

REGULAR MEETING
September 5, 2023

The Independence City Council met for a Regular Meeting, September 5, 2023, at 6:01 p.m., in the Council Chambers, 111 E. Maple.

Phillip Dickey provided the invocation followed by the Pledge of Allegiance.

Mayor Rory Rowland, Presiding Officer of the City Council, called the meeting to order. Upon roll call, the following members of the City Council were present: John Perkins, Brice Stewart, Jared Fears, Bridget McCandless, Mike Steinmeyer and Mayor Rory Rowland. Absent – None.

CITIZENS REQUEST TO SPEAK

Donald Main and Kristen Main spoke to the Council regarding the city ordinances not being enforced and the problems they were having with an individual.

Nick Huff spoke regarding his belief of the Council’s disregard of the people who were present at the last Council meeting’s opposition of a Resolution which was approved by the Council.

Councilmember Hobart stated that Ms. Wiley was running late and not in attendance. Councilmembers Hobart and Steinmeyer moved to change the Rules and present the I-Star award when Ms. Wiley is present.

Upon a voice vote, there were no “nays.” The Mayor declared the change approved.

PROCLAMATIONS

National Preparedness Month - September 2023.

PRESENTATIONS/RESOLUTIONS

Councilmembers McCandless and Fears moved to approve Bill No. 23-775.

Bill No. 23-775, entitled, [Res. #6954]

“A RESOLUTION RECOGNIZING DONNA WILEY, ADMINISTRATIVE ASSISTANT II, WITH THE POLICE DEPARTMENT, AS THE I-STAR AWARD RECIPIENT FOR SEPTEMBER 2023.”

Upon roll call, the vote to approve the AMENDED CONSENT AGENDA was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the motion carried, and the Bill No. 23-775 was approved.

CONSENT AGENDA

Councilmembers Hobart and McCandless moved to approve the CONSENT AGENDA.

Councilmember Perkins requested that Resolution number 23-777 be pulled for separate consideration.

REGULAR MEETING
September 5, 2023

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

1. Council action is requested to expend \$370,000.00 with Design Mechanical for HVAC maintenance and repairs for the Power & Light and Parks, Recreation, & Tourism Departments.
2. Council action is requested to issue a purchase order to Olathe Ford Lincoln, for a F450 box truck chassis & body to be purchased by the Municipal Services Department/Sanitary Sewer Division, in the amount of \$79,799.73.
3. Council action is requested to authorize the City Manager to approve a design contract with, and issue a purchase order to, Olsson Associates in the amount of \$219,040 and authorizing future minor change orders not to exceed \$21,904 and/or time extensions, as part of the Crackerneck Creek Bank Stabilization Project (No. 302202).
4. Council action is requested to issue a blanket purchase order \$50,000.00 with Brenntag Mid-South Inc., for Sodium Bisulfite for the Water Pollution Control division of the Municipal Services Department.
5. Council action is requested to expend \$150,000.00 with Frazier Oil Company for Fuel for the Fire Department.
6. Council action is requested to issue a purchase order to Clark Equipment Company for \$52,262.08, for an E35 33HP R2-Series Bobcat Compact Excavator, for the Water Division of the Municipal Services Department.
7. Council action is requested to authorize a contract with the Kansas City Area Transportation Authority for the purpose of providing transit services for the period of July 1, 2023 through June 30, 2024 in the amount of \$241,294.00, and authorizing future minor change orders not to exceed \$24,129.00.
8. Council action is requested to authorize a contract with Columbia Capital Management, LLC for Financial Advisor Services for one year with four possible one-year extensions.
9. Council action is requested to issue a purchase order for \$139,859.10 with Motorola Solutions Inc for radios for the Fire Department.

RESOLUTIONS

Bill No. 23-776, entitled, [Res. #6955]

“A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE COMMUNICATIONS WORKERS OF AMERICA, LOCAL UNION 6360, FOR THE TERM OF JULY 1, 2023- THROUGH JUNE 30, 2026.”

Upon roll call, the vote to approve the AMENDED CONSENT AGENDA was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the motion carried, and the AMENDED CONSENT AGENDA was approved.

REGULAR MEETING
September 5, 2023

CONSENT AGENDA - SEPARATE CONSIDERATIONS:

Councilmembers Perkins and Hobart moved to approve Bill No. 23-777.

Councilmember Perkins gave a brief statement as to why this Resolution was on the agenda. He stated that it was agreed upon by the City Council that he could speak with full Council authority before Kansas City's City Council and their Transportation and Infrastructure Committee. He also stated that he has reached out to Councilmember Ray of the Kansas City Council and has a meeting. Councilmember Perkins also stated that there is a meeting between the Leadership Team, Councilmember McCandless and himself with Kansas City's City Manager and the Public Works Director. With no further discussion.

Bill No. 23-777, entitled, [Res. #6956]

"A resolution authorizing Councilmember John Perkins to Speak to the City of Kansas City, Missouri on behalf of the City Council, regarding the North Kentucky Avenue Bridge."

Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the item approved.

PUBLIC HEARINGS:

Mayor Rowland opened a public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to adult businesses. Full public hearing.

Rick Arroyo, Assistant Community Development Director, stated the Planning Commission voted in favor of this amendment on July 25 of this year. This is an amendment of Section 14301-03 which would require approval of a special use permit for adult business in the C-2 District.

Mayor stated is a full public hearing and asked if anyone wanted to discuss this matter. Phillip Dickey stated that he brought this to their attention and year ago because of a business up his street. He thanked the Council and everyone for listening to him and his neighbors. He is in support of this ordinance, but stated he believes it can be stronger. With no further discussion.

Bill No. 23-078, entitled [Ord. #19477]

"AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO OFFICE AND COMMERCIAL DISTRICTS USES FOR ADULT BUSINESSES."

Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the item approved.

Mayor Rowland opened a public for the request by the City of Independence to rezone the properties located at 923, 924, 925 and 926 N. Main Street from C-2, General Commercial, to R-6, Single Family Residential. New Information Only.

REGULAR MEETING
September 5, 2023

Rick Arroyo, Assistant Community Development Director, stated the Planning Commission voted in favor of this rezoning on July 25 of this year. He stated this was a City initiated rezoning to correct a legal nonconformity. With no further discussion.

Bill No. 23-079, entitled [Ord. #19478]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTIES AT 923, 924, 925 AND 926 N. MAIN STREET IN INDEPENDENCE, MISSOURI.” (2nd and final reading)

Upon roll call, the vote was: Ayes – Councilmembers: Fears, McCandless, Hobart and Mayor Rowland. Noes – Perkins, Stewart, Steinmeyer. Absent – None. The Mayor declared the item approved.

Mayor Rowland opened public hearing on proposed property tax rates to be set by the City of Independence for the fiscal year beginning July 1, 2023, based on the current assessed valuation by Jackson and Clay Counties. Full Public Hearing.

Melissa Sills, City of Independence Budget Manager, gave a presentation for informational purposes on this matter. She went on to show the process of setting the tax levy. After the presentation, Mayor Rowland asked for any questions. Councilmember Hobart asked Ms. Sills if they have been given information on when the appeals would be concluded. Ms. Sills responded to Councilmember Hobart that they have not given a date as to when they would be done. Ms. Sills went on to explain what will happen if they are not finished with appeals before October 1, which is the deadline for the levy. Councilmember McCandless asked Ms. Sills if the City was forced to use the unappealed amount to set the levy and about a drop in the City’s revenue. Ms. Sills responded they had to use the assessed values from the County. Councilmember McCandless then asked for the amount in the budget that is received from property tax. Ms. Sills responded to Councilmember McCandless with those numbers. Councilmember Steinmeyer shared his thoughts on the problems of assessing the levy. Councilmember Hobart asked Ms. Sills what the penalty is if the levy was not set by the deadline. Mr. Walker, City Manager, responded to Councilmember Hobart and stated that it is in the best interest of the City to uphold their obligations because of the adverse circumstances if they are not. Mayor Rowland asked if the City is actually reducing the levy for a variety of reasons, Hancock and CPI Index. Mayor Rowland then asked Ms. Sill if the 6.5% CPI Index was set by the Federal government? Ms. Sill responded to Mayor Rowland and stated that it was set by the State Tax Commission. More discussion was had on the amounts that could be levied. Mayor Rowland then questioned Mr. Cover, City Counselor, about the County legislature inviting a state auditor to do an audit to make sure they are following state law? Mr. Cover responded to Mayor Rowland that he was correct.

Bill No. 23-081

“An ordinance levying a tax on all real property subject to taxation on January 1, 2023, within the corporate limits of the City of Independence, Missouri, for general revenue and public health and recreation purposes, and for The Independence Square Special Benefit District; said levies and assessments being separate and distinct, all for the fiscal year commencing on the 1st day of July, 2023, and ending on the 30th day of June, 2024. (1st reading).

REGULAR MEETING
September 5, 2023

Mr. Cover then shared with Mayor Rowland that he wanted to make sure that the full Public hearing was announced and no one else wanted to speak on this then closed out if not. Mayor Rowland agreed and then asked if there was anyone who wanted to speak on this matter. Kenneth Love of Independence came forward and shared his remembrance of a time about two years ago when a meeting was had by two people in the genealogy where taxes were discussed and where one believed that the state should handle the taxes. He then went on to discuss his issues with taxes. Next, Phillip Dickey shared that he thought it would be good if the council could flex its muscles with Jackson County and get it to where taxes could not go up over 15% for every household. Mayor Rowland closed the public hearing, and the ordinance was read.

Councilmember McCandless then asked to speak and shared that she wanted it to be clear to all that the Council is not in charge of the assessed values or the process to come to the assessed value and that they are asked to vote on the City doing its work according to the Charter requirements to set the process. Mr. Walker responded to Councilmember McCandless that she was correct. He then asked to respond to Councilmember Hobart's question about the failure to adopt the levy rate. Mr. Walker shared Section 67.110 of the state's Statute – should any political subdivision fail to adopt its tax rate by the date provided, then no tax rate shall be certified for that year. Councilmember Steinmeyer asked more questions regarding the tax rate and Mr. Walker responded. Councilmember Steinmeyer shared his displeasure with the County. Councilmember Perkins reminded the audience that two months ago the Council acted in unison to pursue legal action against the County and have had several executive sessions to explore those options. Councilmember Perkins also shared the Council's frustration.

NON-ORDINANCE ACTION ITEMS

Bill No. 23-772, entitled, [Res. #6957]

“A RESOLUTION DIRECTING THE CITY MANAGER TO REVIEW THE CITY CODE OF ORDINANCES AND ANY OTHER POLICIES OR PROCEDURES CURRENTLY IN EFFECT REGARDING TOW SERVICE AND TO PROVIDE RECOMMENDATIONS FOR FURTHER ACTION RELATED TO THESE ITEMS BY DECEMBER 11TH, 2023.”

Councilmember Fears shared that he had asked for this to be discussed at the last study session, but no discussion was had. Councilmember Fears then stated that he had a chance to discuss this with Councilmember Perkins and understands his concerns. He then asked Mr. Walker about the December 11 date and what it does to other priorities? Mr. Walker responded to Councilmember Fears that it would probably require shuffling of other priorities. Mr. Walker also stated that we need to prioritize this for December 11, it may slow some of the priorities down, but if pliable on the December 11 date, then things could keep going. Councilmember Fears then asked Mr. Walker what he thought a more reasonable date would be. Mr. Walker responded that no later than the first quarter of 2024. Councilmember Fears then made a motion for an amendment to 23-772 to change the December 11 date to be sometime in the first quarter of 2024 and Councilmember McCandless seconded the motion. Councilmember Stewart then shared that he did not set this December 11 date. Councilmember Steinmeyer then asked Councilmember Stewart if he was okay with how it read right now. Councilmember Stewart answered that affirmatively. Councilmember Hobart asked Councilmember Stewart what he was after and Councilmember Stewart responded that he had a personal experience of being taken advantage of by a tow truck company and has been seeing articles regarding tow trucks and wanted to make sure the best policies were in place. No further discussion was had on the amendment.

REGULAR MEETING
September 5, 2023

Upon roll call on the Amendment, the vote was: Ayes – Councilmembers: Fears, McCandless and Mayor Rowland. Noes – Perkins, Stewart, Steinmeyer and Hobart. Absent – None. The Mayor declared the Motion on the Amendment to 23-772 failed.

Mayor Rowland asked for any further discussion on the main resolution. There was no further discussion.

Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared 23-772 was approved.

**ORDINANCES
SECOND READING(S)**

Bill 23-075, entitled, [Ord. #19479].

“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM MID-AMERICA REGIONAL COUNCIL IN THE AMOUNT OF \$89,417 FOR THE CITY’S SENIOR ADULT NUTRITION SITE PROGRAM FOR FISCAL YEAR 2023-2024, AND EXECUTE THE COMMUNITY CENTER SERVICES AGREEMENT; MAKING THE NECESSARY APPROPRIATIONS; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS; AND, AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.”

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the bill approved.

Bill 23-076, entitled, [Ord. #19480].

“AN ORDINANCE AMENDING ARTICLE 3 OF CHAPTER 5 OF THE CITY CODE BY ENACTING NEW SECTIONS TO ADD REQUIREMENTS FOR EXTENDED STAY HOTELS.”

Councilmember McCandless asked Mr. Walker to explain why this is a necessary amendment. Mr. Walker responded to Councilmember McCandless and shared that the ordinance gives the City more regulatory authority to address issues, such as sanitation, etc. for these extended stay hotels. With no further discussion.

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the bill approved.

Bill No. 23-077, entitled, [Ord. #19481]

“AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE, "BUSINESS AND OCCUPATION LICENSES".”

Councilmember Steinmeyer asked who sponsored this resolution. Mr. Walker stated that this was a staff recommendation. Councilmember Steinmeyer shared that he was concerned with some of the language. Councilmember Steinmeyer also stated that he has some restaurants in his district and that some of this language could put their license in jeopardy. Mr. Walker responded that the Community

REGULAR MEETING
September 5, 2023

Development Director and the team that put this together believe that the application is very narrow. He went on to share what types of businesses this would encompass, not dining or other entertainment establishments. Councilmember Steinmeyer shared his concerns about the language and how it could harm certain types of restaurants. Councilmember Steinmeyer stated he would like to incorporate an exemption for a restaurant. Mr. Walker stated he would be happy to look at it. More discussion was had on this matter and Councilmember Steinmeyer moved to amend the language to exempt existing restaurants. Councilmember Stewart seconded this motion. Councilmember Fears asked City Manager or City Counselor if he understood correctly, and this particular section of the code does not apply to restaurants. Mr. Walker responded to Councilmember Fears that was their opinion. Councilmember Fears then asked if this language was put in would it create a scenario where it is now applied to restaurants. City Counselor, Jeremy Cover, responded to Councilmember Fears that he would be concerned about making that kind of amendment without a thorough review of all language to see how it will fit in and if it will cause an issue anywhere else. Councilmember Fears asked if they passed it now without the amendment, they could look at it later to address this later. Mr. Cover stated that was correct. Councilmember Steinmeyer asked if they would look at it and address his concerns. Councilmember Perkins asked Councilmember Steinmeyer if he had spoken with Mr. Walker over this issue. Councilmember Steinmeyer answered yes. Councilmember Stewart asked Mr. Cover regarding what some of the language in Section 10 meant and if it meant it would not affect any existing businesses. Mr. Cover responded that was their position, yes. Councilmember Hobart stated that he would suggest a compromise and ask Councilmember Steinmeyer to withdraw his motion if the council would consider extending this for two weeks for him to resolve his concerns. There was discussion on this. Mr. Walker made the Council aware of the outcome if this was set over for two weeks. Councilmember Steinmeyer withdrew his motion for amendment and asked to work with city staff to look into an amendment to exempt restaurants. Mr. Walker agreed for staff to investigate. The amendment was withdrawn. There was no further discussion.

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the bill as is approved.

Bill No. 23-080, entitled, [Ord. #19482]
“AN ORDINANCE APPROVING A BUDGET AMENDMENT FOR AN ADDITIONAL \$300,000 TO THE FISCAL YEAR 2023-2024 BUDGET FOR POWER & LIGHT.”

Mayor Rowland asked Mr. Walker to give an update on this bill. Mr. Walker gave the Council an update on this bill. There was no further discussion.

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, McCandless, Hobart and Mayor Rowland. Noes – Stewart and Steinmeyer. Absent – None. The Mayor declared the bill approved.

FIRST READINGS:

“23-082 1R. An ordinance amending Chapter 20 "Public Works Manual" of the Independence City Code and all references to this chapter.”

was given its first reading by title.

REGULAR MEETING
September 5, 2023

“23-083 1R. An ordinance approving a rezoning from District R-6 (Single-Family Residential) to District R-12 (Two-Family Residential) for the property at 704 N. Pearl Street in Independence, Missouri.”
was given its first reading by title.

“23-084 1R. An ordinance terminating Redevelopment Project I of the North Independence Tax Increment Financing Plan; dissolving the special allocation fund account for Redevelopment Project I of the North Independence Redevelopment Area; and authorizing and directing the City Manager or the City Manager's designee to take all necessary steps to implement these aforementioned actions.”
was given its first reading by title.

“23-085 1R. An ordinance amending Section 12.01.003 (A) "Assault" of the Independence City Code.”
was given its first reading by title.

“23-086 1R. An ordinance authorizing the City Clerk to do all things necessary for the holding of a Primary and General City Election within the City of Independence, Missouri, in compliance with the Charter adopted by said City, as amended, and all state laws in reference thereto, and to certify to the Jackson County Board of Election Commissioners all names of candidates properly presented by petitions under the Charter and for the holding of a Primary Election on February 6, 2024, and a General Election on April 2, 2024.”
was given its first reading by title.

INFORMATION ONLY

1. Case 23-100-19, a request from Michael Freed to rezone the property at 704 N. Pear Street from R-6, Single Family Residential, to R-12, Two-Family Residential, was advertised for a new information only public hearing on September 5, 2023. This case was continued at the Planning Commission meeting and the City Council new information only public hearing has been continued to September 18, 2023.
2. Purchase order 24000398 for \$257,409.94 was issued to the Missouri Department of Natural Resources for the 2023 Missouri State Primacy Fee for the Safe Drinking Water Act (SDWA) for the Water Division of the Municipal Services Department.
3. LAGERS Public Safety Designation of Telecommunicators 45-Day Cost Disclosure Period.
4. **Please Note:** *In accordance with RSMo 610.021, the City Council may convene in an Executive Session during or after the meeting, in the Council Chambers and move to Conference Room D for the closed meeting, on matters of litigation, legal action, and/or attorney client communications, as permitted by Sec. 610.021(1), on matters of personnel, as permitted by Sec. 610.021(3) and personnel records, as permitted by 610.021(13), on matters of contracts, as permitted by 610.021(12), on matters of real estate, as permitted by 610.021(2) and/or matters of labor negotiations, as permitted by 610.021(9).*

COUNCILMEMBER COMMENTS

Councilmember Stewart had no comments.

REGULAR MEETING
September 5, 2023

Councilmember Perkins shared retired Pastor Bob Spradling as the recipient of the 2023 Citizen of the Year award. He also shared the start of the \$30 million Highway 24 project and not only the infrastructure improvement for the financial impact. He also thanked the Chamber and volunteers for SantaCaliGon. He also shared that he had a discussion with the Mayor regarding a correction on a discussion at a meeting regarding the decentralization of the health department. He inadvertently stated that it was a council member that brought it up, but it was a city staff member.

Councilmember Fears had nothing to share.

Councilmember Steinmeyer also addressed the meeting where healthcare was discussed. He also stated he had some telephone calls regarding an analogy that was used at the last Council meeting, and he read a statement regarding this analogy.

Councilmember McCandless shared her thanks to those involved in SantaCaliGon with special recognition to EMS and IPD who kept people safe. She also shared she wanted to highlight an agreement to improve benefits for CWA and stated she appreciated their difficult work. She shared the grant that was received for Mid America Regional Council for meals shared with seniors and for transportation. Lastly, she asked for people to participate in Independence Transportation for All Survey.

Councilmember Hobart shared a shout out to the City Manager, who is President of Rotary Club and has input for how the proceeds from their big fundraiser is used.

Mayor Rowland also thanked everyone for a successful SantaCaliGon. He shared on Saturday was Samoan Flag Day and enjoyed the presentation. He also shared Saturday trash pickup.

At 7:35 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., September 5, 2023, in the Council Chambers.

Presiding Officer of the City Council of the City
of Independence, Missouri

ATTEST:

Interim City Clerk