

REGULAR MEETING
February 16, 2021

The Independence City Council met for a Regular Meeting, February 16, 2021, at 6:00 p.m., virtually held via Microsoft Teams.

Laurie Dean Wiley, member of Epic Church, provided the invocation followed by the Pledge of Allegiance.

Mayor Eileen Weir, Presiding Officer of the City Council, called the meeting to order. Upon roll call, the following members of the City Council were present: Mike Huff, John Perkins, Brice Stewart, Karen DeLuccie, Mike Steinmeyer, Daniel Hobart and Mayor Eileen Weir. The following members of the City Council were absent: None.

In response to Mayor Weir, City Manager, Zach Walker, provided information regarding the current utility rolling blackouts due to severe inclement weather our area is experiencing. Mr. Walker stated that Independence is part of the Southwest Power Pool, which is a group of power suppliers across a fourteen-state region that services close to 17 million people within the region. Mr. Walker stated that because of the level of demand exceeding the level of supply over the last few days, the city was required to shed 3 megawatts of energy which affected approximately 6,000 customers. Mr. Walker stated that today the city was required to shed 12 megawatts of energy, impacting about 29,000 customers. Mr. Walker stated that this attributed to customers without power for about 30-minute intervals. He hopes that over the next few days as weather conditions improve the energy demand will normalize.

Councilmembers Steinmeyer and Huff moved to read the agenda out of order. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the motion approved.

CITIZENS REQUESTS:

Beth Franklin spoke to Council regarding the Square Streetscape Project (Consent Agenda Item #1).

Michael Baxley spoke to Council regarding the important of the Truman Connected Project to Englewood Arts and the Englewood Arts District (Consent Agenda Item #2).

Bill Moore spoke to Council regarding the moratorium on new apartment development approvals (Bill No. 21-717).

Mike Coppoc spoke to Council regarding suspension of the Rental Ready Program (Bill No. 21-716).

J.D. Kehrman spoke to Council regarding the Square Streetscape Project (Consent Agenda Item #1) and the moratorium on new apartment development approvals (Bill No. 21-717).

Amanda Tilton spoke to Council regarding the Rental Ready Program (Bill No. 21-716).

Jeff Rogers spoke to Council regarding the Square Streetscape Project (Consent Agenda Item #1).

Councilmember DeLuccie stated that she did not know that there was an issue with the Rental Ready Program, and she thinks that it will be a problem if we suspend the program. Councilmember DeLuccie stated that she thinks there would be an issue with Councilmember Huff voting on this item because he owns rental properties within the city, and she does not believe it's appropriate for him to bring this item forward. Councilmember DeLuccie stated that while she is against the Rental Ready Program, and

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feels it is an invasion of privacy, she feels like suspending it because a few people don't want to have to do inspections is not very good government or politics. Councilmember DeLuccie stated that she will be voting against this item.

Councilmember Huff stated that his rental houses are not currently in need of inspections and are not required until June, so this would not affect him at this time. Councilmember Huff stated he does not believe this is a conflict of interest. Councilmember Huff stated this item is directing the City Manager to take a look at the Rental Ready Program and make recommendations, we are not voting to stop inspections at this time, only that staff review and recommend next steps if needed.

Councilmember Steinmeyer stated that he has had several property owners contact him with concerns about the liability issues of the city requiring inspectors to go into rental units during a time where COVID has created a lot of insecurities surrounding individuals coming from the outside in. Councilmember Steinmeyer stated that he had one property owner that complied with the required inspection and shortly after the inspector visited the home the tenant contracted COVID and claimed it was because of the inspector that entered the property, then threatened to sue everyone involved in the situation. Councilmember Steinmeyer stated that this is a liability issue that the city, property owners and inspectors should be concerned about. Councilmember Steinmeyer stated that they are asking that the interior inspection process be suspended or modified unless there is a reported concern during the pandemic. Councilmember Steinmeyer stated this is more about protecting property owners, who are constituents who have made investment in this city. He stated he thinks it is a smart move during the state of emergency to try to help secure and protect people's investments without exposing our community to unnecessary risk.

Mayor Weir thanked Ms. Tilton for speaking and for her many different perspectives. Mayor Weir stated that she loves the Rental Ready Program and absolutely believes in this program. The Mayor stated she was very proud when this program was started. Mayor Weir stated that while this issue was controversial, it's become a model for many surrounding cities who are seeking to do similar things. The Mayor stated that doing something for the landlords who continuously pass the inspections and demonstrate that level of responsibility did not go into the original ordinance, but she thinks after this point in time, pandemic or not, it is time to review the program and see if it is still serving its purpose. The Mayor stated our inspectors treat these inspections, often taking care of other small issues when they can to help people be compliant, really going above and beyond. Mayor Weir stated that the inspectors are approved contractors, not the city coming into your homes. Mayor Weir is in favor of reviewing the program, but she will not support a suspension or elimination of the program because she feels this program has been very successful.

Councilmember Hobart stated he really appreciated Mr. Coppoc putting in the time to speak to Council and to provide the detailed document to Council prior to the meeting. He stated that the examples of helping two families get heat were particularly moving. Councilmember Hobart stated that working in law he has been on both sides of evictions before. Councilmember Hobart stated that he knows there are a lot of people out there that rent that don't have a lot of money or don't have a lot of knowledge about how it works between a tenant and a landlord. Councilmember Hobart stated that because the program has been successful, he doesn't feel the program needs to be reviewed. He will be voting against this item.

Councilmember Perkins stated that he is in favor of review and modification where needed, but also not in favor of suspending or eliminating the program.

In response to Councilmember Huff, City Counselor, Shannon Marcano, stated she does not feel as though she has enough information to determine whether he could vote on something pertaining to the program itself. However, she stated that if this item is only directing the review of the program by the City Manager then everyone on the Council can vote on this item. Ms. Marcano stated that if it is a future item

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that could affect the operation of the program that might be a different matter, but more information would be needed.

Bill No. 21-716, entitled, [Res. #6645]

“A RESOLUTION DIRECTING THE CITY MANAGER TO REVIEW THE CITY'S RENTAL READY INTERIOR INSPECTION PROGRAM FOR COMPLIANCE WITH CURRENT PUBLIC HEALTH GUIDELINES AND MAKE RECOMMENDATIONS TO TEMPORARILY SUSPEND AND/OR MODIFY THIS PROGRAM AS NEEDED.” - *Requested by Councilmembers Mike Huff and Mike Steinmeyer*

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer and Mayor Weir. Noes – Councilmembers: DeLuccie and Hobart. Absent – None. The Mayor declared the bill approved.

Councilmember Steinmeyer stated that we seem to be saturating our city with multifamily units. Councilmember Steinmeyer thinks that our focus should be more on single family dwellings and new developments to be attractive to individuals and families that want to come here and establish themselves. Councilmember Steinmeyer stated that after talking to other members of Council he would like to amend a portion of this bill.

Councilmembers Steinmeyer and Huff moved to exclude all family development projects currently scheduled for consideration by Council or any city board or commission, including any applications currently pending and to pursue a housing study.

In response to Councilmember DeLuccie, Councilmember Steinmeyer stated that his motion is to exclude any projects that are already underway. Councilmember Steinmeyer would like the moratorium to be long enough to receive the report after directing the Management Analyst to complete a housing study to provide Council with more information.

Councilmember DeLuccie stated that in the past five years Council has approved two apartment complexes. Councilmember DeLuccie stated that she doesn't know what is to come in the future, but she does not want to shut anyone down if they want to come to Independence with a really good project because we say we aren't willing to even look at new projects. Councilmember DeLuccie stated she also isn't sure who should do the housing study, where the money will come from for the housing study, how long the housing study will take be done or the scope of the housing study. Councilmember DeLuccie stated that she does believe we have a lot of apartments in Independence, so it isn't that she doesn't have compassion for where Councilmember Steinmeyer is going with this idea, she stated she just feels we are painting with too broad of a brush to tell unknown people not to bring new ideas to the city. Councilmember DeLuccie stated that we can do a housing study without a moratorium so she will be voting no on the motion and the bill.

Councilmember Hobart stated that he recently had a discussion with Mayor Weir about a project that would use some vacant property in his district to do some affordable senior living, but this would technically be multifamily or apartment dwellings. Councilmember Hobart stated that there is no data to support this resolution and does not want to cut people off from what could be really good projects, so he will be voting no on this motion and item.

Councilmember Steinmeyer stated that without a housing study, you will have no data which is why we need to ask the questions and do the research. In response to Councilmember Steinmeyer, Mr. Walker stated that according to the last Census Bureau report from 2018 there is more than 9,900 multifamily units in the city and he confirmed that we have another 520 multifamily units set for new construction. Councilmember Steinmeyer stated that the project proposed by Case and Associates shows rental prices with an income requirement of 3-5 times the rental amount to qualify. Councilmember Steinmeyer stated that he anticipates seeing a lot of empty units. Councilmember Steinmeyer stated that we need to look at what attracts people with those income levels to come into our community. Councilmember

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Steinmeyer stated that we need data before continuing to approve new projects to ensure we are growing our city the right way.

Councilmember DeLuccie stated that it does feel like we have a lot of apartments in Independence. Councilmember DeLuccie stated that this bill is putting up a stop sign and telling people not to come to Independence and to not look at building in our city, and that is what she is opposed to. Councilmember DeLuccie stated that she has wanted a housing study done for a couple of years, but we do not need to do a moratorium to have a housing study done.

Councilmember Huff stated that the Mayor has requested in the past to have a housing study done, and he stated that Councilmember DeLuccie voted no when it was brought to Council. Councilmember Huff stated that it seems like things have to be done in a backwards way sometimes to get anything done. He stated that this study will be very important for this city and has been needed for a long time. Councilmember Huff stated that if we put the moratorium in place it will push the housing study to get done a little quicker.

Mayor Weir stated she has been pushing for a housing study for a number of years since we completed the Comprehensive Development Plan. The Mayor stated that in the plan we did not include housing and it became obvious that we needed a housing study. Mayor Weir stated she would ask for that to be included in the yearly budget, and each time it would be removed. Mayor Weir stated that she is glad there is interest and support in moving forward with a housing study. The Mayor stated that when she looks around our city and other cities, without a plan you often end up getting a lot of things you do not want. Mayor Weir stated without a study, policy, and a plan the community cannot prevent the type of development that isn't what they envision. Mayor Weir stated that the Comprehensive Development Plan was great, and we need to create a similar kind of Housing Strategy. The Mayor stated that tearing things down without knowing what to put up in its place, is not a strategy.

Mayor Weir stated that she supports the intent of the item, and certainly supports the motion to excludes anyone who is already in some part of the process. The Mayor stated that she is working with a developer who has purchased property in the 4th District, and she does not want to halt their progress because that would be a great addition to that neighborhood. Mayor Weir stated that she is not sure the Management Analyst has the capability with resources that we have available to do the type of housing study that we need, although it might be a good place to start. Mayor Weir stated when we did the Comprehensive Development Plan, it was a whole year of work by our Community Development Department and our internal departments, and then almost another year of community engagement which was a bigger plan than what the housing study would need. Mayor Weir stated that she is interested in moving the housing study to the forefront and starting to understand what all that will entail such as the scope, cost, participation from organizations and the community.

Mayor Weir stated that she does not like the word moratorium, it doesn't sound good on the ears of developers who are looking to do work in our community. The Mayor stated that she understands the plan could take some time and some development that the community does not desire could occur during that time is concerning. The Mayor suggests that we add to this bill that until there is a housing study and a plan in place that Council will review all permits for residential development allowing us some additional control to look at those to see if they fit with our Strategic Plan and deny those permits when there are concerns with the development.

Mayor Weir and Councilmember Perkins moved to amend the bill to allow Council to review all permits in lieu of a moratorium.

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In response to Councilmember DeLuccie, Mr. Walker stated that he is not aware of any cities in Easter Jackson County that have a moratorium or the extra step in place for Council to review permits. Mr. Walker stated that there are some cities in Johnson County that are slowing things down a little bit while they are doing some larger housing studies, but he does not know the level of formality and approval over there. Mr. Walker stated that we have received zero apartment permits in the last year besides the ones that were applied for regarding the Ansley Apartment Project.

In response to Mayor Weir, Mr. Walker stated that city after city surrounding Independence has done a housing study of some sort. Mayor Weir stated that two years ago we didn't have any of this development happening and now we have three developments; two that are under construction and one that is in the process. The Mayor stated that we have interest for development in the 4th District, interest in housing and mixed-use in the Englewood area, the Rockwood Development that would include multifamily housing and other developers that are interested in development in other areas of the city. Mayor Weir stated that just because there are not applications doesn't mean that there is not interest or conversations happening. The Mayor stated that she would be comfortable with temporarily giving Council more authority to look at the permits because we do not currently have a housing study, which could take some time. The Mayor stated that once we complete the long overdue housing study, we will no longer require the Council to have that level of oversight.

Councilmember Huff stated that with Councilmember Steinmeyer's amendment and the Mayor wanting to do away with the moratorium, he stated that we should take this bill off the table and vote on a housing study if that is what everyone wants. Councilmember Huff stated that it has been a couple of years and some members of Council have tried to get a housing study done, and nothing is happening. Putting this moratorium in place will help move that process along so that we can get the housing study completed and remove the moratorium.

Upon roll call for the motion to amend the bill to allow Council to review all permits in lieu of a moratorium, the vote was: Ayes – None. Noes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Absent – None. The Mayor declared the motion failed.

Councilmember DeLuccie stated that it's an issue for her that we do not know how long the moratorium will be in affect because we do not know how long the housing study will take to complete.

Councilmember Steinmeyer stated that he understands her frustration and he believes we should have started the housing study in June; it would have been cheaper and we would be farther along. Councilmember Steinmeyer stated that we need to just get it done as soon as possible.

Councilmember DeLuccie stated that the bill is a moratorium on apartment complexes and is not a request for a housing study.

Councilmember Huff stated that if another Councilmember has a project in their district that comes up and they would like to bring it forth for consideration, he is sure Council can change the parameters of the moratorium to consider those projects.

Councilmember DeLuccie stated that this moratorium will stop applications and stop people from looking at Independence, which is her concern. She stated that a blanket moratorium will not help our citizens.

Councilmember Steinmeyer stated that this bill is specifically speaking about multifamily units. Councilmember Steinmeyer stated that he thinks for the city to grow, we should be looking at attracting single family development homes. Mr. Walker confirmed that we have less than ten applications for

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permits to build single family homes in Independence. Councilmember Steinmeyer stated that the housing study will help us decide where our best efforts and resources should go is the smarter move. Councilmember Steinmeyer stated that he doesn't mind considering reviewing the moratorium every quarter. Councilmember Steinmeyer stated that he wants to do things the right way, and he wishes the housing study would have been initiated back in June, but here we are, and it is time to act.

Mayor Weir and Councilmember Huff moved to review the moratorium quarterly.

In response to Councilmember DeLuccie, Community Development Director, Tom Scannell, provided the definition apartment per the UDO. Mr. Scannell stated that the common 4-plex units that we see in the Kansas City Metro area have individual entrances and not a common building entrance, so a 4-plex would not be considered an apartment.

Councilmember Hobart stated that this is an attempt to solve a problem that doesn't exist. Councilmember Hobart stated that the city already has a black eye with industrial and commercial developers because of what happened with Van Trust. Councilmember Hobart stated that all this does is make us look small minded and petty to any legitimate developer that would consider coming to Independence. Councilmember Hobart stated that we have enough problems without shooting ourselves in the foot. Councilmember Hobart stated that he will be voting against this.

Upon roll call for the motion to review the moratorium quarterly, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer and Mayor Weir. Noes – Councilmembers: DeLuccie and Hobart. Absent – None. The Mayor declared the motion approved.

Upon roll call for the motion to amend the bill to exclude any existing developments that have already started the process and to pursue a housing study, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the motion approved.

Bill No. 21-717, entitled, [Res. #6646]

“A RESOLUTION DIRECTING THE CITY MANAGER TO IMPLEMENT A TEMPORARY MORATORIUM ON ALL NEW APARTMENT DEVELOPMENT APPROVALS WITHIN THE CITY OF INDEPENDENCE.” - *Requested by Councilmembers Mike Huff, John Perkins and Mike Steinmeyer*

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer and Mayor Weir. Noes – Councilmembers: DeLuccie and Hobart. Absent – None. The Mayor declared the bill approved.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember Perkins requested that Item No. 1 and Item No. 2 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Item No. 1 and Item No. 2 to be considered separately.

3. Council Action is requested to issue a purchase order to Pullman Power, LLC in the amount of \$278,160.00 for the Van Horn Potable Water Storage Reservoir Improvements project for the Water Department.

Bill No. 21-715, entitled, [Res. #6643]

“A RESOLUTION REAPPOINTING VIRGINIA HUDSON AS A MEMBER OF THE HUMAN RELATIONS COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.” - *Council Interview Committee Recommendation*

Upon roll call, the vote to approve the AMENDED CONSENT AGENDA was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None.

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Absent – None. The Mayor declared the motion carried and the AMENDED CONSENT AGENDA was approved.

Councilmember Perkins stated that the Truman Connected Project has a large impact on the Square Streetscape Project. Councilmember Perkins asked that it be noted that Habitat for Humanity has endorsed the Independence Square Streetscape Project. Councilmember Perkins stated that the thought of redeveloping the Square has been discussed for many years and he is very excited to have these two projects in front of Council tonight. Councilmember Perkins provided additional background information about the Downtown Redevelopment Plan. Councilmember Perkins stated that the Truman Connected Project connects the Truman Library to the Truman Sports Complex. Councilmember Perkins stated that the idea is to have connectivity from our historic sites to our tourism sites to the emerging and blooming Englewood Arts District. Councilmember Perkins stated that these two items are listed separately but have been looked at by the same design firm to help with continuity, financing and to help reduce risk of communication that could be jumbled between City Hall and stakeholders. Councilmember Perkins stated that this is a big move in the right direction for Independence and bringing development back into our downtown area.

Councilmembers Perkins and Huff moved to approve Item No. 1.

In response to Councilmember Huff, Mr. Walker stated Item No. 1 is using Street Sales Tax Funds to front the cost of the design work. Mr. Walker stated that the idea here is that because a large portion of the Truman Connected Trail will run through the Square it made sense that if we are doing both projects, to use one architect. Mr. Walker stated that the grant dollars that come in to support this project will be later down the road. We have been awarded the grant funds, but the funds have not been remitted yet. Mr. Walker stated that when the grant funds are remitted, the funds will be used to reimburse the funds you are appropriating tonight to where it will come out in the wash and the citizens aren't paying for this design cost. Mr. Walker stated that if the city decides down the road that they want to proceed with construction, that will require local city investment.

Councilmember DeLuccie stated that she has been a member of the Chamber of Commerce for over 30 years and thinks it is a great organization. She stated that she believes the EDC is a great organization as well. Councilmember DeLuccie stated she has practiced law on the Square since 1980, she's a member of the Square Association, but she also represents 117,000 people in 78 square miles and not only the 1700 on the six square block of the Square. Councilmember DeLuccie stated that this is the first step of a \$3.2 Million project. Councilmember DeLuccie stated that \$395,000 is coming from the Street Sales Tax. The Street Sales Tax was extended few years ago to become perpetual and was expanded to allow covering sidewalks, curbs, and gutters. Councilmember DeLuccie stated that to date, none of the money has been spent on sidewalks, curbs, or gutters. Councilmember DeLuccie stated that she can appreciate that we have applied to be reimbursed for the \$395,000 in design work, for the Square Streetscape but we have not been approved for that reimbursement. Councilmember DeLuccie stated that we borrowed \$15 Million to repair our bridges, fix our streets and sidewalks, to fix gutters and then we started with the 24 Highway Project. Phases 1 and 2 are \$2.5 Million more than we anticipated and right now we are fighting with MODOT in Phase 1 and we do not have the extra money.

Councilmember DeLuccie stated that there is no guarantee that we will be reimbursed for the design work and we do not have \$395,000 for the Square right now. She stated that she loves the Square. Councilmember DeLuccie stated that we are going to use \$854,000 of the CDBG Funds, which is half of the money in that Fund for three years. Councilmember DeLuccie stated that means we are not doing bus routes, job training, and we are not giving money to the Salvation Army, food pantry, Habitat for Humanity or Hillcrest. Councilmember DeLuccie stated that she wants to help the Square, but we have a lot of other things in the city that need to be fixed, for instance, our bridges, streets, and intersections. Councilmember

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DeLuccie stated that the speakers tonight were very elegant, but she believes this project is a mistake and a shortage to the rest of our citizens. She stated that we spent the money for the Farmer's Market and gave land for the townhouses and feels we have done enough for the Square right now.

Councilmember Stewart stated that he appreciates the hard work that Councilmember Perkins and the On a Roll Working Group has put into this and he believes that if it does pass it will be a good project. Councilmember Stewart stated that he does, however, agree with Councilmember DeLuccie that it is a lot of money to take a chance with, especially when we are not sure if we will be reimbursed or not. Councilmember Stewart stated he will be voting no on this item as well.

Councilmember Perkins stated that the purpose of the Downtown Redevelopment Group and the On a Roll Working Group was to take seventeen different plans that were sitting on a shelf doing nothing and create one plan. Councilmember Perkins stated that now we have a plan that was voted on by Council so we could start looking at the different needs of the city, starting with the Independence Square going into Englewood and going into Fairmont. Councilmember Perkins stated now is the time to move forward with improving the Square to bring tourism to our city, make the traffic and tourism stay longer in our town. Councilmember Perkins stated that Councilmember DeLuccie voted in favor of the Downtown Redevelopment Plan. He stated he will be voting in favor of this item and appreciates the support of the Council.

Councilmember Steinmeyer stated that he has heard mixed reviews from citizens in the 3rd District. Councilmember Steinmeyer stated that he has been told that we have spent a lot of money in the Square in the past and right now people seem to question what we are doing on the Square. Councilmember Steinmeyer stated that we all want the Square to succeed. He stated that he wants to see our Square opened up and thriving. Councilmember Steinmeyer stated that he will be voting yes because he wants to see how we will move forward and hopes that the Square becomes a vital part of our community, not just from the historical perspective but also from investment, businesses open and people feeling like there is a reason to visit the Square. Councilmember Steinmeyer stated that we will need participation from all the business in the business community on the Square to do their part.

1. Council action is requested to authorize the City Manager to approve a professional services contract with WSP USA to provide design services for the Square Streetscape Project (Project No. 111902).

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

Councilmembers Perkins and Huff moved to approve Item No. 2.

Councilmember DeLuccie stated that only \$230,000 of city money is going into this project, there is no other money going into this project.

2. Council action is requested to authorize the City Manager to approve a professional services contract with WSP USA to provide design services for Truman Connected Phase 1 (Project No. 112102).

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – Councilmembers Stewart. Absent – None. The Mayor declared the bill approved.

The Mayor called for a five-minute recess at 7:40 p.m.

PUBLIC HEARINGS:

Mayor Weir opened a full public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to hauling trailers. Assistant Community

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Development Director, Rick Arroyo, provided background information on this item. There being no speakers, the Mayor declared the public hearing closed. *Full Public Hearing.*

Councilmember Huff stated that when you buy a trailer it is based on the box size or cargo space, not the ton, he just found it strange to list it this way. Councilmember Huff stated he's in favor of it either way because we don't need trailers parked all over the city.

Bill No. 21-003, entitled, [Ord. #19193]

"AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO TRAILERS."

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

Mayor Weir opened a full public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to Final Plat Recordation. Mr. Arroyo provided background information on this item. There being no speakers, the Mayor declared the public hearing closed. *Full Public Hearing.*

Bill No. 21-004, entitled, [Ord. #19194]

"AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO FINAL PLATS."

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

Mayor Weir opened a new information only public hearing for the application by David Miller requesting a rezoning from C-1, Neighborhood Commercial, to R-12, Two-Family Residential, for the property located at 19401 E. US 24 Highway. ***This application requires a two-third majority vote for approval due to a valid legal protest petition received from surrounding property owners.*** Mr. Arroyo provided background information on this item. The Mayor declared the public hearing closed. *New Information Only.*

Councilmember Stewart stated that he will be following the Planning Commission's recommendation not to approve this rezoning. He will be voting no on this bill.

Bill No. 21-005, entitled, [Failed]

"AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT R-12 (TWO-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 19401 E. US 24 HIGHWAY, IN INDEPENDENCE, MISSOURI."

Upon roll call, the vote was: Ayes – None. Noes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Absent – None. The Mayor declared the bill failed.

NON-ORDINANCE ACTION ITEMS:

Councilmember DeLuccie stated that she feels as though we are telling an expert how to do their job with this resolution. Councilmember DeLuccie stated that she does not think that General Manager of IPL, Jim Nail, and our IPL staff would bring us a bad product. Councilmember DeLuccie stated that she does not understand why it would be necessary for Council to micromanage his job. Councilmember DeLuccie stated that she will be voting no on this item.

Councilmember Huff stated that he was talking about this for a long time, including before he was elected and during his employment of 35 years with IPL. Councilmember Huff stated that it should be Council's top priority to get this running. He stated that the more coal power plants that are shut down it

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affects us and we have seen it with own eyes the impact this could have in the last couple days the kind of impact this could have. Councilmember Huff stated that the most important thing about this resolution is that everyone understands peak and base load, which means we need a base unit that holds up and can generate. Councilmember Huff stated that we went down the green energy path for a few years and green energy is not reliable, which we have seen in Texas. Councilmember Huff stated that we have a lot upset people right now because of the power issues and one question is whether this is a result of shutting down the Blue Valley Power Plant, and yes this is a direct response. Councilmember Huff stated that we went with Oneta, which he was very much against, because he stated that we were buying an insurance company that doesn't pay, and he stated that we are not receiving the 50 megawatts we are paying for at \$2 Million a year that we could be using right now to keep our citizens from going without power.

Councilmember Huff stated that the city often goes with the low bid, and not the best option and he stated that is why this resolution is on the agenda. Councilmember Huff stated that we need to get the very best for our investment and he believes it should have been done years ago. Councilmember Huff stated we are behind by 25 years from the other power companies. Councilmember Huff stated that if this had been done 3 years ago when it was first brought to Council, we would have made in excess power that we had been generating, approximately \$6.5 Million a day. He stated that it means in 15 days of this could have already paid for the power plant, so worrying about the cost doesn't make sense. Councilmember Huff stated that when you are sitting in the cold and in the dark, the cost becomes immaterial.

Councilmember Huff stated that he has concerns with the special interest groups that are feeding the Council information about what they believe the city needs; from solar power, wind power, Oneta and capacity – and all three things have failed. Then that we cannot give rate reductions, you can't give credit back to rate payers, that the rates are going to increase 20% and Councilmember Huff stated these special interest groups continue to pour information to the Council and they are not experts. Councilmember Huff stated that with the power issues due to the weather the last few days, our customer will end up paying a lot for this and the time to take action is now so that we do not continue to have these issues in the future.

Mayor Weir stated that she agrees with Councilmember Huff. The Mayor stated that she has seen the city over the years purchase equipment and facilities that were not of the highest standard. Mayor Weir stated that cost cutting has to occur from time to time, and she has confidence in the City Manager and his professional staff to make sound decisions on behalf of our Council, but Council is here to direct them. Mayor Weir stated that she understands for the purpose of this resolution about why it may be appropriate to buy refurbished equipment, but it needs to meet certain standard and delivery time. Mayor Weir stated that all of the country the pipeline is very slow when it comes to receiving equipment and we want to make sure that we have quality equipment when we need it. The Mayor stated that we were in litigation for many years about a piece of equipment that was refurbished that failed and while we ended up getting a handsome settlement for that, it kept us tied up in court for a long time and was a potentially very dangerous situation so she does not feel concerned about putting parameters around what our expectations are. Mayor Weir stated that we are fortunate that this item was postponed to tonight when we are struggling to supply enough power to our customers. Mayor Weir stated she is also wondering where our 50 megawatts are that were purchased from Oneta that we are spending \$2 Million for. The Mayor stated that we are not spending that money so that people in Austin, Texas could have the power; we need to be able to take care of Independence.

Mayor Weir stated that she agrees this needs to be our top priority. The Mayor stated that the current situation will not be something we experience only every 100 years. There is not enough power. Mayor Weir stated that this weather, whether it is extreme cold, extreme heat, extreme rain or other weather event is a result of our changing climate, and we are not prepared for it. The Mayor stated that she will work with the City Clerk to put this item on the next Study Session Meeting to start the process of moving forward and making decisions on how we are going to provide the power that we need and how we

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are going to finance the cost of that power. Mayor Weir stated that we do not need to wait for direction from the PUAB. The Mayor stated that the direction has already been given and the priorities have already been provided and we are continuing to move forward with working on those priorities.

Mayor Weir stated that we decided a long time ago that we were going to be a municipal utility. The Mayor stated that is our identity in this city. Mayor Weir stated that we are a city with our own power, and we are not providing it. The Mayor stated that as far as she is concerned, Council will have this discussion every week until we come to a decision about what we are going to do about this situation.

Councilmember Steinmeyer thanked the Mayor and Councilmember Huff. Councilmember Steinmeyer stated that we have been hit with two days of uncertainty because of the current weather crisis. Councilmember Steinmeyer stated we have lost out on a lot of money because we were not able to generate energy. Councilmember Steinmeyer stated the demand for energy will become greater and with less generation plants. Councilmember Steinmeyer stated with car manufacturers mass producing electric cars and the number of coal plants being shut down, there is going to be more and more demand on the grid and our citizens need the assurance that as a city that has a power plant, we will be in the production business. Councilmember Steinmeyer stated that now is the time for us to look at the new plant we need to build to generate power. Councilmember Steinmeyer stated we need to understand that by building a plant, we need to be in agreement that we need to be generating our own power, so we are never in this situation again. Councilmember Steinmeyer stated that he also agrees we do not need to let people in special interest groups decide what to do with our city, we need to be making those decisions that are right for our city.

Councilmember Hobart stated that he wanted to make it clear that the city produced base load power from 1955 to 2018 when Blue Valley went offline and what that got us, was \$250 Million in IPL debt. Councilmember Hobart stated that because our residents experienced 20-30 minutes without power, we are willing to go \$500 Million in debt. Councilmember Hobart stated that 90% of Texas is on its own grid. They have 77 gigawatts of production power and lost 34 gigawatts that went offline. 26 gigawatts that went offline was natural gas coal-fired plants because the machines and pipes froze. Councilmember Hobart stated that the big failure here was not green energy, it was natural gas and coal. Councilmember Hobart stated that he understands this is a good time for some people to be opportunistic and continue to scare the residents of Independence that we need to go into debt right now, but whatever plan we pick, it needs to make sense economically. Councilmember Hobart stated that we are plugged into a grid, so if we want to sell our power that we make to other people, we will be competing every single company on that grid which include private enterprise which is proven to be more effective and more efficient at producing power. Private enterprise produces profit for their stockholders, while we are \$250 Million in debt. Councilmember Hobart stated that if we want to talk about a Council that cares, let's not ruin the city financially.

Mayor Weir stated that we all agree that we are losing our ability to generate power to meet the needs of our community. We are relying on CTs that are limping along and that is undisputable. The Mayor stated that we must replace what we currently have, and we have an obligation to do so. Mayor Weir stated that this is not about fear. This situation got a lot of people's attention and we have the ability right now to produce power, but that ability is going away so we have to make this issue urgent. Mayor Weir stated that no one should be thinking that we should sell IPL after we have worked so hard to reduce cost significantly, we have reduced staffing significantly, more than any other Council in history. Mayor Weir stated that we have been able to do a rate reduction and return money to the rate payers. Mayor Weir stated that if we sell IPL, there will be a rate increase the next day and our citizens will have to pay that and they will not be mad at the energy company that raised their rates, they will be mad at the Council that let that happen. Mayor Weir stated she will not let that happen.

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Councilmember DeLuccie stated that she wants to make it clear to the citizens that this item only directs the City Manager not to consider certain generation machine solutions that are not new or certified remanufactured according to the manufacturer. Councilmember DeLuccie stated that this item does not talk about a power plant and it does not talk about purchasing power from anywhere else. Councilmember DeLuccie stated that her objection to this item was only that she did not believe that our experts needed direction on something so basic.

Councilmember Huff stated that our Water Department sells water every day, and that is why our rates are cheaper in Independence than anywhere else which is a good example for IPL. Councilmember Huff stated as these power plants shut down, the reliability starts fading. Councilmember Huff stated that when these coal power plants go down, it is a base load and he feels like there are a few Councilmembers that do not understand that. Councilmember Huff stated that to say the reason Texas failed is because of the power plants, is inaccurate. Councilmember Huff stated that a quarter of the power produced in Texas is by windmills, so when that quarter of the power gets shut down because the windmills are frozen and the solar powers have snow on them and they do not work, they fire up all the units that use gas and that drained the gas causing a shortage in the Midwest. Councilmember Huff stated that it has nothing to do with frozen pipes. He stated that Texas wanted to be a windmill state, and they don't have deicers like they do on airplanes, so the temperature dropped, and the windmills stopped. Councilmember Huff stated that he isn't trying to scare anyone, this is reality and we have seen it over the last few days.

Councilmember Steinmeyer stated this conversation would be very different if we were facing a blackout in the summertime when it is warm, but when you are in this type of cold it's a different scenario. Councilmember Steinmeyer stated that his father was on oxygen last year with lung cancer and even 30 minutes without power would have been extremely difficult for him. Councilmember Steinmeyer stated that it is not about scaring people, it's about leadership. He stated that he is glad we are looking for answers and it is now time for action.

Bill No. 21-714, entitled, [Res. #6644]

“RESOLUTION DIRECTING THE CITY MANAGER TO LIMIT CONSIDERATION OF GENERATION MACHINERY SOLUTIONS TO NEW MACHINERY OR CERTIFIED REMANUFACTURED MACHINERY THAT MEET CERTAIN CRITERIA WHEN EVALUATING SOLUTIONS FOR REPLACEMENT OF COMBUSTION TURBINES.” - *Requested by Councilmembers Mike Huff and Mike Steinmeyer [Postponed from 2/1]*

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer and Mayor Weir. Noes – Councilmembers: DeLuccie and Hobart. Absent – None. The Mayor declared the bill approved.

ORDINANCES:

Bill No. 21-006, entitled, [Ord. #19195]

“AN ORDINANCE AMENDING 1.28.002 OF THE INDEPENDENCE CITY CODE TO INCREASE MEMBERSHIP ON THE HUMAN RELATIONS COMMISSION.”

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

FIRST READINGS:

Bill No. 21-007, entitled

“AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING TEMPORARY CONSTRUCTION AND GRADING EASEMENTS AND GENERAL UTILITY EASEMENTS FOR THE BRISTOL DRAINAGE IMPROVEMENTS PROJECT (PROJECT NO. 70131902); AUTHORIZING THE NEGOTIATION AND EMINENT DOMAIN PROCEEDINGS IF NECESSARY; APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT; AUTHORIZING THE USE OF EXPERTS AS NEEDED; AUTHORIZING AND DIRECTING THE EXECUTION

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OF DOCUMENTS AND THE PAYMENT OF FUNDS TO PROPERTY OWNERS OR OTHERS HOLDING PROPERTY RIGHTS, IN CONJUNCTION WITH THE PROJECT.”
was given its first reading by title.

Bill No. 21-008, entitled
“AN ORDINANCE REPEALING CHAPTER 2 “ALCOHOLIC BEVERAGES” AND ADDING A NEW CHAPTER 2 “ALCOHOLIC BEVERAGES” OF THE CITY CODE.”
was given its first reading by title.

INFORMATION ONLY:

Mayor Weir stated that she would like to bring to the community’s attention that the COVID-19 Semi-Monthly report is available.

1. An amendment to the Council Rules of Procedure will be considered at the Monday, March 1, 2021 City Council meeting. - [Requested by Councilmember Dan Hobart]
2. The City Council has requested that the State of Emergency Proclamation be reviewed every 30 days for wording and compliance as directed at the August 3, 2020 Regular Meeting of the City Council.
3. COVID-19 Semi-Monthly Update.
4. The City Clerk's Office is in receipt of the Arrowhead Community Improvement District Proposed Budget for fiscal year ending June 30, 2022.
5. Report on purchase agreements between \$50,000 and \$100,000 per Procurement Policy.
6. Municipal Division monthly case report January 2021.

COUNCILMEMBER COMMENTS:

Councilmember Hobart thanked everyone who showed up to speak about the various topics. He stated that it is nice to see that people are paying attention and getting involved with issues before the Council. Councilmember Hobart stated that he hopes people have been able to stay warm and suffer as little as possible.

Councilmember Steinmeyer stated that he wanted to reassure our concerned citizens that Council has heard them and these are things that we are going to address in this city. Councilmember Steinmeyer stated that we have learned a lot about our communication in our city and ways that we could do better. Councilmember Steinmeyer thanked the city staff and especially staff that are out plowing in this extreme cold. Councilmember Steinmeyer stated that he looks forward to the Mayor’s leadership and hopes everyone stays safe, warm, and healthy.

Councilmember DeLuccie stated that she is thrilled that City Hall has been opened back up. She stated that you do have to social distant, wear a mask and have your temperature taken, but City Hall is open. Councilmember DeLuccie suggested that we post emergency numbers online or on our Facebook page because she received a call from someone who only receives water from Independence, not electricity, and when they attempted to contact customer service it mentions electricity customer service, so she didn’t realize that was the same number.

Councilmember Perkins thanked the Independence Rotary Club for their fund-raising event that they held raising over \$300,000 last week for Englewood Arts.

Councilmember Huff stated that he wanted to thank the snow removal crews as well as our police and fire departments during this weather event. Councilmember Huff stated that he would like to see the

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communication get better about getting the word out if something like this happens in the future. He stated that he understands there is a limited amount of time but would like the public to get the information as quickly as possible. Councilmember Huff stated that he received some calls that the outage management map was not online.

Mayor Weir stated that this time has been very challenging, and she is very proud of our staff and our community. The Mayor stated that staff has worked very hard to get the streets cleared, and restore power, and our police and fire have responded very well to the emergencies. The Mayor stated that while we have been in a state of emergency for almost a year, the current emergency is the one that takes precedence.

Mayor Weir stated that we are advertising for a digital content manager for the city to provide some additional help with our communications. Our Public Information Officer and her staff of two have an incredible task trying to provide all the information needed for our citizens and they have done a remarkable job. The Mayor stated that she is very glad that we are able to add this position back to our staff to provide some more support with communications. Mayor Weir stated that we want to be innovative and will continue to work on our communication.

Mayor Weir stated that it is Black History Month and we are doing programming throughout the month to celebrate the achievements of black communities in American History and black individuals and their accomplishments. The Mayor stated that those will be posted to our social media sites. She believes we are creating a lot of content that our community will enjoy and really appreciate.

At 8:33 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., March 1, 2021, in the Council Chambers.

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

ATTEST:

City Clerk