5) That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

II. Recommended Philosophies and Concerns

A. Why have City Planning?

- 1. Establish relationship of land uses within the City that protects property values.**
- 2. Efficient uses of City resources relating to development – traffic safety, infrastructure needs and engineering concerns.**
- 3. Defines community quality of life standards.**

B. Concerns.

- 1. Be consistent in application of standards and codes.**

2. Follow City codes.
3. Common sense - codes and Comp Plan based on common sense on recommended changes.
4. Remember you must consider overall City needs - what is good for the City as a whole.
5. Persons attending public hearings - very small percentage of population - usually opposition attends public hearings and not proponents.
6. Consider long term impacts - described specific use at hearing may not be ultimate use - primarily consider land uses permitted not specific land use presented at hearing.

III. Major Items Being Considered By Planning Commission:

- A. Strategic Plan Implementation
- B. Update of City Comprehensive Plan

IV. Planning Commission Advice, Opinions, or "War Stories"



"Delivering Excellence"

E XCELLENCE CITY OF INDEPENDENCE

OUR MISSION: *Excellence in providing municipal services to our residents, visitors and business community to foster a high quality of life.*

OUR MOTTO: "Delivering Excellence"

OUR STRATEGIC VISION: *Service Excellence – Continuous Improvement – Teamwork*

WE VALUE:

INTEGRITY – The Power of Honesty

Integrity is the foundation of all we do. It is a constant. Those with whom we work, live and serve can rely on us.

We align our actions with our words and deliver what we promise.

We build and strengthen our reputation through trust.

We do not improperly influence others or let them improperly influence us.

We are respectful and behave in an open and honest manner.

In short, the reputation of the organization reflects the ethical performance of the people who work here.

COMMITMENT – The Power of Responsibility

We embrace our responsibilities. Individually and collectively we make meaningful commitments—first to each other, and then to those with whom we work, live and serve.

We understand and focus on the needs of our customers.

We are citizens and responsible members of the community who are dedicated to safety, care for our environment, and manage our operations ethically.

We know it is both our duty and our honor to carry the City of Independence heritage forward.

EXCELLENCE – The Power of Quality

We set and achieve ambitious goals. The quality of our services reflects the power and heritage of the City of Independence—the pride we take in what we do and what we make possible.

We are passionate about people, process, and service excellence.

We are determined to serve our customers through innovation, continuous improvement, an intense focus on customer needs, and a dedication to meet those needs with a sense of urgency.

For us, excellence is not only a value; it is a discipline and a means for making the City a better place.

TEAMWORK – The Power of Working Together

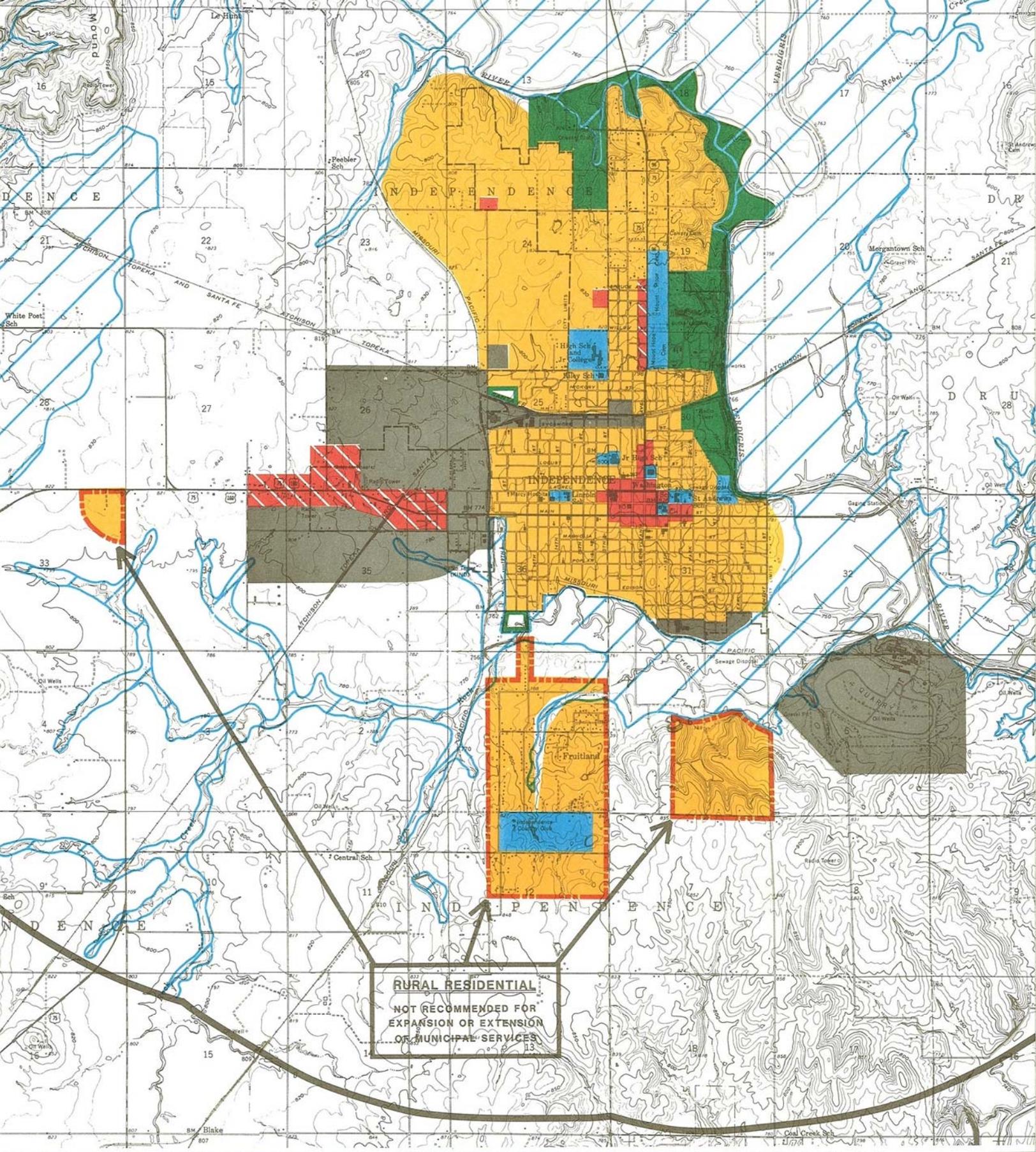
We help each other succeed. We are a team, sharing our unique talents to help those with whom we work, live and serve.

The diverse thinking and decision making of our people strengthens our team.

We respect and value people with different opinions, experiences and backgrounds.

We strive to understand the big picture, and then do our part.

We know that by working together, we can produce better results than any of us can achieve alone.



RURAL RESIDENTIAL
 NOT RECOMMENDED FOR
 EXPANSION OR EXTENSION
 OR MUNICIPAL SERVICES

ANCE

GENERAL DEVELOPMENT PLAN

- RESIDENTIAL
- FUTURE PARKS
- RURAL RESIDENTIAL
- PUBLIC & SEMI-PUBLIC
- COMMERCIAL

from
Kelly
3-15-02

**BY-LAWS OF
THE INDEPENDENCE PLANNING AND ZONING COMMISSION
AND BOARD OF ZONING APPEALS**

The following by-laws are established by the Independence Planning and Zoning Commission and Board of Zoning Appeals.

ARTICLE ONE

**Creation of Planning and Zoning Commission
and Designation of Board of Zoning Appeals**

SECTION ONE: As provided for by State Statute, Section 4, Chapter 56, 1991 Session Laws, the Independence City Commission has created a Planning and Zoning Commission. Furthermore, as provided by Section 20 (g), Chapter 56, 1991 Session Laws, the City Commission has designated the Planning and Zoning Commission as the Board of Zoning Appeals. When the term Planning Commission is used in these By-laws, where applicable, these by laws shall also apply to the Board of Zoning Appeals.

ARTICLE TWO

Purpose

SECTION ONE: By-Laws. The purpose of these By-Laws is to establish rules for the internal organization and procedures of operation of the Planning Commission for compliance with K.S.A. 12-701, et.seq., as amended by the 1991 Kansas Legislature.

SECTION TWO: Commission. The function, powers, and duties of the Planning Commission are as authorized by State Law, K.S.A. 12-701, et.seq., and existing City ordinance. The Planning Commission adopts its own rules and policies for procedure, consistent with its powers.

ARTICLE THREE

Organization

SECTION ONE: Officers. The officers of the Commission shall be a Chairman, Vice Chairman, and Secretary. The Chairman, Vice Chairman, and Secretary shall be elected by the Planning Commission at its regular meeting in January of each year. The term of office shall be one (1) year. Officers may succeed themselves to office.

SECTION TWO: Chairman. The Chairman shall preside at all meetings of the Planning Commission. At his discretion, a Chairman may call special meetings and he may also relinquish the Chair to the Vice Chairman or other specific member. The Chairman may not make or second motions, but he may vote on any and all motions to come before the Commission. The Chairman shall appoint all committees. The Chairman shall perform all the duties assigned to his office by law and by the City Governing Body, and shall have such usual powers of supervision and management as pertain to the office of Chairman. If the Chairmanship becomes vacant for any reason, the Vice Chairman shall succeed to the Chairmanship for the remainder of the term.

SECTION THREE: Vice Chairman. The Vice Chairman shall act as Chairman in the absence of the Chairman or disability of the Chairman. In the event the office of Chairman becomes vacant, the Vice Chairman shall succeed to that office for the unexpired term and the Planning Commission shall select a new Vice Chairman for the unexpired term.

SECTION FOUR: Secretary. The Secretary is responsible for keeping a record of all regular and special meetings of the Planning Commission. The Secretary may be assisted in record keeping and providing notices of all regular and special meetings, and to keep records of all meetings by employees of the City. In the absence of the Chairman and Vice Chairman, the Secretary will serve as Chairman.

SECTION FIVE: Attendance. In the event the Chairman, Vice Chairman or Secretary of the Commission shall be absent or unable to attend to the duties of their offices, the members of the Commission may, at any regular meeting or any special meeting called for that purpose, appoint a Chairman pro-tem or a Secretary pro-tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to his duties.

ARTICLE FOUR Meetings

SECTION ONE: Regular Meetings. Regular meetings of the Planning Commission shall be held the first Tuesday of each month. Unless otherwise provided, the regular meetings shall be conducted in the American Legion Room of Memorial Hall and shall begin at 6:30 p.m.

SECTION TWO: Special Meetings. Special meetings of the Planning Commission shall be called by the Chairman, or in his absence, by the Vice Chairman, and held at any time or place fixed in the notice. Only items specified in the notice may be acted upon at the special meeting. Notice may be made by telephone or mail. The Chairman or, in his absence, the Vice Chairman shall call a special meeting of the Commission at the request, in writing, of a majority of the appointed members of the Commission; and if the Chairman or, in his absence, the Vice Chairman shall fail to comply with such request, said members so requesting, may call such meeting provided they all sign the notice. The Planning Commission shall provide at least three (3) days' notice to each member prior to any special meeting unless the notice requirement is waived by all members.

SECTION THREE: Quorum. A majority of the membership of the Planning Commission shall be necessary to constitute a quorum for the transaction of business and taking of official action. A favorable vote of five (5) members shall be necessary for the adoption of:

- a. a Comprehensive Plan or addition of any parts thereof;
- b. any amendments or changes in the By-Laws of the Commission;
- c. the election of officers of the Commission;
- d. to set time and place of regular meetings;
- e. zoning ordinance amendments;

All other action may pass upon a favorable vote of a majority of the quorum.

ARTICLE FIVE

Conduct of Meetings

SECTION ONE: Suggested Order of Business. a) Call to Order, Approval of Minutes, Public Hearing, Action on Items on which Public Hearings were held, Other Items Requiring Planning Commission Action, Reports, Other Concerns of the Commission, and Adjournment. b) The Commission may consider items not on the Agenda if a majority of the Commission members present vote approval to do so.

SECTION THREE: Continuances. Any item may be continued upon request of the applicant or recommendation by staff or a Commission member. The Commission may continue items requiring a public hearing to a date certain. Other items may be tabled and recalled at the request of the applicant, staff, or Commission. A tabled item which fails to be recalled after six (6) months shall be considered withdrawn. The applicant is entitled to one (1) continuance as a matter of right, and subsequent continuances only upon approval of a majority of the Planning Commission. If consent is not given, action must be taken by the Planning Commission or the applicant must withdraw the item.

SECTION FOUR: Appearance Before the Commission. Applicants or their representatives may appear before the Commission to present their views on an agenda item. If required by law, the Commission will hold a public hearing and entertain public comment. At the public hearing and during the regular meeting, the Planning Commission may, at their discretion entertain public comment from members of the community or individuals or their representatives who believe they will be affected by the Commission's action. The Chairman may, at his discretion, prescribe procedures for registration of speakers and require that each person come forth and state:

- a. Name
- b. Address
- c. Person or organization they represent or if they are speaking as an individual.

The Chairman may also reasonably limit the length of all person's presentation or discussion to ensure the orderly conduct of Commission business; however, the decision of the Chairman may be overridden by a majority of the Commission present.

SECTION FIVE: Incomplete Submittals. The Commission will not hear items that fail to meet City ordinance submission requirements. A majority of the commission may waive this requirement.

SECTION SIX: Commission Action. The commission shall take action on each item presented at the conclusion of discussion on the item. Voting shall be by individual voice ballot on each item and shall be tallied by the Recording Secretary. All members, including the Chairman, shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which he may have a conflict of interest as discussed in Article Six, Section One. If the item upon which the Planning Commission action is taken is remanded for reconsideration to the Commission by the Governing Body, it shall be considered at the next regular meeting of the Planning Commission after notice of the remand is received. If no action is taken on the remanded item at this meeting, the same recommendation will be deemed to have been made and will be sent back to the Governing Body.

SECTION SEVEN: Record of Proceedings. The Recording Secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Planning Commission for approval.

SECTION EIGHT: Motions. Following the closing of testimony, a motion may be made to recommend approval or denial of the proposition, to continue the proposition to a later date if a public hearing has occurred, or to table the item. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve. Upon receiving a second, the motion may be discussed and, upon the call for question or at the discretion of the Chairman, brought to a vote. A motion to amend, if necessary, must be voted on first. Then the main motion would be voted on in its amended state. Motions shall require an affirmative vote of the majority of the necessary quorum for passage.

SECTION NINE: Abstentions. As discussed in Article Six, Section One, if a Commissioner has a conflict of interest he must vacate his chair and disqualify himself from voting on the item. If after considering an item a Commissioner merely wishes to abstain from voting, his abstention shall be treated as a vote with the majority. If there is a tie vote, an abstention shall be considered a denial.

SECTION TEN: Failure to Recommend. If there is a tie vote of the Planning Commission on any item on which the Commission sits as a recommending body, such as a rezoning or text amendment, such a tie vote is considered a failure to recommend and goes to the Governing Body with no recommendation. If the tie vote occurs on action which the Commission sits as a final decision maker, a tie vote defeats the motion. If no subsequent motion is made and approved after the tie vote, the request is deemed denied.

SECTION ELEVEN: Applicant Not in Attendance. In case an applicant or his agent is not in attendance when his item is called, the item shall be set over to the end of the agenda. If at the time the item is called again the applicant is still not present, the Commission may continue the case, or may approve or deny the proposition as it sees fit.

ARTICLE SIX Miscellaneous

SECTION ONE: Conflict of Interest. When a member of the Commission feels he may be in conflict of interest on a particular case before the Commission, he may so state for the record and vacate his chair. A member so vacating his chair shall leave the room and should not participate in the hearing or discussion, and shall not vote on the issue. If the vacation of a member due to conflict of interest will eliminate a quorum, then the Planning Commission shall continue the hearing to the next regular meeting.

SECTION TWO: Suspension of Rules. Any of these By-Laws may be suspended for stated reasons by affirmative vote of a majority of these members present at a special or regular meeting with a quorum present.

SECTION THREE: Amendments to By-Laws. The Planning Commission may amend these By-Laws at time following the procedures provided in these By-Laws.

Independence Planning Commission
Zoning Amendment Hearing Script

1. To protect the rights of all parties involved and in order to create an opportunity for everyone to speak their opinions in an orderly fashion, the Independence Planning Commission follows a specific fact finding procedure. Your attention to this procedure is appreciated.
2. We would like to formally open the hearing regarding case number (insert case number and information from agenda). Have any Planning Commissioners had any outside contacts regarding this case? If so, please indicate who you have spoken with and explain the nature of the conversation.
3. Do any Planning Commissioners have a conflict of interest in this case?
4. Is the applicant or his/her agent in attendance? Please step forward and state your name. You have ten minutes to present your case. Planning Commission members may request clarification at the end of your presentation.
5. We will now hear the staff report.
6. Is there anyone in the audience who would like to comment on this case? You may have five minutes to comment. Please clearly state your name and address before commenting.
7. Does the applicant wish to rebut any statements made?
8. Does anyone in the audience wish to rebut any statements made?
9. Does the Commission have any further questions of the applicant or staff?
10. The public hearing is now closed. Acceptance of a rezoning request must be based on the following factors: A) Character of the neighborhood, B) Zoning and uses of properties nearby, C) Suitability of the subject property for the uses to which it has been restricted, D) Extent to which the proposed use will detrimentally affect nearby property, E) Length of time the subject property has remained vacant as zoned, F) Public gain versus private hardship, G) Economic impact on the owner of the subject property and the economic impact on the surrounding properties, H) Recommendation of city's permanent staff, I) Conformance with the comprehensive plan, J) Availability and adequacy of required utilities and services to serve the proposed use, K) Impact on streets and parking, L) Environmental impacts, M) Ability to meet requirements of applicable codes. The Chair will entertain a motion on this case.
11. A motion to (repeat motion) with the following conditions (repeat conditions) based on (repeat factors) has been made and seconded. Is there any discussion?
12. I will now call the roll. Motion (carries/fails).

Sample Motion

I move that we (accept/deny) the rezoning request from R-2 Single-family Dwelling District to C-1 Neighborhood Business District. This motion is based on the following findings: Conformance with the Comprehensive Plan, Character of the Neighborhood, Zoning and uses of properties nearby, Availability and adequacy of required utilities and services to serve the proposed use, and staff recommendation.

Independence Planning Commission
Conditional Use Permit Hearing Script

1. To protect the rights of all parties involved and in order to create an opportunity for everyone to speak their opinions in an orderly fashion, the Independence Planning Commission follows a specific fact finding procedure. Your attention to this procedure is appreciated.
2. We would like to formally open the hearing regarding case number (insert case number and information from agenda). Have any Planning Commissioners had any outside contacts regarding this case? If so, please indicate who you have spoken with and explain the nature of the conversation.
3. Do any Planning Commissioners have a conflict of interest in this case?
4. Is the applicant or his/her agent in attendance? Please step forward and state your name. You have ten minutes to present your case. Planning Commission members may request clarification at the end of your presentation.
5. We will now hear the staff report.
6. Is there anyone in the audience who would like to comment on this case? You may have five minutes to comment. Please clearly state your name and address before commenting.
7. Does the applicant wish to rebut any statements made?
8. Does anyone in the audience wish to rebut any statements made?
9. Does the Commission have any further questions of the applicant or staff?
10. The public hearing is now closed. Acceptance of a Conditional Use Permit must be based on the following factors: A) Ability to comply with all applicable codes and regulations, B) Contribution to and promotion of the welfare or convenience of the public, C) Lack of substantial injury to the value of other property in the neighborhood, D) Proposed use will not dominate the immediate use of the neighboring property, E) Off-street parking and loading areas provided in accordance with code, F) Adequate utility, drainage, and other such necessary facilities have been or will be provided, G) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion, H) Other. The Chair will entertain a motion on this case.
11. A motion to (repeat motion) with the following conditions (repeat conditions) based on (repeat factors) has been made and seconded. Is there any discussion?
12. I will now call the roll. Motion (carries/fails).

Sample Motion

I move that we (accept/deny) the Conditional Use Permit to allow this use subject to the following conditions: 35 parking spaces must be provided, and 12 trees must be planted along the East boundary. This motion is made based on the following findings: Ability to comply with all applicable codes, Contribution to the welfare or convenience of the public, Adequate infrastructure, Adequate traffic design, and staff recommendation.

Independence Board of Zoning Appeals
Variance Hearing Script

1. To protect the rights of all parties involved and in order to create an opportunity for everyone to speak their opinions in an orderly fashion, the Independence Board of Zoning Appeals follows a specific fact finding procedure. Your attention to this procedure is appreciated.
2. We would like to formally open the hearing regarding case number (insert case number and information from agenda). Have any Board of Zoning Appeals members had any outside contacts regarding this case? If so, please indicate who you have spoken with and explain the nature of the conversation.
3. Do any Board of Zoning Appeals members have a conflict of interest in this case?
4. Is the applicant or his/her agent in attendance? Please step forward and state your name. You have ten minutes to present your case. Board of Zoning Appeals members may request clarification at the end of your presentation.
5. We will now hear the staff report.
6. Is there anyone in the audience who would like to comment on this case? You may have five minutes to comment. Please clearly state your name and address before commenting.
7. Does the applicant wish to rebut any statements made?
8. Does anyone in the audience wish to rebut any statements made?
9. Does the Board of Zoning Appeals have any further questions of the applicant or staff?
10. The public hearing is now closed. Acceptance of a variance must be based on the following factors:
A) Unique condition to the property in question which is not ordinarily found in the same zone and is not created by any action of the property owner, B) The variance will not adversely affect the rights of adjacent property owners, C) The strict enforcement of the regulations would cause an unnecessary hardship, D) The variance would not adversely affect public health, safety and morals, E) The variance will be in keeping with the general intent and spirit of the zoning regulations. The Chair will entertain a motion on this case.
11. A motion to (repeat motion) with the following conditions (repeat conditions) based on (repeat factors) has been made and seconded. Is there any discussion?
12. I will now call the roll. Motion (carries/fails).

Sample Motion

I move that we (approve/deny) the variance request based on the finding that each of five conditions are (found/not found) to be present.

PLANNING & ZONING COMMISSION
(3 year terms -- 9 members)

Members	Term	Expires	Appointed/ Eligible to be Reappointed
Mary Jo (Dancer) Meier	1st term*	January 1, 2022	
Kendall Neill	1st term	January 1, 2023	January 23, 2020
Brent Littleton**	1st term	January 1, 2022	January 25, 2019
Tony Royse	1st term	January 1, 2022	March 28, 2019
Andy McLenon** Chair	1st term*	January 1, 2021	October 26, 2016 January 8, 2018
Michelle Anderson Secretary	Unexpired	January 1, 2021	June 28, 2018
Barbara Emert Vice Chair	1st term*	January 1, 2021	March 7, 2017 January 8, 2018
Lisa Richard	1st term*	January 1, 2023	August 8, 2019 December 19, 2019
Rachel Lyon	1st term	January 1, 2023	May 14, 2020

*Served an unexpired term.

**Outside City Appointment. Not on Board of Zoning Appeals.

Meeting Place: Veterans Room, Memorial Hall

Meeting Date: First Tuesday of each month

Meeting Time: 5:30 p.m.

RESOLUTION NO. 2015-010
A RESOLUTION ESTABLISHING A CODE OF ETHICS and
STANDARDS OF CONDUCT FOR ELECTED OFFICIALS OF
THE CITY OF INDEPENDENCE, KANSAS, AND THEIR APPOINTEES

I. PURPOSE

This Code of Ethics for the City of Independence establishes standards of conduct expected of those elected officials, and their appointees, who act for or on behalf of the public in the performance of their governmental duties and responsibilities.

Government service and public sector employment is a public trust, and those who serve the public must perform and discharge their duties consistent with the highest moral principles, serving always the best interests of the City and its citizens.

Representative government is based upon the consent of the governed, under a system whereby every citizen has a right to expect those who govern or serve in the government to act not for themselves but for the governed as a whole. Since government can act only through its officials, it is incumbent upon them to honor the public trust and instill confidence in government by their own integrity and conduct in all official actions.

It is, therefore, the purpose of this Code of Ethics to:

1. Maintain the highest ethical standards in the City government.
2. Increase public confidence in the integrity of the officials of the City.
3. Help officials in determining the proper course of action when facing uncertainty in ethical obligations.

II. APPLICATION

This Code of Ethics for the City shall apply to all persons who are elected as a City Commissioner and to all persons appointed by the City Commission to any position, board, or commission, whether compensated or not, other than independent contractors, who perform services for and on behalf of the City.

The ethical standards, considerations and rules of conduct shall apply and be observed during the person's term of office or service with the City.

III. POLICY STATEMENT

It is the policy of the City that:

- A. All citizens be provided fair treatment and equal access to and from the government, without any appearance or element of discrimination or favor or consideration of any special interest.

B. All official actions taken in the performance of government duties or responsibilities be motivated by service of the public interest and protection of the public trust without any regard for personal achievement, aggrandizement, or personal benefit

C. All persons who act for or represent the interest of the City adhere to the highest standards of ethical conduct in the performance of their duties.

D. The policies and procedures for operation of the City government provide for efficient and cost-effective service, responsive to the public interest, which will preserve and promote confidence in government and the integrity of its members.

IV. ETHICAL STANDARDS.

It shall be the duty of the elected officials (and their appointees) to whom this Code of Ethics applies to observe the highest moral principles in all official actions, whether specifically noted or mandated in this Code, and to refrain from any course of conduct which might result in, or create the appearance of a violation of the following ethical standards. An elected official should:

- STANDARD 101: Endeavor to be loyal to high standards and to the City, above loyalty to persons, department or agency, or political or other interests.
- STANDARD 201: Uphold the constitution, laws and regulations of the United States, the State of Kansas, and the City.
- STANDARD 301: Treat all citizens fairly and equally with courtesy and respect, and never discriminate by dispensing of special favors or privileges, whether for remuneration or not.
- STANDARD 401: Refrain from making any public or private promise the performance of which would require him or her to act beyond the proper scope of the duties of his or her office, or act in a manner which could compromise the integrity of his or her public office.
- STANDARD 501: Never engage in business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties
- STANDARD 601: Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making a private profit or gaining benefit for himself or herself or others; and never reveal any information made known to him or her through his or her public office which is by law confidential or by custom a protected right of privacy where revealing the information could effect the civil or moral rights of any citizen.

- STANDARD 701: Always safeguard the public trust and never use nor allow the use of government property or funds for private purposes, for purposes other than those authorized or permitted, or for purposes which could mislead the citizens or damage the confidence and reputation of the government.
- STANDARD 801: At all times display the highest level of integrity in performing his or her duties and never knowingly or negligently mislead or allow others to mislead the public or other government officials nor fail to disclose or report to appropriate officials any corruption whenever discovered.
- STANDARD 901: Avoid the appearance of improper influence and refrain from ever receiving, soliciting or accepting gifts, gratuities, favors or anything of value for himself, herself, family, or others, which is intended or has the appearance or effect of influencing the performance of his or her duties; and should never himself or herself lobby nor attempt to influence others in the performance of their duties by any means which are not a part of his or her authorized duties.
- STANDARD 1001: Never allow his or her judgment to be compromised by any personal, family or business interest not a part of his or her government service and never act upon any matter in which he, she, family, or business has or may have any financial or beneficial interest; and always declare and disclose the full nature and extent of any personal, family, or business interest in any matter related to governmental actions or duties.
- STANDARD 1101: Stand as a representative of the City and the public trust and never intentionally act outside the scope of his or her authority in that representation nor allow to be perceived as acting on behalf of the public or government when, in fact they are not.

V. INTERPRETATION AND GUIDELINES

A. GENERAL INTENT AND INTERPRETATION: This Code of Ethics is intended to establish standards to guide the decisions and actions of the public officials in the performance of their official duties and functions. The standards established by the Code are rules of reason and not rules of law, and they do not themselves seek to impose duties or obligations not otherwise required of public officials. Rather, the standards seek to recognize the expectations inherent in government service through public opinion and perception and to define the special responsibilities that arise through the representation and authority of government. Likewise, the Code does not attempt to exhaust the moral and ethical values that must guide government actions, nor does it displace professional knowledge, skill or judgment. Persons in government service must also be guided by personal conscience and the independent ideals of their profession, as well as the legal duties imposed upon them. These standards, therefore, should be interpreted with reference to the purposes of government service and the unique stature of public professionalism.

B. **GUIDELINES FOR APPLICATIONS:** The following guidelines are designed to provide a frame of reference for interpretations of the Ethical Standards. They are not absolutes, but serve as considerations to be applied to specific factual situations.

1. **Gifts and Gratuities.** A gift or gratuity would include any item of value, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, favor, or tangible objects. As a general rule, a public official should not:

- a. solicit a gift or gratuity for any purpose related to their official duties or City business or operations;
- b. accept any gift or gratuity (other than appropriate political contributions for elected officials) or an honor or award presented by a professional or fraternal organization, for the performance of duties;
- c. keep any unsolicited gift or gratuity having a value exceeding \$100; and
- d. accept any gift or gratuity under circumstances that a reasonable person would question or circumstances where the giver would have reason to expect something in return.

2. **Financial or business interests with City Operations.** A financial or business interest includes any that would directly or indirectly provide a monetary or material benefit to the official. As a general rule, an official of the City should refrain from participation in any selection process, contract negotiation, or purchase of goods or services where they, or their family members or business associates, have any beneficial or financial interest in the award, selection, or contract. Further, an elected official or appointee should not engage in or have a financial interest in any business providing goods or services to the City except when the goods or services are provided through the formal competitive bid process under the purchasing policies of the City, and then only upon full disclosure to all appropriate officials of the financial interest.

3. **Financial Interest Disclosures.** A material financial interest would include an interest that provides direct financial remuneration to the elected official or appointee, or to any member of their immediate family, in an aggregate amount of five hundred dollars (\$500) or more in any year, or an ownership interest in any business entity which exceeds ten percent (10%) of the total ownership. An elected official or appointee of the City should always fully and publicly disclose any material financial or other beneficial interest that the official has or may have in any contract, legislative action, formal decision, or governmental ruling or determination whenever the official will or may participate in any manner in the discussion, deliberation, decision, or administration of the matter.

4. **Conflict of Interest.** A conflict of interest includes any circumstance under which a elected of the City has a direct personal interest, other than the diligent performance of their official duties, in the result or outcome of any governmental action for which the official has, in whole or in part, any discretionary authority or responsibility. It is not limited to financial interests, but may include other interests such as personal friendship, family relations, or other associations with groups or persons. An elected official or appointee of the City should always avoid even the appearance of such conflicts by full, public disclosure of such interests to

appropriate officials and, where possible, by abstaining from participation in the performance or exercise of the official, discretionary actions. Elected officials (and their appointees) should abstain from voting on issues only if there is a conflict of interest, and should state, in general terms, the nature of the conflict.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 19th day of February, 2015.

Attest:

[Handwritten signature]

Mayor

[Handwritten signature]

Director of Finance / City Clerk



- d. Consider joint letter with the City Commission thanking past members.
Staff recommends authorizing joint thank you letters for past members.

Dear _____:

This letter is to thank you for your many years of faithful service to the citizens of Independence as a member of the Planning Commission. You have spent countless hours reviewing materials and participating in meetings, and we want you to know that your contributions do not go unrecognized.

Thank you again for your leadership and efforts to make Independence a better place to live, work, and visit.

Sincerely,

Andy McLenon, Chair
Planning Commission

Leonhard Caflisch, Mayor
City Commission

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

e. None.