

REGULAR MEETING April 19, 2021

The Independence City Council met for a Regular Meeting, April 19, 2021, at 6:00 p.m., virtually held via Microsoft Teams and in person, in the Council Chambers, 111 E. Maple.

Laurie Dean Wiley, Member, 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.

CITIZENS REQUEST TO SPEAK:

Kevin Baird spoke to Council regarding Bill No. 21-749.

Catherine Alexander spoke to Council regarding crime and disorder.

Crystal Gamble spoke to Council regarding removing the mask mandate.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember Stewart requested that Item No. 3 be pulled for separate consideration.

Councilmember Huff requested that Bill No. 21-735, Bill No. 21-741 and Bill No. 21-748 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Item No. 3 and Bill No. 21-735, Bill No. 21-741 and Bill No. 21-748 to be considered separately.

1. Council action is requested to authorize the City Manager to enter into a contract with the Missouri Department of Tourism, contract number 21-045-30-093001, for the Supporting DMO Marketing Grant Program for the "2021 Spring Digital Campaign," for reimbursement of qualified advertising and marketing expenses up to \$75,000.
2. Council action is requested to issue a purchase order to Burns & McDonnell, in the amount of \$135,731.65, for Substation A 20MVAR Capacitor Bank Addition for the Power & Light Department.

Bill No. 21-742, entitled, [Res. No. 6670]

"A RESOLUTION REAPPOINTING MAYOR EILEEN WEIR AND COUNCILMEMBERS MIKE HUFF AND DANIEL HOBART TO THE EMPLOYEE ADVISORY COMMITTEE FOR THE CITY OF INDEPENDENCE, MISSOURI."

Bill No. 21-743, entitled, [Res. No. 6671]

"A RESOLUTION REAPPOINTING COUNCILMEMBERS KAREN DELUCCIE AND JOHN PERKINS AND APPOINTING COUNCILMEMBER DANIEL HOBART TO THE TRANSPORTATION POLICY COMMITTEE."

Bill No. 21-744, entitled, [Res. No. 6672]

"A RESOLUTION AFFIRMING THE APPOINTMENT OF TIMOTHY DEVENNEY TO THE STORM WATER CONTROL OVERSIGHT COMMITTEE".-*Individual Appointment Mayor Eileen Weir*

Bill No. 21-745, entitled [Res. No. 6673]

"A RESOLUTION APPOINTING MICHAEL A. ROSE TO THE CITY JUDICIAL COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI".-*Individual Appointment City Manager Zach Walker*

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Bill No. 21-746, entitled, [Res. No. 6674]

“A RESOLUTION REAPPOINTING KAREN MEHL AS THE CITY REPRESENTATIVE ON THE JACKSON COUNTY BOARD OF EQUALIZATION WHEN SAID BOARD IS CONSIDERING ASSESSMENTS OF PROPERTY WITHIN THE CITY OF INDEPENDENCE.”

Bill No. 21-747, entitled, [Res. No. 6675]

“A RESOLUTION REAPPOINTING ROSEMARIE TRIMBLE AND APPOINTING KATIE GALL AND RHIANNON WATKINS AS MEMBERS OF THE JAPANESE SISTER CITY COMMITTEE.”

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

In response to Councilmember Stewart, City Manager Zach Walker stated that the costs are pretty similar to past years. Parks, Recreation and Tourism Director Eric Urfer stated that last year the cost paid was approximately \$64,000. He provided information regarding the marketing platform and promotions. In response to Mayor Weir, Mr. Urfer confirmed that this would have been 2019 when we last paid.

Councilmembers Stewart and DeLuccie moved to approve item No. 3.

3. Council action is requested to issue a purchase order to the Kansas City Royals Baseball Club LLC, in the amount of \$54,500.00 for one advertising sponsorship and one promotional event for the Tourism Division for the Parks, Recreation and Tourism Department.

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

In response to Councilmember Huff, Mr. Walker gave an overview of the “Sinking Fund”. He stated that this is one of the best options, as it mitigates the cities losses to the greatest degree possible. He stated that in working with the underwriters we need to proceed to get the best rates.

Councilmembers Huff and DeLuccie moved to approve Bill No. 21-735. In response to Mayor Weir, Mr. Walker confirmed that many consultants have reviewed this. He provided examples of the level of scrutiny and analysis that were done to reach this point, which included looking at other existing projects and if they effected the marketability of this. In response to Councilmember Steinmeyer, Mr. Walker stated that Proposition P is not included in this until it reaches the waterfall into the sales tax funds, because this targets tax for brick-and-mortar businesses. He stated that the policy name is the “Tax Increment Financing Supplemental Appropriation Policy”. In response to Councilmember Hobart, Mr. Walker stated that a due diligence and disclosure will be affixed to the bonds when they go to market, and that should help to market the bonds.

Bill No. 21-735, entitled, [Res. No. 6668]

“A RESOLUTION APPROVING A TAX INCREMENT FINANCING SUPPLEMENTAL APPROPRIATION POLICY.”

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.

In response to Councilmember Huff, Mr. Walker stated that this item adds the LCRA to the Economic Development Policy and puts staff on the path to bring something back to Council for approval. He gave an overview of the qualifiers for the eminent domain portion of the LCRA, which included 1. Only residential purposes 2. Redevelopment Plan/Finding of Blight 3. Cannot occur with occupied properties. He stated that the group is wanting to get access to unoccupied properties to revitalize them in the neighborhoods.

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Councilmembers Huff and DeLuccie moved to approve Bill No. 21-741. In response to Councilmember DeLuccie, Mr. Walker stated that there are checks and balances regarding eminent domain and the Council can vote down the redevelopment plan.

Bill No. 21-741, entitled, [Res. No. 6669]
 “A RESOLUTION UPDATING THE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF INDEPENDENCE
 Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – Councilmember Stewart. Absent –None. The Mayor declared the bill approved.

In response to Councilmember Huff, Assistant City Manager Adam Norris stated that PUAB recommended \$10 Million, and PFM and staff are recommending \$16.5 Million. He stated that this item reflects staff’s recommendation.

Bill No. 21-748, entitled, [Res. No. 6676]
 “A RESOLUTION DIRECTING THE CITY MANAGER TO IMPLEMENT A RESILIENCY AND CASH BALANCE POLICY IN THE CITY’S UTILITY FUNDS USING RISK-BASED METHODOLOGY TO ENSURE THE CITY UTILITIES HAVE FUNDS AVAILABLE TO PROVIDE FOR LONG-TERM FINANCIAL STABILITY AND SYSTEM RELIABILITY; AND AMEND RESOLUTION 6201.”
 Upon roll call, the vote was: Ayes – Councilmembers: Perkins, Stewart, DeLuccie, Hobart and Mayor Weir. Noes – Councilmembers: Huff and Steinmeyer. Absent –None. The Mayor declared the bill approved.

PUBLIC HEARINGS:

Mayor Weir opened a full public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code pertaining to Business Park Zoning Districts in Articles 2, 3 and 5. Community Development Director Tom Scannell gave an overview of the changes, which included: a planned unit development district, added key uses, removal of some existing uses, increased performance standards and better defined what the business park was looking for. In response to Councilmembers Huff and Steinmeyer, Mr. Scannell stated that there was community outreach regarding these changes. Councilmembers Huff and Steinmeyer thanked Mr. Scannell and his team for their work on this. There being no speakers the Mayor declared the public hearing closed. *Full Public Hearing.*

Bill No. 21-016, entitled, [Ord. No. 19207]
 “AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO BUSINESS PARK ZONING DISTRICTS.”
 was given its second reading by title and placed on final passage. In response to Mayor Weir, Mr. Scannell stated that this would fall under the industrial category, but the new amendments lean toward the commercial side. Councilmembers DeLuccie and Hobart moved to amend Bill No. 21-016 regarding Article 2 Section 3 related to pet grooming. 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. Upon roll call, the vote to approved Bill No. 21-016 as amended 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 Aaron Ford requesting a rezoning from C-1, Neighborhood Commercial, to R-12, Two-Family Residential, for the property located at 12816 E. 47th Street. Community Development Director Tom Scannell had no new information to report. The Mayor declared the public hearing closed. *New Information Only.*

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Bill No. 21-017, entitled, [Ord. No. 19208]

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT R-12 (TWO-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 12816 E. 47TH STREET S., IN INDEPENDENCE, MISSOURI."

was given its second reading by title and placed on final passage. 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.

NON-ORDINANCE ACTION ITEMS:

1. Council Action is requested for consideration of a renewal of a License Agreement with the Independence Square Association for the use of public areas on the Independence Square.
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.

Bill No. 21-749, entitled, [Res. No. 6677]

"A RESOLUTION DIRECTING THE CITY MANAGER TO SUSPEND FOR 30 DAYS THE INCREASE TO THE FUEL COST ADJUSTMENT RESULTING FROM WINTER STORM URI IN FEBRUARY, EFFECTIVE MAY 1, 2021."-Requested by Mayor Eileen Weir and Councilmembers Mike Huff and Mike Steinmeyer

In response to Councilmember DeLuccie, Mr. Walker stated that half of the customers were billed for the first installment. He stated that the FCA was implemented in the 1970's. He stated that only a portion of the FCA is being passed on to the customers. He stated that the extension will give an opportunity to review any opportunities for cost recoupment. He stated at this time we do not have any evidence of wrongdoing. Mayor Weir stated that she requested this item to confirm that the billings were correct and to verify that it is correct, and she would like to understand the lawsuits, and have time to continue to have conversations. In response to Councilmember Perkins, Mr. Walker stated that you'd be going to the companies that you have the purchase power agreements with. In response to Councilmember Steinmeyer, Mr. Walker stated that the bill was reviewed and paid according to the agreements in place.

Councilmember Steinmeyer stated that he would like to continue these conversations to make sure we've done everything we can. In response to Councilmember Perkins, Mr. Walker stated that it would be helpful to have direction from Council to see what they would like to see for next steps and if they want staff to get a consultant. In response to Councilmember Huff, Mr. Walker stated that staff hasn't reached out externally at this time. Councilmember Hobart gave an overview of his experience with class action lawsuits. Councilmember Steinmeyer stated that we need to investigate this, because it is a complicated topic. In response to Councilmember Hobart, Mr. Walker stated that the cost incurred and passed on to the city was reviewed. In response to Councilmember Hobart, IPL Director Jim Nail stated that he is comfortable in the pass on rate to customers and provided an overview of how those costs are calculated, which is a 3.99 k/wh cost, and it has been billed to a little over half of ratepayers. In response to Councilmember Hobart, he stated that this would be spread out for approximately six months. He stated that the extra costs are approximately \$9 Million, and this is not all being passed on to the customers. He stated that we are currently \$18.8 Million below the reserve threshold. In response to Mayor Weir, Mr. Nail confirmed that the deficit has been created by a multitude of charges. Councilmember Huff stated that he is concerned that during the summer we'll be adding extra to bills that might already be higher. Mr. Nail stated that this will be reviewed month to month. Councilmember DeLuccie stated that we need to follow the policy and she is opposed to the 30-day delay. In response to Councilmember Steinmeyer, Mr. Nail stated that we shifted our CT's to fuel and found the lowest costs, so we had the fuel on hand. He stated that we are in the market with SPP at the price they can give, and we are not in the market as we previously were prior to 2015. Councilmember Steinmeyer stated that the market volatility will not be going away. Mr. Nail stated that FERC is launching an investigation. Councilmember Perkins stated that he will be in support of this item, but in 30 days there might be some difficult decisions to make. Mayor

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Weir stated that we have the flexibility to not overly burden the rate payers. Mr. Walker stated that this would take effect May 1, 2021, which would capture the fee for all ratepayer this billing period. 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. 21-015, entitled, [Ord. No. 19209]

“AN ORDINANCE AMENDING CHAPTER 8 ARTICLE 6 “PURCHASES AND SALES” SECTION 2, SECTION 3, SECTION 4, AND SECTION 6. AND DIRECTING CITY STAFF TO AMEND THE PROCUREMENT POLICY ACCORDINGLY.” –

Requested by Councilmember Brice Stewart

was given its second reading by title and placed on final passage. Councilmembers Stewart and Hobart moved to amend Bill No. 21-015 to eliminate any changes in professional services. In response to Mayor Weir, City Clerk Becky Behrens provided information on the two ordinances in the packet. 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. Councilmembers Stewart and Hobart moved to approve Bill No. 21-015 as amended. 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.

FIRST READINGS:

Bill No. 21-018, entitled

“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPROVE A COST SHARE AGREEMENT SUPPLEMENTAL AGREEMENT NO. 1 WITH THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION FOR THE US 24 COST SHARE PROJECT PHASE 1 (PROJECT NO. 111801); AND MAKING THE NECESSARY APPROPRIATIONS.”

was given its first reading by title.

Bill No. 21-019, entitled

“AN ORDINANCE AMENDING THE INDEPENDENCE CITY CODE CHAPTER 1, ARTICLE 40 “TOURISM COMMISSION”.”

was given its first reading by title.

Bill No. 21-505, entitled, [Ord. No. 19210]

“AN ORDINANCE ADOPTING AMENDMENTS TO THE FISCAL YEAR 2020- 2021 BUDGET, WHICH WAS APPROVED BY ORDINANCE NO. 19131.” *Appropriation ordinances may receive two readings and be voted on at the same meeting.*

was given its first and second reading by title and placed on final passage. 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.

INFORMATION ONLY:

1. 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.
2. COVID-19 Semi-Monthly Update
Mayor Weir provided information regarding the walk-in clinics at the Independence Center.
3. Noland Fashion Square CID Proposed Budget for fiscal year ending June 30, 2022.
Mayor Weir stated that this does not appear to be a CID that is performing. She stated she would like some information on retiring this CID.
4. Report on purchase agreements between \$50,000 and \$100,000 per Procurement Policy.

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5. Municipal Division Monthly Case Report March 2021
6. Semi-Annual Report of the Independence Parks Commission
7. Semi-Annual Report of the Independence Tourism Commission
8. Semi Annual Report of the Public Safety Tax Oversight Committee

COUNCILMEMBER COMMENTS:

Councilmember DeLuccie stated that the Uptown Garden Faire will be this Saturday for Arbor Day.

Councilmember Huff thanked Sheila Saxton for reaching out to CSL to refer a homeless gentleman for assistance. He also provided information regarding utility bill information being released.

Councilmember Perkins stated that some comments should be directed to the City Manager in person.

Mayor Weir thanked Ms. Alexander for providing information on the meeting coming up in her neighborhood.

At 7:47 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., May 3, 2021, in the Council Chambers.

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

ATTEST:

City Clerk