

SPECIAL SESSION AGENDA

Independence City Commission

June 30, 2020

Veterans Room Memorial Hall 9:00 AM

I. SPECIAL SESSION

Documents:

[SPECIAL MEETING NOTICE - 06302020.PDF](#)

A. Call To Order

II. DISCUSSION

A. Discuss Phase II Programming For City Hall.

Documents:

[INDEPENDENCE CITY HALL - EAST ADDITION ONLY.PDF](#)

III. ITEMS FOR COMMISSION ACTION

A. Consider Adopting An Ordinance Relating To Requirements For The CRS Program.

Documents:

[RCA - ORDINANCE CHANGE - 06302020 REV DJC.PDF](#)

B. Consider Setting The Date Of August 27, 2020 At 5:30 PM For A Public Hearing To Consider Condemnation Of 201 E. Main Street.

Documents:

[RCA -SET THE DATE FOR PUBLIC HEARING - 201 E. MAIN ST..PDF](#)

IV. ADJOURNMENT

**NOTICE OF SPECIAL MEETING TO THE BOARD OF COMMISSIONERS OF THE
CITY OF INDEPENDENCE, KANSAS**

Notice is hereby given that a special meeting of the board of commissioners of the City of Independence, Kansas, will be held in the Civic Center of the Memorial Hall, Penn and Chestnut, Independence, Kansas, at 9:00 a.m., on June 30, 2020, for the following purpose (s):

Discussion

- A. Consider discussing Phase II Programming for 1916 City Hall.

Items For Commission Action

- A. Consider adopting an ordinance relating to requirements for the CRS program.
- B. Consider setting the date of August 27, 2020 at 5:30 PM for a public hearing to consider condemnation of 201 E. Main Street.
- C. Consider authorizing funding for a retirement program.

PLEASE NOTE:

To participate by conference call:

+1 785-289-4727 United States, Topeka (Toll)
Conference ID: 184 965 321#

Date: June 30, 2020



David Schwenker, City Clerk

CERTIFICATE OF SERVICE OF NOTICE

I, David Schwenker, the duly appointed, qualified and acting City Clerk of the City of Independence, do hereby certify that on this 30th day of June 2020, I served a true copy of the Notice of Special Meeting on each and every member of the Board of Commissioners of the City of Independence in the manner provided by law.

Date: June 30, 2020



David Schwenker, City Clerk

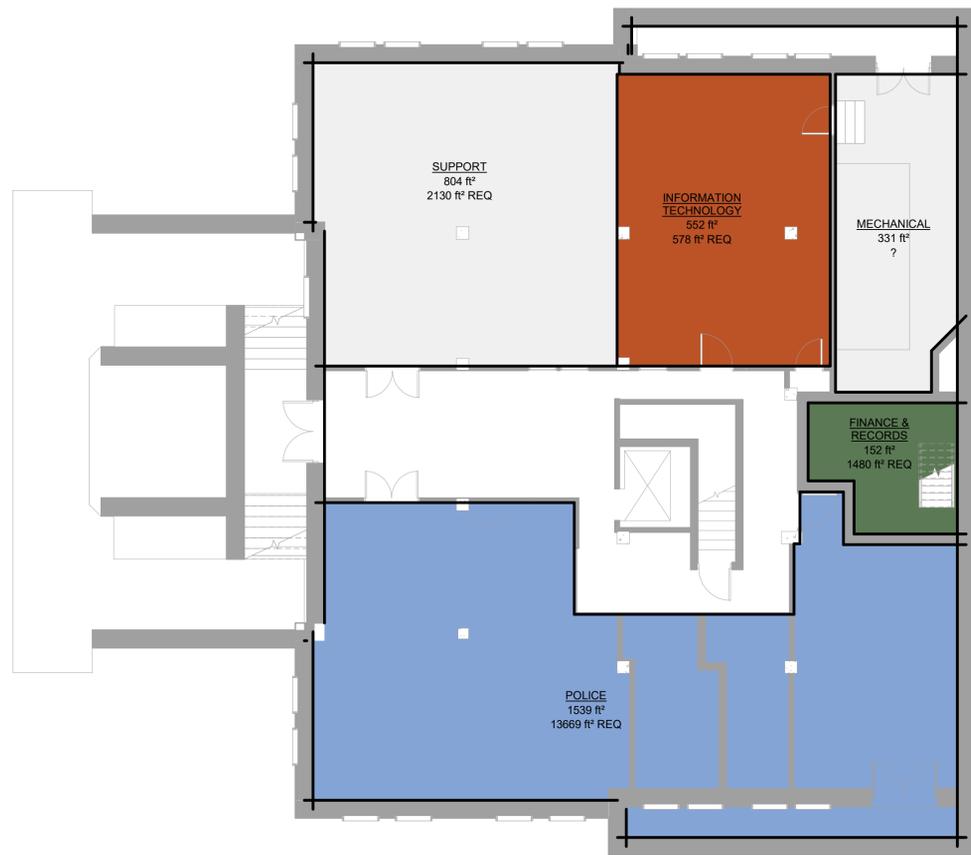
WAIVER OF REGULAR NOTICE OF AND CONSENT TO SPECIAL MEETING

We, the undersigned members of the Board of Commissioners of the City of Independence do hereby accept service of the notice of special meeting waiving any and all irregularities in such service and in such notice and consent and agree that the said members of said Board of Commissioners shall meet at the time and place named in such notice and for the purpose stated therein.

Mayor

Commissioner

Commissioner



BASEMENT
1/8" = 1'-0"



FIRST FLOOR
1/8" = 1'-0"



SECOND FLOOR
1/8" = 1'-0"



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 30, 2020

Department Safety & Code Enforcement

Director Approval *David Cowan*

AGENDA ITEM Consider adopting an ordinance relating to requirements for the CRS program.

SUMMARY RECOMMENDATION City Staff recommends the approval of the Ordinance modifications.

BACKGROUND The Building and Flood Administrator is working with ISO Specialist Melissa Mitchell to implement the CRS program for the City of Independence. The following ordinances are needed to implement this program.

- Repealing City Code Section 18-35 and 18-37 and replacing them with new provisions.
 - The previous code had not been updated and has been updated to meet current staffing and titles.
 - Requires a building permit for any property in the floodplain
 1. The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced;
 2. The improvement of any plan preliminary to any use of such land shall not be commenced; and
 3. Any building permit issued in conflict with the provisions of this Ordinance shall be null and void.
 - Elevations Certificate for any new or substantially improved structures in the floodplain.

BUDGET IMPACT There would be no budget impact.

SUGGESTED MOTION I move the City adopt the following ordinance: Ordinance 4330 repealing and replacing City Code Sections 18-35 and 18-37.

SUPPORTING DOCUMENTS Proposed Ordinance

ORDINANCE NO. 4330

An Ordinance Repealing City Code Sections 18-35 and 18-37 and Replacing Them with New Provisions Regarding The Appointment, Duties and Qualifications of a Building Inspector

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

Section 1. Current City Code Sections 18-35 and 18-37 are hereby repealed and replaced by the provisions of this ordinance

Section 2. Office of the building inspector.

a. There is hereby established the office of building inspector.

b. The city manager shall appoint a person who in his opinion is qualified through education and experience to hold the title of building inspector. The building inspector may hold another office or position concurrently.

c. The budget for the office of building inspector and the salary for the building inspector shall be established by the governing body in the same manner as for all other departments and staff salaries.

Section 3. Duties of the building inspector. The building inspector, or designee, shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:

a. Approve and issue all permits and certificates regarding compliance with all applicable building codes and ordinances, and make and maintain records thereof.

b. Conduct inspections of buildings and structures to determine compliance with the provisions of the applicable building codes and ordinances.

Section 4. Building Permits.

a. Unless a building permit shall first have been obtained from the office of the building inspector:

1. The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced;

2. For any property located in the flood plain, any improvement to any structure located thereon shall not be commenced, provided however, the building permit fee shall be waived for any work that would not ordinarily require a building permit, as determined in the discretion of the building inspector.

3. The improvement of any plan preliminary to any use of such land shall not be commenced; and

4. Any building permit issued in conflict with the provisions of this ordinance shall be null and void.

b. For any property located in the flood plain, any application for a building permit for all new or substantially improved structures in the Special Flood Hazard Area shall submit an elevation certificate with the application for building permit.

c. A building permit shall either be issued or denied by the building inspector within ten (10) days after the receipt of a complete application, or within such further time period as may be agreed to by the applicant. If the building inspector denies the application for a building permit, the reasons for the denial shall be provided to the applicant in writing.

d. A building permit shall become null and void six (6) months after the date it was issued, unless within such six (6) month period construction, building, moving, remodeling or reconstruction of a structure is commenced.

Section 5. Occupancy Certificates.

a. No structure or any addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of this ordinance shall be occupied or used for any purpose unless an occupancy certificate shall first have been obtained from the office of the building inspector consistent with the provisions of this ordinance.

b. No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of this ordinance shall be issued until such time as all work has been completed and the premises inspected and certified by the office of the building inspector to be in full and complete compliance with the plans and specifications upon which the building permit was issued. Pending issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six (6) months from its

date pending the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued or denied within ten (10) days after the receipt of an application therefore. If the occupancy certificate is denied, the building inspector shall provide the applicant the reasons for the denial in writing.

Section 6. Appeals. Any person or persons jointly or severally agreed by any decision of the building inspector may appeal such decision to the board of zoning appeals in accordance with the procedures set forth in City Code Sections 2-114 and 2-116.

Section 7. Fees, Charges and Expenses. The governing body shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the building inspector and may be altered and amended only by the governing body. No permit or certificate shall be issued unless or until such costs, charges, fees, or expenses listed in this ordinance have been paid in full, nor shall any action be taken on proceedings before the governing body, unless or until such fees have been paid in full.

Section 8. Violations. If any building or structure is erected, constructed, reconstructed, altered, converted or maintained, the city, in addition to other remedies, may institute an appropriate action to prevent such unlawful erection, construction, reconstruction, alteration, conversion; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, or business in or about such premises. Such ordinance shall be enforced by the building inspector, or designee, who is empowered to cause any building, structure, place or premises to be inspected and examined, and to order, in writing, the remedy of any condition found to exist therein or in violation of any provision of this ordinance.

Section 9. Penalty. Pursuant to K.S.A. 12-710 as amended, the owner or agent of a building or premises in or upon which a violation of any provisions of this ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 for any one offense. Each day of noncompliance with the terms of this ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his rights under the U.S. Constitution.

Section 10. 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 30th day of
June, 2020.*

LEONHARD CAFLISCH, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



REQUEST FOR COMMISSION ACTION

CITY OF INDEPENDENCE

June 30, 2020

Department Safety & Code Enforcement

Director Approval David Cowan

AGENDA ITEM Consider setting the date of August 27, 2020 at 5:30 PM for public hearing to consider condemnation of 201 E. Main Street.

SUMMARY RECOMMENDATION City staff recommends setting a the date of August 27, 2020 at 5:30 PM for public hearing to consider condemnation of the above structure as dangerous and unsafe.

BACKGROUND The City of Independence Building Department noticed what appeared to be light in the building while driving by 201 E. Main. With the assistance of the fire department tower truck, the Building Department was able to discover several parts of the roof has collapsed with a large section along the West wall. City staff consulted two local architects and both felt it was necessary to barricade off the building to protect the public. City staff is working with the City Attorney to make contact with the owner and working on several possible options for this building.

BUDGET IMPACT The budget impact would consist of the cost of demolition if the owner does not diligently pursue repair or removal.

SUGGESTED MOTION I move to set the date of August 27, 2020, at 5:30 p.m. for a public hearing to consider condemnation of 201 E. Main Street.

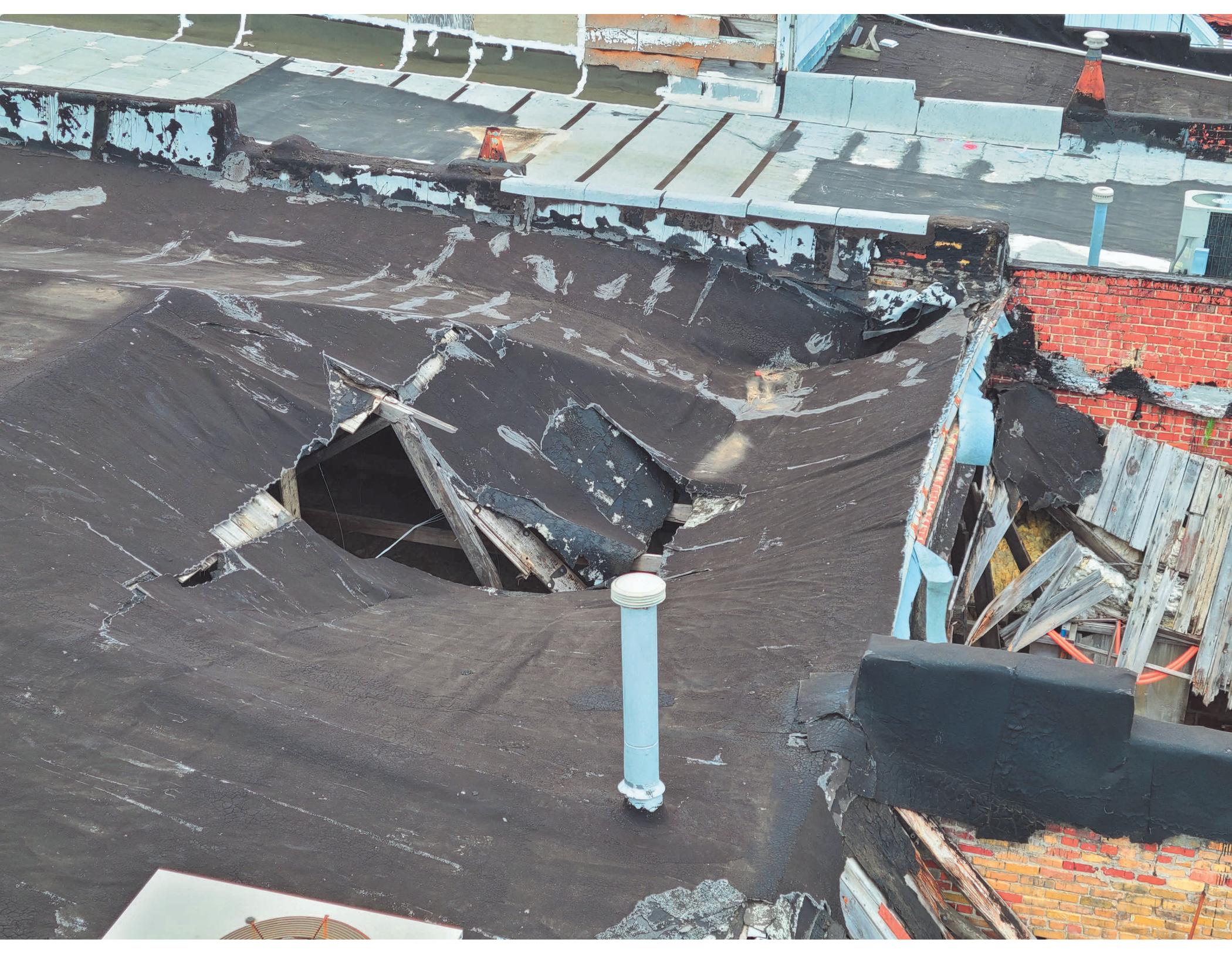
SUPPORTING DOCUMENTS

1. Pictures
2. Resolution









RESOLUTION NO. 2020-040

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 25th day of June 2020, file with the Governing body of said City, statements and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

Legal: Block 53, Lots 10 – 13, Original Plat to the City of Independence, Montgomery County, Kansas

Common Address: 201 E Main Street

Mortgage:

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

That a public hearing will be held on Thursday, **August 27, 2020** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Veterans Room, 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 30th day of June 2020.

(SEAL)

Mayor

City Clerk

Print Page

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The Parcel Number for this Property is 063-099-31-0-20-17-007.00-0
Quick Ref ID: 7049

Owner Information

Owner Name	FAMILY OF CHRIST CHURCH
Address	3348 CR 4200 ST INDEPENDENCE, KS 67301

Property Situs Address

Address	201 E MAIN ST, Independence, KS 67301
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Land Based Classification System

Function	Downtown row store
Activity	Goods-oriented shopping
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Other - O
Living Units	
Zoning	
Neighborhood	208.D
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Major Strip or CBD - 1
Location	Central Business District - 1
Parking Type	On Street - 2
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2020 Appraised Value

Class	Land	Building	Total
Other - O	11,700		11,700
Total	11,700	0	11,700

Tract Description

ORIG PLAT, S31, T32, R16, BLOCK 53, Lot 10 - 13, 12747 SQUARE FEET, Lot Width: 093.0 Lot Depth: 140.0 Plat Book/Page 1 /6&7 Deed Book/Page 661 /727 654 /1316 580 /430 559 /702 321 /464

Building Permit Information

Permit Number	Amount	Issue Date	Description
67301	5,000	10/1/1996	

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
661	727	654	1316	580	430		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	12747										11,700

General Commercial Building Information

General Building Information	
LBCS Structure Code	Downtown row store
Bldg No.	1
Building Name	Vacant
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data								
	1	2	3	4	5	6	7	8
Units								
BR Type								
Baths								

Commercial Building Sections & Basements																					
Sec	Occupancy	MSCIs	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR%	Rsn	Inc Use	Net Area	Cls	RCN	%Gd	Value
1	Mixed Retail w/ Office Units	M	1.00	1904		01/01		11,220	333	17	0	0				039			951,010	0	0
2	Mixed Retail w/ Office Units	M	2.00	1904		01/01		1,800	80	10	0	0				039			147,470	0	0

Commercial Building Section Components							
Sec	Code	Units	Pct	Size	Other	Rank	Year
1	Warmed and Cooled Air		100				
1	Brick, Solid		100				
1	Canopy, Retail Wood Frame	228				1.00	
2	No HVAC						
2	Brick, Solid		100				

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