

100 W 4th Ave P.O. Box 129 Phone: 620-879-2772 www.caneyks.com

AGENDA

CITY OF CANEY
100 W. 4TH AVE

REGULAR COUNCIL MEETING

ENTER THROUGH DOORS ON EAST END (Main Street Side) OF BUILDING

DATE: June 16, 2025

TIME: 6:30 P.M.

1. CALL TO ORDER

Mayor Elliott

2. ROLL CALL

CITY CLERK

Jeff Culver		Elizabeth Burch		Kenith Butts		Lori Patterson	
Mike Holeman		Becky Dye		Travis White		Nathan Rains	

3. PLEDGE OF ALLEGIANCE

4. INVOCATION

5. CONSENT AGENDA

The items listed below are considered to be routine by the City Council and may be approved in one motion.

A. Approval of the Minutes for the June 2,2025 Meeting

MOTION:

SECOND:

B. Approval of Expense (June 1st to June 11,2025)

AWG 05.28.2025

\$37,771.38

AWG 06.03.2025

\$15,022.53

AWG 06.06.20205

\$15,650.34

EVERGY

\$17,568.45

TYLER TECH

\$12,976.71

WASTE CONNECTIONS

\$24,744.18

\$20,963.63

MOTION:

SECOND:

C. Approval of Payroll (June 5, 2025)

\$46,548.97

FICA

\$8428.00

Medicare

\$1971.02

Kpers

\$8960.54

MOTION:

SECOND:

D. Approval of Main Street auto expense
2013 Chevrolet Tahoe- Engine/ Transmission mount **\$257.51**
MOTION: **SECOND:**

E. Approval of Main Street auto expense **\$372.22**
2013 Dodge 9324 fuse box
MOTION: **SECOND:**

6. NEW BUSINESS

A. Approve of Treasury report 4th Quarter 2024
MOTION: **SECOND:**

7. PUBLIC COMMENTS

The Council only allows public comments from anyone who has filled out a “Request for Communication with City Council.” Comments shall be limited to 3 minutes unless extended by a majority of the Council. The Council does not hear matters involving litigation or City Personnel. The Council does not take action on subjects not on the agenda unless unusual or hardship conditions exist.

A. John Harrington to discuss Caney Saddle Event on July 5, 2025

8. DEPARTMENT REPORTS

Mayor Joshua Elliott-
Police Chief- Ike Dye-
City Administrator- Andrea Sibley-
Deputy City Clerk- Timberly Jones-
Public Works-Andrew long-

9. COUNCIL COMMENT

Council Member-Burch
Council Member-Patterson
Council Member- Butts-
Council Member-Culver
Council Member-Holeman
Council Member-Dye
Council Member-White
Council Member-Rains

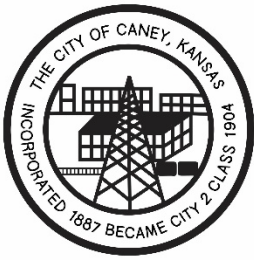
10. INFORMATION ITEMS

Strategic plan workshop following City Council meeting
Condemnation ordinances briefing update

Next City Council Meeting: July 7, 2025, at 6:30pm

11. ADJOURNMENT

MOTION: **SECOND:**



100 W 4th Ave

P.O. Box 129

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www.caneyks.com

AGENDA MINUTES

CITY OF CANEY
100 W. 4TH AVE
REGULAR COUNCIL MEETING

ENTER THROUGH DOORS ON EAST END (Main Street Side) OF BUILDING

DATE: June 2, 2025

TIME: 6:30 P.M.

1. CALL TO ORDER 6:30 PM

Mayor Elliott

2. ROLL CALL

CITY CLERK

Jeff Culver		Elizabeth Burch	X	Kenith Butts	X	Lori Patterson	X
Mike Holeman	X	Becky Dye	X	Travis White	X		

3. PLEDGE OF ALLEGIANCE

4. INVOCATION

5. CONSENT AGENDA

The items listed below are considered to be routine by the City Council and may be approved in one motion.

A. Approval of the Minutes for the May 19,2025 Meeting

MOTION: Lori Patterson

SECOND: Elizabeth Burch

B. Approval of Expense (May 17 to May 30 2025)

\$17,979.26

AWG

\$15,942.78

EVERGY

\$11630.72

MOTION: Lori Patterson

SECOND: Elizabeth Burch

C. Approval of Payroll (May 9,2025)

\$43,820.44

FICA

\$7,304.44

Medicare

\$1,708.28

Kpers

\$8,291.62

MOTION: Lori Patterson

SECOND: Elizabeth Burch

7. NEW BUSINESS

- A. Motion to appoint Nathan Raines Ward 2**

MOTION: Lori Patterson

SECOND: Kenith Butts

- B. Request Street Closure for the 2025 DARE Color Run on June 7, 2025 Officer Missy Hocket presenting.**

MOTION: Lori Patterson

SECOND: Kenith Butts

8. PUBLIC COMMENTS

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9. DEPARTMENT REPORTS

Mayor Joshua Elliott- Public Works cleaning streets. Hopefully we will have the car show downtown around September to October. Use the back of the utility bills for more information.

Police Chief- Ike Dye- Congrats on May fest success. Gavin and Ozzy certification training success.

City Administrator- Andrea Sibley- N/A

Deputy City Clerk- Timberly Jones- N/A

Public Works- Andrew Long- N/A

10. COUNCIL COMMENT

Council Member-Burch Safety issue between 8th and Main intersection by the pool.

Council Member-Patterson N/A

Council Member- Butts- N/A

Council Member-Culver N/A

Council Member-Holeman N/A

Council Member-Dye N/A

Council Member-White N/A

11. INFORMATION ITEMS

Special Meeting June 6, 2025, at 6:30pm to reference charter ordinance 34 going from 8-4 council members. Update about horseshoe

Next City Council Meeting: June 16, 2025, at 6:30pm

12. ADJOURNMENT 6:43 PM

MOTION: Lori Patterson

SECOND: Becky Dye

**CITY OF CANEY TREASURER'S FINANCIAL STATEMENT
AND QUARTERLY REPORT
DECEMBER 2024**

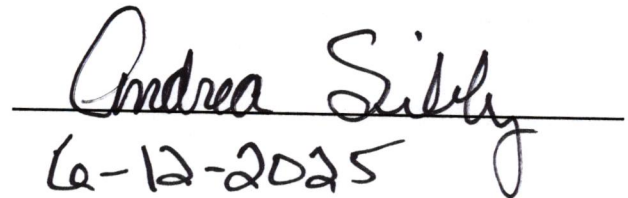
	Beginning			Pending	Ending
Funds	Cash Bal	Revenues	Expenditures	Payables	Cash Bal.
1. General	\$ 819,500.68	\$ 335,364.59	\$ 431,913.20	\$ (24,637.38)	\$ 698,314.69
2. VID Identification	\$ 6,972.52	\$ 780.00	\$ 97.85		\$ 7,654.67
3. Cemetery Perpetual Care Fund	\$ 4,667.13				\$ 4,667.13
4. Tourism Fund	\$ 18,335.74	\$ 6,179.25			\$ 24,514.99
5. Library Fund	\$ 5,259.33	\$ 2,182.30	\$ 41,860.98		\$ (34,419.35)
7. COVID-19 Expenses	\$ 3,000.00				\$ 3,000.00
8. City Grocery Store	\$ (23,729.78)	\$ 276,347.57	\$ 296,421.45	\$ 29,475.59	\$ (14,328.07)
9. Industrial Fund	\$ 5,779.60	\$ 118.64			\$ 5,898.24
10. Water Fund	\$ 102,446.68	\$ 173,615.80	\$ 257,616.05	\$ 10,212.12	\$ 28,658.55
17. Water Plt. Memb. Filter Rep.	\$ 18,592.15	\$ 3,935.62			\$ 22,527.77
18. Sp. Law Enforcement Trust	\$ 2,138.24				\$ 2,138.24
19. Special Gasoline Tax HW	\$ 97,121.50		\$ 2,467.60	\$ 877.40	\$ 95,531.30
20. Ambulance/Fire/Police	\$ 31,688.00	\$ 1,098.49	\$ 8,219.98		\$ 24,566.51
26. Solid Waste	\$ 117,410.95	\$ 59,532.36	\$ 81,057.73	\$ 210.41	\$ 96,095.99
29. G O. Bonds- Debit Service	\$ 499,285.46	\$ 49,021.66	\$ 307,356.25		\$ 240,950.87
30. Land Bank	\$ 12,500.00				\$ 12,500.00
42. American Resuce Plan	\$ 180,673.26	\$ -	\$ 61,482.81		\$ 119,190.45
43. Grant Funds	\$ 31,758.62				\$ 31,758.62
73. Phase II Wastewatr System	\$ 22,849.27				\$ 22,849.27
80. Employee Benefits	\$ 251,781.90	\$ 6,246.19	\$ 100,340.07	\$ -	\$ 157,688.02
85. Equipment Fund	\$ 81,683.23	\$ 1,473.40	\$ 44,221.80		\$ 38,934.83
92. Wastewater Treatment Repl	\$ 45,445.84	\$ 1,855.52			\$ 47,301.36
94. Sewer SF WW Treat Opr/Mt	\$ 191,649.55	\$ 130,876.96	\$ 100,771.46	\$ 9,212.72	\$ 230,967.77
95. Special Park & Rec. & Pool	\$ 10,776.43	\$ 980.81	\$ 2,658.63		\$ 9,098.61
98. Street (Sales Tax 93-98)	\$ 293,925.32	\$ 24,518.19	\$ 5,525.80		\$ 312,917.71
Total Funds All Funds	\$ 2,831,511.62	\$ 1,074,127.35	\$ 1,742,011.66	\$ 25,350.86	\$ 2,188,978.17

Bank Accounts	
Checking - Operations	\$149,063.10
Money Market Account	\$100,042.35
Investment acc 14-2005-43-8	\$1,799,765.71
Investment acc 14-1043-84-4	\$413,739.42
Outstanding Deposits	\$5,539.41
Outstanding Checks	\$279,171.82
Adjustments	\$0.00
Pending Wages	\$0.00
Ending Balance	\$2,188,978.17

State of Kansas

Montgomery County

I Andrea Sibley, believe this to be a true and accurate report.


6-12-2025

Andrea Sibley, City Administrator



Caney Police Department

Caney, Montgomery County, Kansas

100 W. 4th Ave
Caney, KS 67333

Phone: (620) 879-2141
Fax: (620) 879-9808

Chief of Police --- Ike Dye
Asst. Chief --- Jason Goza



To: Council Members, Mayor, and City Administrator

Subject: Review and Recommendation – Condemnation Process for Unsafe Structures

Dear Council Members, Mayor, and City Administrator,

I have taken the time to thoroughly review the **Kansas Statutes on Condemning Dangerous and Unsafe Structures**, along with **Caney's current city codes** and **comparable ordinances from Independence, Kansas**.

Upon review, I found that **Caney's codes are consistent with Kansas state law** in this area. However, Independence has adopted some additional procedures and resolutions that provide clarity and flexibility in their enforcement process. To aid in our review and possible improvement, I have prepared a packet that includes:

- A comparison: **Caney City Codes vs. Kansas Statutes**
- An **example resolution for use of insurance proceeds** in cases of structure fires (Independence, KS)
- An **example condemnation resolution** (Independence, KS)
- A **time-line-establishing resolution** used in condemnation cases (Independence, KS)
- A full copy of **Kansas Statutes 12-1750 through 12-1756**

One key example worth considering is Independence's **Fire Insurance Proceeds Resolution**, which could be beneficial for us. In cases where we condemn a fire-damaged structure, this tool could allow us to **access insurance proceeds** to help offset demolition costs.

While this may seem like a substantial amount of information, I believe it is critical as we have **not completed a full condemnation process** in recent years. Due to turnover in previous administrations and staff, our practical experience in this area is limited.

I recommend that once you determine whether to proceed under our **current ordinance or with an updated resolution**, we begin by **selecting one structure** and **seeing the process through from start to finish**. Upon completion, we can produce a **comprehensive report** detailing:

- Timeline/schedule
- Expenses incurred
- Challenges encountered
- Potential improvements or adjustments to streamline the process

There are multiple structures within the city that would qualify for condemnation. However, starting with one targeted property will allow us to **build confidence**, refine our process, and ensure we're following all legal and procedural requirements effectively.

Thank you for your time and consideration. I look forward to your feedback and directions on how best to move forward.

Respectfully,

Ike Dye
Police Chief / EMS Director
Caney Police Department
100 W. 4th Street
Caney, Kansas 67333
620-879-2141



City of Caney Code – Condemnation of Dangerous and Unsafe Structures Compared with Kansas Statutes 12-1750-1755

4-404. Procedure.

(a) Whenever a petition is filed with the public officer or enforcing officer by at least five residents of the municipality charging that any structure is unfit for human use or habitation, or whenever it appears to the public officer or enforcing officer (on his or her own motion) that any structure is unfit for human use or habitation, he or she shall, if in the preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgage of record and all parties in interest in such structure (including persons in possession) a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the public officer or enforcing or his or her designated agent at a place therein fixed, not less than 10 days nor more than 30 days after the serving of the complaint, that the owner, mortgage and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling at hearing before the public officer or enforcing officer.

(b) If after such notice and hearing, the public officer determines that the structure under consideration is unfit for human use or habitation he or she shall state in writing his or her findings and facts in support of such determination and shall issue and cause to be served upon the owner thereof an order which;

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, which shall not exceed 50 percent of the fair market value of such structure, the owner of the property shall within the time specified in the order, repair, alter or improve such structure to render it fit for human use or habitation or shall vacate and close the structure until conformance with this article is made; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, that is, under 50 percent of the fair

Commented [ID1]: K.S.A. 12-1752 – Summary: Notice and Hearing Process

- When a **city official** (enforcing officer) reports in writing that a structure is **unsafe, dangerous, or abandoned**, the **city governing body** must:
 - Pass a **resolution** setting a **hearing date and location**.
 - Allow the **owner, owner's agent, lienholders, and occupants** to appear and **explain why the structure should not be condemned**.
 - The resolution must be:
 - **Published in the newspaper once a week for two weeks** (same weekday).
 - The **hearing must be at least 30 days** after the last publication.
- A **copy of the resolution** must be:
 - **Mailed by certified mail** within 3 days after the first publication.
 - Sent to the last known addresses of all affected parties.
 - Marked "**deliver to addressee only**."

market value, which is hereby fixed as a reasonable cost by the governing body, the owner shall within the time specified in the order remove or demolish such structure.

(3) If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the structure, within the time provided in the order, not to exceed 60 days, the public officer or enforcing officer may cause such structure to be repaired, altered or improved, or to be vacated and closed.

(4) If the owner fails to comply with an order to remove or demolish the structure within the time provided in the order, not to exceed 60 days, the public officer or enforcing officer may cause such structure to be removed or demolished.

(5) The time limit herein imposed may be extended by the public officer or enforcing officer upon application, in writing and good cause shown.

(c) The amount of the cost of such repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer or enforcing officer shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance for his or her costs and the necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided by law for loans secured by liens on real property or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the city clerk shall at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs to the county clerk to be placed on the tax rolls of the county against the lot or parcel of land. If the structure is removed or demolished the materials of the structure shall be sold and the proceeds thereof credited against the cost of the removal or demolition and if there be any balance remaining it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the public officer or his or her delegate after deducting the costs of such judicial proceedings, including necessary attorney's fees incurred therein, as determined by the court.

(d) The public officer may determine that a structure is unfit for human use or habitation if he or she finds that conditions exist in such structure which are dangerous or injurious to the health, safety, general welfare or morals of the occupants of such buildings or other residents of the city or which have a blighting influence on properties in the area.

4-405. Service of complaints and orders.

Complaints or orders issued by the public officer shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons in

unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the servicing of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the city. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the district court of the county in which the structure is located and such filing shall have the same force and effect as other lis pendens notices provided by law.

(Ord. 758, Sec. 5)

4-406. Appeals.

Any person affected by the order issued by the public officer, may, within five days, appeal the decision to the city council, which shall hear and determine the appeal at its next regular meeting. An appeal may be made by the person from the order of the city council to the district court of Montgomery County, Kansas, pursuant to K.S.A. 17-4759, as amended.

(Ord. 758, Sec. 6)

4-407. Additional powers.

A public officer or enforcing officer is hereby authorized to exercise such powers as may be necessary or convenient to carry or effectuate the purposes and provisions of this article, including, without limitation, the following powers in addition to others herein granted:

- (a) To investigate the structural conditions in the municipality in order to determine which structures therein are unfit for human use or habitation;
- (b) To administer oaths, affirmations, examine witnesses and receive evidence;
- (c) To enter upon premises for the purpose of making examinations; provided that such entry shall be made in a reasonable manner at reasonable times, and to obtain an order for this purpose from a court of competent jurisdiction in the event that entry is resisted or denied.
- (d) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this article;
- (e) To delegate any of his or her functions and powers under this article to such officers, agents and employees as he or she may designate.

(f) To adopt and promulgate such rules or regulations as may be reasonably necessary to carry out the purposes and provisions of this article.

(Ord. 758, Sec. 7)

4-408. Alternate procedure.

(a) Whenever the enforcing officer shall file with the governing body a statement in writing that any structure is unsafe or dangerous, the governing body shall by resolution fix a time and place at which the owner, his or her agent, any lienholders or record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant, and his, her or its last known place of residence and shall be marked "Delivered to Addressee only" provided, that if the owner is a resident of Montgomery County, Kansas, the resolution shall be personally served within five days on such owner or delivered to their last known address and in this case, at least one week shall elapse between the service on such owner and the date set for the hearing.

(b) The governing body shall hear all evidence submitted by the owner, his or her agent, lienholders of record and occupants having an interest in the structure as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the governing body shall find that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city paper and a copy mailed to the owners, agents lienholders of records and occupants in the same manner provided herein for the notice of hearing. The resolution shall fix a reasonable time, nor to exceed 60 days, within which the repair or removal of such structure shall be commenced and the statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails diligently to prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.

(c) The owner of any structure upon removing the same shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in safe condition.

(d) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the

same thereafter, the city may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The city shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion hereof to pay the cost of removing such structure and making the premise safe and secure. All moneys in excess of that necessary to pay such costs, shall, after the payment of all costs be paid to the owner of the premise upon which the structure was located.

The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the city in removing such structure and making the premise safe and secure the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost is not paid within the thirty-day period and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. 1985 Supp. 12-1, 115, and amendments thereto, or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the city clerk at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 1985 Supp. 12-1, 115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.

Whenever any structure is removed from any premises under the provisions of this act, the city clerk shall certify to the county appraiser that such structure, describing the same, has been removed.

(Ord. 995; Code 2022)

4-409. Violations.

It shall be unlawful for any person, firm, corporation, association, or partnership, to use or occupy or permit to be used or occupied any structure which has been found to be dangerous, unsafe or otherwise injurious to the public health, safety, morals or welfare. It shall further be unlawful for any person, firm, corporation, association, or partnership to fail to obey the duly issued orders or resolutions of the public officer, enforcing officer or governing body set out above within the time specified therein. It shall further be unlawful for any person, firm, corporation, association, or partnership to refuse to clean, or cause to be cleaned, from the premises, all debris, rubbish and discarded building material

Commented [ID2]: K.S.A. 12-1753 – Summary: Hearing Outcome and Resolution

- At the scheduled hearing, the city governing body hears evidence from:
 - The owner, their agent, any lienholders, occupants, and the enforcing officer.
- After reviewing the evidence, the city issues a **formal resolution** stating its findings:
 - If the structure is **unsafe or dangerous** → The resolution will order it to be **repaired or demolished**, and the site **made safe**.
 - If the structure is **abandoned** → The city may authorize **rehabilitation** under K.S.A. 12-1756a.
 - The resolution must:
 - Be **published once** in the city's official newspaper.
 - Be **mailed (certified)** to the owner, agent, lienholders, and occupants as was done for the hearing notice.
 - It must also include:
 - A **reasonable deadline** for starting repair or removal.
 - A warning that if the owner **fails to start or complete the work**, the city will step in to **repair, demolish, or rehabilitate** the property.

or refuse to fill all open wells, cisterns, cellars, basements and other excavations remaining on lots or parcels of land from which structures have been razed or removed. Any person or corporation convicted of a violation of this section shall upon conviction be fined not less than \$5 nor more than \$100 or be imprisoned not less than five days nor more than 30 days, or be both so fined and imprisoned, provided that each day that the condition causing the offense is permitted to continue shall constitute a separate offense.

Here's a **comprehensive summary** of **Kansas Statutes Annotated (K.S.A.) 12-1750 through 12-1755**, which deal with **unsafe, dangerous, or abandoned structures**:

◆ K.S.A. 12-1750 – Definitions

Defines key terms used throughout the act:

- **Structure:** Any building, wall, or similar construction.
- **Enforcing officer:** City official (e.g., building inspector) responsible for applying the statute.
- **Abandoned property:**
 - Residential: Taxes unpaid for 2 years + unoccupied for 90 days.
 - Commercial: Taxes unpaid for 2 years + blighting influence on surroundings.
- **Blighting influence:** Unsafe or unsightly conditions harmful to health, safety, or neighboring property values.
- **Rehabilitation:** Bringing a property up to building and safety codes.
- **Parties in interest:** Owners, lienholders, creditors, or anyone with legal interest.
- **Last known address:** Includes property location or address on tax rolls.

◆ K.S.A. 12-1751 – Powers of the Governing Body

- The city may:
 - **Repair or remove unsafe/dangerous structures.**
 - **Rehabilitate abandoned properties.**

◆ K.S.A. 12-1752 – Notice and Hearing

- When the enforcing officer identifies an unsafe or abandoned property:
 - The city must pass a **resolution** setting a **hearing date**.
 - The resolution must be **published twice** (once a week for two weeks).
 - A **minimum of 30 days** must pass after the last publication before the hearing.
 - Notice must be **mailed by certified mail** to all interested parties and marked “deliver to addressee only.”

◆ K.S.A. 12-1753 – Hearing and Resolution

- At the hearing, all parties can present evidence.
- If the structure is found:
 - **Unsafe or dangerous** → Resolution orders **repair or demolition**.
 - **Abandoned** → City may **rehabilitate** the property.
- Resolution must be:
 - **Published once** in the official paper.
 - **Mailed** to all parties as before.
- Must give a **reasonable deadline** for the owner to begin and complete the work.
- States the city will act if the owner **fails to comply**.

◆ K.S.A. 12-1754 – Owner’s Duties After Removal

- The property owner must:
 - **Fill any excavations** left by demolition.
 - **Make the site safe**.
-

◆ **K.S.A. 12-1755 – Salvage, Cost Recovery, and Financing**

- If the owner fails to act, the city may:
 - **Demolish or secure the property** and sell any salvage.
 - **Apply salvage proceeds** toward costs.
 - Pay excess salvage proceeds to the **property owner**.
- The city must:
 - Notify the owner by **restricted mail** of the total costs.
 - Demand payment **within 30 days**.
- If unpaid:
 - Costs can be recovered through:
 - **Special assessments** on the property tax roll.
 - **Collection under K.S.A. 12-1,115** (general collection procedures).
 - The city may finance shortfalls using:
 - **General funds**, or
 - **No-fund warrants** (short-term financing).
 - These costs are **exempt from tax levy limits** and must be repaid with a future **tax levy**.

Informational Memorandum

FROM THE DESK OF:

JEFF CHUBB
ATTORNEY AT LAW
EMERT CHUBB REYNOLDS, LLC
204 E. LAUREL - P. O. BOX 747
INDEPENDENCE, KS 67301-0747
E-MAIL: jchubb@sehc-law.com
(620) 331-1800
FAX: (620) 331-1807

TO: City Staff and City Commission
FROM: Jeff Chubb
DATE: February 8, 2018
RE: Proceeds from fire insurance

KSA 40-3901 et seq allows cities to establish by ordinance a procedure enabling them to receive payment for 15% of insurance proceeds where there is damage to a structure by either fire, explosion or windstorm and the damage exceeds 75% of the face value of the insurance policy covering the structure. A copy of the pertinent statutes are attached.

The City of Independence previously had a set of ordinances found at City Code Sections 46-171 through 181, but these were repealed as part of the recent building code adoption and replaced by Ordinance 4265, copy attached.

The ordinance provides that if there is damage to a structure by either fire, explosion or windstorm, and if the damage is in excess of 75% of the face value of the insurance policy, then when the claim is settled, the insurance company must pay 15% of the insurance proceeds to the City Clerk to hold in order to enforce demolition and/or clean up of the property.

Ordinance 4265 interrelates with the City's condemnation procedure because Section 6 of Ordinance 4265 states that within thirty (30) days of receipt of the insurance proceeds, the City must initiate condemnation procedure under KSA 12-1750 et seq. I believe the current practice of City staff has been to initiate condemnation proceedings if more than 75% of a structure has been damaged regardless of whether the City has received the insurance proceeds. One issue that may arise would be who makes the determination of whether a structure has been damaged in excess of 75% of the face value of the insurance policy. In most instances, City staff will be working with first responders and an insurance adjuster in making that determination.

§ 40-3901. Cities; payment of proceeds of fire insurance policies; procedure; release of proceeds.

Kansas Statutes

Chapter 40. INSURANCE

Article 39. CITIES AND COUNTIES, PAYMENT OF PROCEEDS OF FIRE INSURANCE POLICIES

Current through 2017 Kansas Acts, chapter 113

§ 40-3901. Cities; payment of proceeds of fire insurance policies; procedure; release of proceeds

- (a) The governing body of any city is hereby authorized to establish, by ordinance, a procedure for the payment of not to exceed 15% of the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure . The ordinance shall apply only to a covered claim payment which is in excess of 75% of the face value of the policy covering a building or other insured structure.
- (b) The insurer first shall pay all amounts due the holder of a first real estate mortgage against the building or other structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment a sum not to exceed the amount authorized pursuant to subsection (a) and shall pay such moneys to the city to deposit into an interest-bearing account, unless the city has issued a certificate pursuant to K.S.A. 40-3906, and amendments thereto.
- (c) The city shall release the insured's proceeds and any interest which has accrued on such proceeds received under subsection (b) within 45 days after receipt of such moneys, unless the city has instituted legal proceedings under the provisions of K.S.A. 12-1752, and amendments thereto. If the city has proceeded under the provisions of K.S.A. 12-1752, and amendments thereto, all moneys in excess of that necessary to comply with the provisions of K.S.A. 12-1750 et seq., and amendments thereto, for the removal of the building or structure, less salvage value, shall be paid to the insured.

Cite as K.S.A. 40-3901

History. Amended by L. 2016, ch. 72, §2, eff. 7/1/2016.

L. 1982, ch. 192, § 2; L. 1997, ch. 102, § 2; July 1.

§ 40-3902. Same; creating tax lien in proceeds of fire insurance policies.

Kansas Statutes

Chapter 40. INSURANCE

Article 39. CITIES AND COUNTIES, PAYMENT OF PROCEEDS OF FIRE INSURANCE POLICIES

Current through 2017 Kansas Acts, chapter 113

§ 40-3902. Same; creating tax lien in proceeds of fire insurance policies

The governing body of any city is hereby authorized to create, by ordinance, a lien in favor of any such city in the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure . The lien arises upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

Cite as K.S.A. 40-3902

History. Amended by L. 2016, ch. 72, §3, eff. 7/1/2016.

L. 1982, ch. 192, § 3; L. 1998, ch. 84, § 1; Apr. 16.

§ 40-3906. Same; proof of repairing or rebuilding.

Kansas Statutes

Chapter 40. INSURANCE

Article 39. CITIES AND COUNTIES, PAYMENT OF PROCEEDS OF FIRE INSURANCE POLICIES

Current through 2017 Kansas Acts, chapter 113

§ 40-3906. Same; proof of repairing or rebuilding

Any city or county which has adopted an ordinance or resolution under K.S.A. 40-3901 to 40-3904, inclusive, is authorized to certify that in lieu of payment of all or part of the covered claim payment, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the city or county shall issue a certificate to permit covered claim payment to the insured without deduction pursuant to subsection (b) of K.S.A. 40-3901 and subsection (b) of K.S.A. 40-3903.

Cite as K.S.A. 40-3906

History. L. 1982, ch. 192, § 7; July 1.

ORDINANCE NO. 4265

AN ORDINANCE REPEALING CITY CODE SECTIONS 46-171 THROUGH 46-181 AND REPLACING THEM WITH NEW LANGUAGE PERTAINING TO CLAIMS UPON PROPERTY INSURANCE PROCEEDS FOR CHARGES UPON REAL PROPERTY

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

Section 1.

City Ordinance 3773, Codified as City Code Sections 46-171 through 46-181, inclusive, is hereby repealed and replaced with the following Sections.

Section 2. Scope and Application.

The City is hereby authorized to utilize the procedures established by K.S.A. Ch. 40, art. 39 (K.S.A. 40-3901 et seq.), whereby no insurance company shall pay a claim of a named insured for loss or damage to a building or other structure located within the City, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policies covering such building or other insured structure unless there is compliance with the following procedures:

a) When final settlement on a covered claim has been agreed to or arrived at between the named insured and the company such final settlement exceeds 75 percent of the face value of the policies covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other insured structure, pursuant to the terms of the policies and endorsement thereto, shall have been paid, the insurance company shall execute a draft payable to the Director of Finance, in an amount equal to the sum of 15 percent of the covered claim payment, unless the building Official of the city has issued a certificate to the insurance company that the insured has removed the damaged building or other structures, as well as associated debris, or repaired rebuilt or otherwise made the premises safe and secure.

b) Such payment of insurance proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.

c) Upon payment of the funds to the City as required in subsection (1) of this Section, each insurance company shall provide the City with the name and address of the named insured, the total insurance coverage applicable to such building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company and the insured, whereupon the Building Official shall contact the named insured by restricted mail to notify them that such insurance proceeds have been received by the City, and apprise them of the procedures to be followed under this Section.

Section 3. Creation of lien.

The Governing Body hereby creates a lien in favor of the City, on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, caused by or arising out of any fire, explosion, or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policies covering such building or other insured structure. The lien arises upon any unpaid tax, special valorem levy, special assessment, or any other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

Section 4. Responsibility of insurer.

Prior to final settlement of any claim covered by the provisions of the preceding Section, the insurer shall contact the county treasurer to determine whether any such encumbrances are presently in existence. If the encumbrances are found to exist, the insurer shall execute and transmit in an amount equal to that owing under such encumbrances a draft payable to the county treasurer.

Section 5. Insurance proceeds fund.

The Director of Finance is hereby authorized and shall create a fund to be known as the insurance proceeds fund. All monies received by the Director of Finance as provided for by this article shall be placed in such fund and deposited in an interest bearing account.

Section 6. Disposition of insurance proceeds

Upon receipt of such insurance proceeds:

a) The Director of Finance shall immediately notify the Building Official of such receipt and transmit all documentation received from the insurance company to the Building Official.

b) Within 20 days of the receipt of such monies, the Building Official shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 - 12-1756

c) Prior to the expiration of the 20 days established in subsection (2) of this Section, the Building Official shall notify the Director of Finance whether he intends to initiate proceedings under K.S.A. 12-1750 - 12-1756.

d) The Building Official is hereby designated as the person charged with the administration of K.S.A. 12-1750 - 12-1756.

e) If the Building Official has determined that proceedings under K.S.A. 12-1750 - 12-1756 shall be initiated, he shall do so immediately, but no later than 30 days after receipt of such monies by the Director of Finance.

f) Upon notification to the Director of Finance by the Building Official that no proceedings shall be initiated under K.S.A. 12-1750 - 12-1756, the Director of Finance shall initiate the return of such monies plus accrued interest to the insured as identified in the communications from the insurance company. Such returns shall be accomplished within 30 days of the receipt of such monies from the insurance company.

Section 7. Excess funds.

If the Building Official has proceeded under the provisions of K.S.A. 12-1750 - 12-1756, all monies in excess of that which is ultimately necessary to comply with such provisions for the removal of the building or structure, less salvage value, shall be paid to the insured.

Section 8. Reimbursement to the City for expenses.

If the Building Official, with regard to a building or other structure damaged by fire, explosion or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the Director of Finance under the authority of Section 18-455 (1), as amended, relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Building Official shall immediately effectuate the release of any lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the Director of Finance under Section 18-455 (1), the Building Official shall

establish a new lien as authorized by K.S.A. 12-1756 in an amount equal to such excess expenses incurred.

Section 9. Application of article provisions.

This article shall apply to fire, explosion or windstorm claims arising on all buildings or structures.

Section 10. Parties to insurance contracts.

This article does not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

Section 11. Immunity from liability.

Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability, and such action shall not be deemed in violation of K.S.A. 40-2402 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.


Section 12. Enforcing officer.

The City Building Official is hereby designated as the "enforcing officer" and shall be the officer in charge of administering and enforcing the provisions of K.S.A. 12-1750 - 12-1756, inclusive.

Section 13.

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 14th day of December, 2017.



Fred D. Meier, Mayor

ATTEST:

Michael A. Borovetz
Michael A. Borovetz, City Clerk



RESOLUTION NO. 2014-14

A Resolution Adopting Minimum Standards for the Rehabilitation of Structures Condemned as Dangerous or Unsafe

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

Section 1. Purpose

The purpose of this Resolution is to (1) set a standard for determining the overall condition of dangerous or unsafe buildings and (2) to provide property owners sufficient information so that they may have an understanding of the work that needs to be accomplished to bring a condemned structure back to a condition that makes it habitable and/or no longer dangerous or unsafe.

The goal is to restore condemned structures to a safe condition. It is recognized that not all structures can be reasonably or economically brought up to current codes.

Section 2. Conditions that are Dangerous or Unsafe

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment, or which such building is unfit for human use or habitation in that conditions exist at such structure which are dangerous or injurious to health, safety, or morals of the occupants of such building, or other residents of the city or which have a blighting influence on the properties in the area shall be considered dangerous or unsafe structures. Such conditions making a structure unsafe for human use or habitation may include defects therein increasing the hazards of fire, accident, or other

calamity; lack of adequate ventilation; air pollution; sanitary facilities; dilapidation; disrepair; structural defect; uncleanness; overcrowding; inadequate egress and ingress; unsightly stored or parked material, supplies, equipment, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drains; or any violation of health, fire, building or zoning regulations, or any other laws or regulations relating to the use of land and the use of occupancy of buildings and improvements.

Section 3. Application

The provisions of this Resolution shall apply to all buildings, or portions thereof, used or designed, or intended to be used, for human habitation or occupancy.

Section 4. Guidelines to Assist in Determining if a Structure is Dangerous or Unsafe

The following subsections set forth conditions which, if they exist, cause or contribute to a structure being determined to be dangerous or unsafe.

A. **Inadequate Sanitation.** Inadequate sanitation shall include, but not be limited to the following:

1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
2. Lack of, or improper water closets, lavatories and bathtubs or showers.
3. Lack of, or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures.
5. Lack of adequate heating facilities.
6. Lack of, or improper operation of required ventilating equipment.
7. Lack of minimum amounts of natural light and ventilation required by this code.

8. Room and space dimensions less than required by this code.
9. Lack of required electrical lighting.
10. Dampness of habitable rooms.
11. Infestation of insects, vermin or rodents.
12. General dilapidation or improper maintenance.
13. Lack of connection to required sewage disposal system.
14. Lack of adequate garbage and rubbish storage and removal facilities.

B. **Structural Hazards.** Structural hazards shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

C. **Nuisance.** Buildings or portions thereof in which there exists any nuisance as defined in this Resolution or any applicable building code.

D. **Hazardous Electrical Wiring.** Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner.

E. **Hazardous Plumbing.** Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures.

F. **Hazardous Mechanical Equipment.** Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition.

G. **Faulty Weather Protection.** Buildings or portions thereof which have faulty weather protection which shall include but not be limited to the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

H. **Fire Hazard.** Any building or portion thereof, device, apparatus, or equipment which, in the opinion of the chief of the fire department, is in such a condition as to cause an unreasonable risk of a fire or explosion or provide an unreasonable risk of ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

I. **Faulty Construction Materials.** Materials used in construction shall be those which are specifically allowed or approved by applicable building codes or industry standards, and shall be properly maintained and in good condition when used or installed. All materials not meeting this criteria shall be considered faulty,

J. **Inadequate Exits.** Buildings or portions thereof when the building inspector finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exits, or when other conditions exist which are dangerous to human life.

K. **Inadequate Fire Protection or Firefighting Equipment.** Buildings or portions thereof when they are not provided with the fire-resistive construction pursuant to code or whose fire-resistive integrity has not been adequately maintained.


L. **Improper Occupancy.** All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

M. **Blighting Influence.** The exterior of any building, or a portion of any building, accessory structure, and fences, walk or retaining wall when the building inspector finds that conditions exist, which include but are not limited to, dilapidation, deterioration or unsightliness shall be considered a blighting influence.

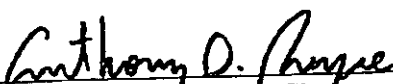
Section 5. Inspection Forms

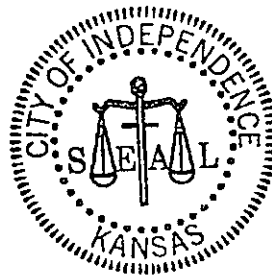
Housing and Urban Development (HUD), an agency of the federal government, promulgates inspection forms which include detailed criteria, procedures, Housing Quality Standards (HQS), and other information to be used in the inspection of housing and other structures. The forms promulgated by HUD are amended and revised periodically. The most recent HQS integrated into the HUD inspection form is attached hereto and incorporated herein by reference. All inspections on properties being inspected for purposes of determining if they are dangerous or unsafe, or for subsequent rehabilitation purposes, shall be conducted using HQS integrated into HUD inspection forms as they may be amended from time to time in the future.

Adopted by the Governing Body of the City of Independence, Kansas on the 26th day of February, 2014.


Derrill Unruh, Mayor

ATTEST:


Anthony D. Royse, City Clerk



RESOLUTION NO. 2014-15

A Resolution Establishing Time Lines Concerning Dangerous or Unsafe Structures

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

Section 1. Purpose

As background, the Governing Body has authority to take certain action with regard to dangerous and unsafe structures pursuant to certain State statutes found at KSA 12-1750, et seq. KSA 12-1753 provides that if the Governing Body makes a finding that a structure is dangerous or unsafe, it shall adopt a resolution directing that the structure be repaired or removed and the premises made safe or secure, and further the resolution " . . . shall fix a reasonable time within which the repair or removal of such structure shall be commenced and [contain] a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be repaired or razed and removed . . ." The purpose of this policy is to establish firm time lines with regard to repair or removal of a structure once the Governing Body has adopted a resolution determining it to be dangerous or unsafe.

Section 2. Initial Time Within Which to Commence Repair or Removal

The time specified in the resolution adopted by the Governing Body within which to initiate repair or removal of a structure determined to be dangerous or unsafe shall be thirty (30) days unless shortened or extended for good cause shown.

Section 3. Inspection

Within fifteen (15) days of the date of the adoption of the resolution determining a

structure to be dangerous or unsafe, the building inspector shall meet with the owner of the structure, or the owner's designated agent, and conduct a detailed inspection of the structure. At the time of the inspection, the owner, or the owner's designated agent, shall specify in writing where all future notices to the owner, or the owner's designated agent, shall be sent and that the building inspector will be notified of any change in address or ownership of the structure. All future notices shall be sent by first-class mail, postage prepaid, to the address provided until otherwise notified. The inspection may be rescheduled for good cause shown to a date not to exceed thirty (30) days from the date of adoption of the resolution. The inspection shall be conducted using the Housing Quality Standards set forth on the HUD inspection form adopted by Resolution 2014-14 and shall identify all items that must be corrected, including mechanical, electrical and plumbing repairs, in order for the structure to be removed from the list of properties condemned as dangerous or unsafe. If at the time of the inspection the utilities are not turned on, the building inspector shall not be held responsible for failing to detect mechanical, electrical or plumbing deficiencies which may be later detected upon subsequent reinspection and later added as requirements. The building inspector will make himself available to reinspect the structure once the owner restores utilities and requests such an inspection.

Section 4. Time Line for Repair or Removal

Within fifteen (15) days from the date of inspection, the owner, or the owner's designated agent, shall provide the building inspector with a written time line setting forth in sufficient detail, satisfactory to the building inspector, the time line for repair or removal of the structure. The deadline for submission of the time line to the building inspector may be extended for good cause shown by an additional period not to exceed fifteen (15) days. If the structure is to be

repaired, the time line shall specifically state the sequence of repairs, including a deadline for each such repair, and shall provide for periodic inspections by the building inspector to monitor progress. The building inspector shall conduct periodic inspections of the structure in intervals of at least ninety (90) days, or more frequent as deemed necessary.

Section 5. Extensions

If a deadline is to be extended at the request of the owner, or the owner's designated agent, the request for extension should be made prior to the initial deadline. A request for extension of a deadline made in a timely manner made by the owner, or the owner's designated agent, may be granted upon a showing of good cause. In determining whether good cause exists, consideration should be given to whether there has been any intervening act or occurrence over which the owner, or owner's designated agent, has no control, as well as any other relevant factors. The building inspector shall have authority to grant extensions. Any dispute over the granting of an extension may be brought to the Governing Body for resolution.

Section 6. Completion Date

The ultimate goal with regard to each condemned structure is to have it either removed or repaired and passed inspection within nine (9) months from the date of the adoption of the initial resolution declaring it to have been dangerous and unsafe. The nine (9) month deadline may be extended by the Governing Body upon the finding of good cause based upon all facts and circumstances. Any such extension(s) granted shall not exceed a cumulative total of three (3) months.

Section 7. Failure to Meet Deadlines


In the event the owner, or owner's designated agent, fails to meet with the building

inspector for purposes of the initial inspection, or fails to establish a detailed time line as required herein, or fails to meet the detailed time line once established, or fails to meet any deadline or other requirement of this policy, the building inspector **shall promptly** bring the matter before the Governing Body for further review and action which may include a recommendation that bids be taken for removal of the property. If the Governing Body determines that the owner, or owner's designated agent, has failed to follow one or more requirements of this policy without good cause, then the Governing Body may authorize the letting of bids and may establish a date for the taking of bids for removal of the property.

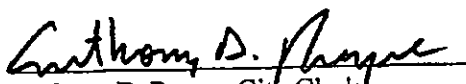
Section 8. Miscellaneous

After the adoption of the resolution determining a structure to be dangerous an unsafe as referred to in Section 1 of this policy, either the Governing Body on its own initiative, or the building inspector, may cause any structure which has been declared dangerous and unsafe to be added to the agenda of any regular or special meeting of the Governing Body for the purpose of reviewing status and/or taking any action deemed advisable at that time. Notice of the time and place of any such meeting shall be by first-class mail to the owner, agent, lien holder and/or occupant at their last known address, or at such address as specified by the owner or the owner's designated agent.

Adopted by the Governing Body of the City of Independence, Kansas, on the 26th day of February, 2014.


Derrill Unruh, Mayor

ATTEST:


Anthony D. Royse, City Clerk



§ 12-1750. Unsafe or dangerous structures; abandoned property; definitions.

Kansas Statutes

Chapter 12. CITIES AND MUNICIPALITIES

Article 17. BUILDINGS, STRUCTURES AND GROUNDS

Current through 2017 Kansas Acts, chapter 113

§ 12-1750. Unsafe or dangerous structures; abandoned property; definitions

As used in this act:

- (a) "Structure" means any building, wall or other structure.
- (b) "Enforcing officer" means the building inspector or other officer designated by ordinance and charged with the administration of the provisions of this act.
- (c) "Abandoned property" means:
 - (1) Any residential real estate for which taxes are delinquent for the preceding two years and which has been unoccupied continuously by persons legally in possession for the preceding 90 days; or
 - (2) commercial real estate for which the taxes are delinquent for the preceding two years and which has a blighting influence on surrounding properties. "Commercial real estate" means any real estate for which the present use is other than one to four residential units or for agricultural purposes.
- (d) "Blighting influence" means conditions in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the municipality or which have an adverse impact on properties in the area. Such conditions may include, but are not limited to, the following: Defects increasing the hazards of fire, accident, or other calamities; air pollution; light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; dead and dying trees, limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drainage; or any violation of health, fire, building or zoning regulations.
- (e) "Organization" means any nonprofit corporation organized under the laws of this state and which has among its purposes the improvement of housing.

- (f) "Rehabilitation" means the process of improving the property into compliance with applicable fire, housing and building codes.
- (g) "Parties in interest" means any owner or owners of record, judgment creditor, tax purchaser or other party having any legal or equitable title or interest in the property.
- (h) "Last known address" includes the address where the property is located, or the address as listed in the tax records.

Cite as K.S.A. 12-1750

History. Amended by L. 2012, ch. 126, §4, eff. 7/1/2012.

Amended by L. 2010, ch. 116, §26, eff. 7/1/2010.

L. 1961, ch. 74, § 1; L. 1994, ch. 242, § 1; L. 2003, ch. 90, § 1; July 1.

§ 12-1751. Same; powers of governing body.

Kansas Statutes

Chapter 12. CITIES AND MUNICIPALITIES

Article 17. BUILDINGS, STRUCTURES AND GROUNDS

Current through 2017 Kansas Acts, chapter 113

§ 12-1751. Same; powers of governing body

- (a) The governing body of any city shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous.
- (b) The governing body of any city shall have the power to cause the rehabilitation of or to rehabilitate any abandoned property located within the city.

Cite as K.S.A. 12-1751

History. L. 1961, ch. 74, § 2; L. 1994, ch. 242, § 2; July 1.

§ 12-1752. Same; notice and hearing.

Kansas Statutes

Chapter 12. CITIES AND MUNICIPALITIES

Article 17. BUILDINGS, STRUCTURES AND GROUNDS

Current through 2017 Kansas Acts, chapter 113

§ 12-1752. Same; notice and hearing

Whenever the enforcing officer files with the governing body of the city a statement in writing that any structure, describing the same and where located, is unsafe or dangerous or is abandoned property, the governing body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished in the case of unsafe or dangerous structures or rehabilitated in the case of abandoned property. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

Cite as K.S.A. 12-1752

History. L. 1961, ch. 74, § 3; L. 1968, ch. 185, § 1; L. 1981, ch. 173, § 24; L. 1994, ch. 242, § 3; July 1.

§ 12-1753. Same; findings; resolution; contents; notice.

Kansas Statutes

Chapter 12. CITIES AND MUNICIPALITIES

Article 17. BUILDINGS, STRUCTURES AND GROUNDS

Current through 2017 Kansas Acts, chapter 113

§ 12-1753. Same; findings; resolution; contents; notice

On the date fixed for hearing or any adjournment thereof, the governing body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the governing body of the city finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. If the governing body of the city finds that such structure is abandoned property, the governing body may authorize the rehabilitation of such property as provided by K.S.A. 12-1756a. Such resolution shall be published once in the official city paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be repaired or razed and removed in the case of unsafe or dangerous structures or rehabilitated in the case of abandoned property.

Cite as K.S.A. 12-1753

History. L. 1961, ch. 74, § 4; L. 1994, ch. 242, § 4; July 1.

§ 12-1754. Same; duties of owner after removal of structure.

Kansas Statutes

Chapter 12. CITIES AND MUNICIPALITIES

Article 17. BUILDINGS, STRUCTURES AND GROUNDS

Current through 2017 Kansas Acts, chapter 113

§ 12-1754. Same; duties of owner after removal of structure

The owner of any structure, upon removing the same, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition.

Cite as K.S.A. 12-1754

History. L. 1961, ch. 74, § 5; June 30.

§ 12-1755. Same; salvage, sale; assessment and collection of costs; procedure.

Kansas Statutes

Chapter 12. CITIES AND MUNICIPALITIES

Article 17. BUILDINGS, STRUCTURES AND GROUNDS

Current through 2017 Kansas Acts, chapter 113

§ 12-1755. Same; salvage, sale; assessment and collection of costs; procedure

- (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The city shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs and the cost of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.
- (b) The city shall give notice to the owner of such structure by restricted mail of the total cost incurred by the city in removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost is not paid within the thirty-day period and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the city clerk at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full. Whenever any structure is removed from any premises under the provisions of this act, the city clerk shall certify to the county appraiser that such structure, describing the same, has been removed.
- (c) If there is no salvageable material, or if the moneys received from the sale of salvage or

from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the costs of the work and the cost of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act the governing body of such city shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by that section and may be issued without the approval of the state board of tax appeals. All moneys received from special assessments levied under the provisions of this section or from an action under K.S.A. 12-1,115, and amendments thereto, when and if paid, shall be placed in the general fund of the city.

Cite as K.S.A. 12-1755

History. Amended by L. 2014, ch. 141, §27, eff. 7/1/2014.

L. 1961, ch. 74, § 6; L. 1968, ch. 185, § 2; L. 1985, ch. 73, § 3; L. 1986, ch. 74, § 3; L. 2008, ch. 109, § 33; July 1.

§ 12-1756. Same; immediate hazard; action to protect public; notice not required; cost.

Kansas Statutes

Chapter 12. CITIES AND MUNICIPALITIES

Article 17. BUILDINGS, STRUCTURES AND GROUNDS

Current through 2017 Kansas Acts, chapter 113

§ 12-1756. Same; immediate hazard; action to protect public; notice not required; cost

When in the opinion of the enforcing officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by K.S.A. 12-1755.

Cite as K.S.A. 12-1756

History. L. 1961, ch. 74, § 7; June 30.

City of Caney Strategic Plan Template (2025–2030)

Vision Statement

A thriving, inclusive, and sustainable City, known for reliable infrastructure, growing opportunities, and a strong sense of community pride.

Mission Statement

To provide quality services, invest in infrastructure, and enhance the quality of life for all residents by fostering transparent governance, community engagement, and strategic development.

I. Planning Process Framework

1. Stakeholder Engagement

- **Public Input:** Town halls, surveys, online forms, listening sessions
- **City Crew Input:** Internal workshops and anonymous feedback options
- **City Council & Planning Commission:** Strategic workshops and quarterly updates

2. Situation Analysis

- **SWOT Analysis (Strengths, Weaknesses, Opportunities, Threats)**
 - **Demographic Trends- Bureau of Labor and Statistics**
 - **Housing Inventory & Water Infrastructure Audit**
 - **Zoning and Land Use Review**
-

II. Strategic Goals Overview

Goal 1: Improve Water Infrastructure

- **Objective:** Upgrade all failing water lines and complete water tower maintenance by 2027

- **SMART Target:** Reduce boil orders by 90% by 2027 through phased line replacement and SCADA monitoring

And/ OR

Revised Goal 1: Improve Water Infrastructure and Regional Resilience

- **Primary Objective:**
- Upgrade Caney's local water infrastructure to ensure reliable, clean, and efficient service for all residents and businesses.
- **Secondary Objective:**
- Pursue regional collaboration by connecting Caney to the Coffeyville water system via pipeline as a long-term solution to supplement local capacity and prepare for future growth.

Goal 2: Improve Housing

- **Objective:** Incentivize renovation of existing homes and attract new housing developments
- **SMART Target:** Increase available quality housing stock by 15% by 2028; introduce at least 20 new single-family units and 10 multifamily units

Goal 3: Grow Population to 2,500

- **Objective:** Promote Caney as a bedroom community with low cost of living and strong values
- **SMART Target:** Increase population from ~1,800 to 2,500 by 2030 through marketing, developer recruitment, and family-friendly initiatives

III. Strategic Focus Areas

Focus Area	Key Priorities	Lead Department
Water & Utilities	Main line replacement, treatment plant improvements, smart metering	Public Works
Housing	Blight reduction, rehab incentives, code enforcement improvements	Planning & Zoning
Economic Growth	Retail/restaurant recruitment, entrepreneurship support, tax incentives	Economic Development/Chamber
Community Branding	Website, signage, community events, relocation materials	City Administration/PR

Focus Area	Key Priorities	Lead Department
Roads & Sidewalks	Street maintenance plan, ADA compliance, sidewalk expansion	Street Department
Citizen Services	Parks, safety, recreation, health partnerships	Parks & Rec, Police, Health

IV. Public Input Strategy

Public Survey Questions (examples):

1. What is the biggest infrastructure need you see in Caney?
2. Would you support a local bond or sales tax increase for water system improvements?
3. What kind of housing would make you more likely to stay or relocate here (starter homes, rentals, senior housing, etc.)?
4. What are barriers to population growth in your view?
5. What would make Caney more attractive to young families or retirees?
6. What do you love most about Caney?
7. What should Caney focus on in the next 5 years?

Engagement Methods

- Town Halls (with break-out groups by topic)
 - Online Engagement Tools (via website/social media)
 - Citizen Advisory Committees (Housing Task Force, Infrastructure Advisory Panel)
 - Feedback Boxes at Library, City Hall, and Senior Center
-

V. SMART Goal Setting Guide

SMART Criteria:

Element	Definition	Example for Caney
Specific	Clear and detailed	"Replace 10,000 feet of water line"
Measurable	Quantifiable or trackable	"Reduce water loss by 30%"
Achievable	Feasible within city capacity	"Add 10 new homes per year"
Relevant	Aligned with city's priorities	"New housing to support population growth"
Time-bound	Deadline or time frame	"Complete by end of FY 2027"

VI. Implementation & Monitoring

- **Timeline:** Phased approach in 1–3–5 year increments
- **KPIs:** Key performance indicators for each department
- **Annual Review:** Strategic Plan reviewed annually during budgeting
- **Scorecard:** Public dashboard or update page on city website
- **Accountability Partners:** Department heads present updates quarterly to council

VII. Meeting Facilitation Tips

Keeping Meetings Focused:

- Use a **pre-published agenda** with time limits
- Have a **neutral facilitator** (e.g., outside planner or consultant)
- Post ground rules (e.g., no personal attacks, 3-minute limits, stay on topic)
- Use **visual aids** (progress charts, maps, concept drawings)
- Assign a **note taker** and provide summaries to public
- If off-topic issues arise, **"parking lot" them** for a future meeting

VIII. Example Meeting Agenda (Town Hall)

Welcome & Purpose (5 min)

Overview of Strategic Goals (15 min)

Breakout Discussions (30 min)

— Water Infrastructure

— Housing Development

— Community Growth

Group Feedback Report Out (15 min)

Survey Completion (10 min)

Closing Remarks and Next Steps (5 min)

SMART Targets:

SMART Element	Goal for Caney Water Improvements
Specific	Replace aging water mains, repair hydrants, and rehabilitate the water tower. Develop engineering plans and funding strategy for Coffeyville connection.
Measurable	Replace at least 10,000 linear feet of water lines and install smart metering by 2027. Complete pipeline project planning by Nov 2026.

**SMART
Element****Goal for Caney Water Improvements**

Achievable	Use a phased approach leveraging ARPA funds, KDHE SRF grants, bond financing, and federal infrastructure funding.
Relevant	Improves Caney's water security, supports growth, and reduces boil orders and system failures.
Time-bound	Complete water line upgrades by 2027; finalize Coffeyville pipeline plans and projected cost by November 2026 .

Tactical Sub-Goals

Goal	Timeline	Responsible Department	Funding Source	Public Accountability
Conduct system audit of local water lines	Q3 2025	Public Works	Existing budget	Report at Oct 2025 council
Prioritize and phase water main replacements	Q4 2025	Public Works / City Engineer	KDHE SRF, ARPA	Council approval + dashboard
Begin water tower maintenance	Q1 2026	Public Works	Bond / Grant	Bi-monthly updates
Initiate Coffeyville pipeline feasibility study	Q2 2025	City Admin / Regional Planners	Joint study + grant	Status report at July 2025 mtg
Publish projected cost of pipeline project	November 2026	City Admin / Finance	TBD (grant, USDA RD, state/federal)	Full report posted online
Launch fundraising/public education campaign	Q1 2027	Mayor / Council / PR	Local sales tax, donations	Progress tracked quarterly
Quarterly progress updates on funding raised	Start Q1 2026	Finance Office	All sources	Reported to Council & public

Community Messaging for Public Engagement

- "Safe, sustainable water for every Caney household—now and for generations to come."
- "Investing in our pipes, investing in our people."
- "Regional water, regional strength: partnering with Coffeyville for long-term resilience."

Needs to incorporate growth into all functions of the city police, Fire, EMS, Public works

Need to incorporate revenue sources in assessment need analysis to support new growth

Need to incorporate revenue/expenses for maintenance of growth and current functions

Pipeline should be 7*times need

I will pull up the below website up on my laptop it is an example of another strategic plan for another city please review before the council meeting

<https://cityoflonetree.com/strategicplan/#4>

Ideas:

I Heart Caney Day- City Wide Clean up with Purpose right before Mayfest. Model after surrounding towns like Pittsburg and Independence.

Couple with Caney Birthday Party- celebrate Caney and have donations go toward a cause, whether it is a digital sign at city hall or the dog pound or the blessings box, the library whatever it is for that year voted on by the council. We do Caney trivia leading up to the event, have cake and what not.

Fall Festival – Car Show, Corn Hole, Golf Tournament??? Raise money for Mayfest? Food trucks? Beer Garden? Downtown!