

REGULAR MEETING May 17, 2021

The Independence City Council met for a Regular Meeting, May 17, 2021, at 6:00 p.m., virtually held via Microsoft Teams and in person, in the Council Chambers, 111 E. Maple.

Tim Allison, Chaplain and Bereavement Coordinator with Visiting Nurse Association, 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, Brice Stewart, Karen DeLuccie, Mike Steinmeyer, Daniel Hobart and Mayor Eileen Weir. The following members of the City Council were absent: John Perkins.

A presentation of videos put together by the Brand Independence Committee was shown.

PROCLAMATIONS:

City Clerk, Becky Behrens, read a proclamation for National Gun Violence Awareness Day. The proclamation was accepted by a representative with Moms Demand Action for Gun Sense.

Ms. Behrens read a proclamation for Emergency Medical Services Week. The proclamation was accepted by Paul with AMR and Chief Duplantis with Independence Fire Department.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember Stewart requested that Bill No. 21-752 be pulled for separate consideration.

Councilmember Huff requested that Item No. 5 be pulled for separate consideration

Mayor Weir requested that Bill No. 21-754 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Bill No. 21-752, Item No. 5 and Bill No. 21-754 considered separately.

1. Council action is requested to authorize the City Manager to enter into a contract with the Missouri Department of Health and Senior Services, contract number 49739, for the Maternal Child Health Services Grant Program for reimbursement of qualified expenses up to \$30,000.
2. Council action is requested to authorize the City Manager to purchase video detection system equipment from Gades Sales Company Inc for an amount not to exceed \$54,240.00 for the replacement of existing vehicle detection systems at three intersections.
3. Council action is requested to issue a purchase order to JCI Industries, in the amount of \$67,148.00 for pumps for the Bison Park Pump Station Pump Replacement Capital Improvement Project for the Municipal Services Department.
4. Council action is requested to issue a purchase order to Hodges Farm & Dredging, LLC, in the amount of \$326,980.00 to restore the reclaim basin at the Courtney Bend Water Treatment Plant for the Water Department.

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

In response to Councilmember Stewart, Mayor Weir stated that she has been approached by members of the community that have asked for Independence to adopt ordinances that other cities across the region and nation have looked into regarding non-discrimination and also a prohibition on a practice

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known as Conversion Therapy against youth. Mayor Weir stated that these ordinances have been adopted by Kansas City and some of the municipalities in the Kansas City Metro. The Mayor stated that this resolution would direct the Human Relations Commission to evaluate these policies and sample ordinance and then bring back to Council for a recommendation. In response to Councilmember DeLuccie, Mayor Weir stated that she has been informed that this has been an issue within Independence.

Councilmember DeLuccie stated that Conversion Therapy is an assault and there are statutes to protect people and she is surprised to hear this has been an issue. Councilmember DeLuccie asks that IPD do an investigation to determine if there are assaults happening in Independence prior to asking a committee to recommend legislation. In response to Councilmember DeLuccie, City Manager, Zach Walker, stated that IPD would need a formal complaint to follow up on an investigation and start a case. Mr. Walker stated that he will follow up with Police Chief, Brad Halsey, to determine if a formal complaint has been made.

Councilmembers Stewart and Hobart moved to approve Bill No. 21-752.

In response to Councilmember Huff, Councilmember DeLuccie stated that she will be voting no because she does not feel like we have enough information. Mayor Weir stated that this resolution is simply asking our Human Relations Commission to review some ordinances that have been adopted by neighboring cities and giving Council a recommendation if this is something that needs to be pursued by the City Council. Councilmember DeLuccie stated that she does not want to have a solution looking for a problem. In response to Councilmember DeLuccie, Chief Halsey stated that there has not been a formal complaint filed to his knowledge.

Councilmembers DeLuccie and Huff moved to postpone Bill No. 21-752 until the June 7, 2021 meeting.

Upon roll call for the motion to postpone, the vote was: Ayes – Councilmember Huff, Stewart, DeLuccie, Steinmeyer, and Hobart. Noes – Mayor Weir. Absent – Councilmember Perkins. The Mayor declared the motion approved.

Bill No. 21-752, entitled, [*Postponed to 6/7*]
“A RESOLUTION DIRECTING THE HUMAN RELATIONS COMMISSION TO EVALUATE AND RECOMMEND POLICIES REGARDING NON-DISCRIMINATION AND CONVERSION THERAPY.” – *Requested by Mayor Eileen Weir*

In response to Councilmember Huff, Mr. Walker stated that staff was given direction from Council to develop an RFP and then Council came back and modified that by putting a percentage value of the used equipment versus new equipment. Mr. Walker stated that this item would retain Power Engineers to site where these would be located as well as helping to identify the specs for the new combustion turbines. Director of Power and Light, Jim Nail, stated that staff reached out to four firms that are on the approved list that have experience developing Generation Technologies. Mr. Nail stated that across the board a three-month window was considered aggressive by all firms. Mr. Nail stated that the goal is to have the RFP ready to be released by September 1, 2021. This would allow them to do the Siting Study and develop the RFP. Mr. Nail confirmed that we do not have the expertise in IPL to do this study.

Councilmembers Huff and DeLuccie moved to approve Item No. 5.

In response to Mayor Weir, Mr. Walker stated he could provide an update right before they are ready to release the RFP and then as we are going through that evaluation process and have a summary staff can come back and give more information with timely updates.

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5. Council Action is requested to issue a purchase order to Power Engineers in the amount of \$125,000 for a Siting Study and development of a Request for Proposals for Replacement Generation Resources for the Power & Light Department. Upon roll call, the vote was: Ayes – Councilmember Huff, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – Councilmember Perkins. The Mayor declared the motion approved.

In response to Mayor Weir, Councilmember Steinmeyer stated that Section 1 states that it expresses the confidence in citizens and businesses to use their discretion on the use of masks. Councilmember Steinmeyer stated that he would like to restore that individual freedom and liberty for businesses, patrons and residents of the city to decide what they are comfortable with. In response to Councilmember Hobart, Councilmember Steinmeyer stated that he really wants this Council to be apart of the mandates that will be determined down the road. Councilmember Steinmeyer stated that this will restore power to the Council to give input into future mandates and vote accordingly. He stated that he wants to be in line with the CDC, but more importantly he wants the people to have their freedoms and liberties back.

Mayor Weir and Councilmember Huff moved to approve Bill No. 21-754.

In response from Councilmember DeLuccie, Mayor Weir stated after the Health Order Check-In Meeting and Incident Command Team Meeting, she spoke with Fire Chief, Doug Short. The Mayor stated that there are still reasons to keep the Emergency Order in place. Mayor Weir stated that we are no longer regulating wearing of masks, social distancing, capacity limits and other requirements and limitations, but we are still under a State of Emergency. Mr. Walker stated that the Health Order change addresses the masks and social distancing limits mostly and the State of Emergency is more of a financial accounting mechanism for us while we are still operating our vaccination clinic right now and other activities associated with COVID-19. By having a State of Emergency, these activities would be eligible for federal reimbursement down the road and allows us to continue to document those activities.

Councilmember Steinmeyer stated that he would like to know how long we will remain in a State of Emergency. He stated that he believes at some point the Council should be restored to be able to give voice and vote on mandates that we are putting on businesses in our community and feels this has been lost during our State of Emergency. Councilmember Steinmeyer stated he does not believe the Charter allows us to have this open-ended time frame. In response to Councilmember Steinmeyer, Chief Short stated that the State of Emergency is more than just the Health Order, which is a small component of the State of Emergency. As an example, we are doing food box operations which is possible because of grants and federal subsidies we are getting from the federal government through USDA. Chief Short stated that if we were not under a State of Emergency, we couldn't provide those types of operations and other activities like this, including our vaccination clinics. Chief Short stated that as long as we are under a State of Emergency, we can continue to provide those operations knowing that at some point we will recover cost for them. Chief Short stated that we will not need to stay in a State of Emergency until all the funds are reimbursed, however, as long as we are still finding ways that we have been impacted by COVID-19 we will need to remain in the State of Emergency to allow for things to continue to be documented. Councilmember Steinmeyer stated that he would like to consider a revision of the State of Emergency to be less restrictive.

Mayor Weir stated that this was an issue that was a top priority during the latest General Assembly that she was very involved in with our lobbyists in Jefferson City. The Mayor stated that restrictions do need to be voted on by the governing body and there could not be restrictions for more than 30 days within a 180-day period. Mayor Weir stated that there is legislation that has been passed that is awaiting the Governor's signature. Mayor Weir stated that this is part of a large bill, but the Governor has been in support of and will likely be signed and we should receive an update from our lobbyists next week. Mayor Weir stated that what Councilmember Steinmeyer is suggesting currently goes against what is written in

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our Charter and backed up by portions of our Code. Councilmember Steinmeyer stated that he wants some of the language removed regarding small businesses noncompliance and harsh punishments. Mayor Weir stated that those things were part of the Health Order and are no longer in effect. Councilmember DeLuccie stated that she agrees that a State of Emergency is due for a revision to make it easy to understand.

Bill No. 21-754, entitled, [Res. #6681]

“A RESOLUTION REMOVING MASK REQUIREMENTS IN INDOOR AND OUTDOOR PUBLIC SPACES.” - *Requested by Councilmembers Mike Steinmeyer and Mike Huff*

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

PUBLIC HEARINGS:

Mayor Weir opened a full public hearing for Fiscal Year 2021-22 Proposed Budget Hearing. There being no speakers, Mayor Weir declared the public hearing closed. *Full Public Hearing.*

Mayor Weir opened a new information only public hearing for the application by Don Parker requesting a rezoning from C-1, Neighborhood Commercial, to R-A, Residential-Agricultural, for the property located at 1801 S. M-7 Highway. Assistant Community Development Director, Rick Arroyo, provided background information on this item. There being no speakers, Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 21-020, entitled, [Ord. #19213]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT R-A (RESIDENTIAL - AGRICULTURAL) FOR THE PROPERTY AT 1801 S. M-7 HIGHWAY IN INDEPENDENCE, MISSOURI.”

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

Mayor Weir opened a new information only public hearing for the application by Joshua Mygatt requesting a rezoning from C-2, General Commercial, to R-12, Two-Family Residential, for the property located at 16403 E. 3rd Street N. Mr. Arroyo provided background information on this item. Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 21-021, entitled, [Ord. #19214]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-12 (TWO-FAMILY RESIDENTIAL) FOR THE PROPERTY AT 16403 E. 3RD STREET N. IN INDEPENDENCE, MISSOURI.”

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

Mayor Weir opened a new information only public hearing for the application by Dan Jensen requesting a Preliminary Development Plan for Cargo Largo, located at 3232 S. Noland Road, in District C-2/PUD, General Commercial/Planned Unit Development. Mr. Arroyo provided background information on this item. In response to Councilmember Hobart, Mr. Arroyo stated there is some area that has been used for detention areas, but there is not a conservation easement on that site. Mr. Arroyo stated that if there is any kind of conservation area that will be respected. In response to Councilmember Steinmeyer, Mr. Arroyo stated that this plan does have an access point on 33rd Street and plans include adding a traffic signal and more details will be provided when they get to the engineering phase of this project. Councilmember Steinmeyer voiced concerns with traffic issues when a train is passing at that intersection. Mr. Arroyo stated that the traffic study showed a preemptive traffic signal, and they are trying to make sure these issues are addressed with this project. In response to Councilmember Huff, Mr. Arroyo stated there

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may be a very narrow area that may be able to become a left turn lane, but that will be addressed at the engineering phase as well. Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 21-022, entitled, [Ord. #19215]

“AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY AT 3232 S. NOLAND ROAD IN DISTRICT C-2/PUD (GENERAL COMMERCIAL/PLANNED UNIT DEVELOPMENT) IN INDEPENDENCE, MISSOURI.”

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

NON-ORDINANCE ACTION ITEMS:

1. Council action is requested to authorize the City Manager to execute a contract with the Englewood Business Association, to license the use of the public area of the Englewood Arts District and vicinity in connection with certain promotional events scheduled in 2021-2022. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – Councilmember Perkins. The Mayor declared the item approved.

FIRST READINGS:

Bill No. 21-023, entitled

“AN ORDINANCE AMENDING ARTICLE 28 OF CHAPTER 1 OF THE INDEPENDENCE CITY CODE PERTAINING TO THE COMMISSION ON HUMAN RELATIONS.”

was given its first reading by title.

Bill No. 21-506, entitled, [Ord. #19216]

“AN ORDINANCE AUTHORIZING THE BORROWING OF NOT TO EXCEED \$45,000,000 FROM THE MISSOURI DEVELOPMENT FINANCE BOARD IN CONNECTION WITH THE REFINANCING OF CERTAIN REDEVELOPMENT COSTS DESCRIBED IN THE CRACKERNECK CREEK TAX INCREMENT FINANCING PLAN PREVIOUSLY APPROVED BY THE CITY; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS WITH THE MISSOURI DEVELOPMENT FINANCE BOARD; PROVIDING FOR THE ADMINISTRATION OF THE CRACKERNECK CREEK SPECIAL ALLOCATION FUND; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.”

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

Bill No. 21-507, entitled, [Ord. #19217]

“AN ORDINANCE AUTHORIZING THE DEPOSIT OF FUNDS BY THE CITY TO DEFEASE CERTAIN BONDS RELATED TO THE DRUMM FARM REDEVELOPMENT PROJECT; DISSOLVING THE RELATED SPECIAL ALLOCATION FUND ACCOUNT; TERMINATING THE REDEVELOPMENT AREA; AND PRESCRIBING MATTERS RELATED THERETO; AND DECLARING AN EMERGENCY.”

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

INFORMATION ONLY:

1. COVID-19 Semi-Monthly Update.
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. Municipal division monthly case report April 2021.

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4. National Parks Service (NPS) Trails Strategy Concept Plan grant provides funding to purchase and install new signs along the NPS Trails Retracement corridor. This pilot project will fund various directional/informational and interpretative signs.

Mayor Weir stated that Information Only Item #4 called to mind the wayfaring signage in the city. Some of it has been up for a very long time and is in pretty bad shape. We have done some rearranging in City Hall and our signage is very out of date. In response to Mayor Weir, Mr. Walker stated a few of our citizen advisory committees, such as the Brand Independence Committee, the Tourism Advisory Board and the On a Roll Committee, are considering these sorts of things at this time. Mayor Weir stated she understands this is not our top priority during this budget year, but it would be nice to get some kind of forecast for when we expect to spruce up a few areas in town.

5. Marketplace Shopping Center CID Proposed Budget for fiscal year ending June 30, 2022.

6. 23rd & Sterling CID Proposed Budget for fiscal year ending June 30, 2022.

COUNCILMEMBER COMMENTS:

Councilmember Steinmeyer stated he received two calls today from constituents that feel we are not doing enough about our homeless population. Councilmember Steinmeyer stated that one of the constituents lives in his district and owns a business in the 1st District. Councilmember Steinmeyer stated that she doesn't feel safe at various places in town because the homeless will come off the sidewalk to request money. He stated he informed her that we have ordinances in place that say that people are not allowed to approach someone off of the sidewalk to ask for money. Councilmember Steinmeyer stated the first responsibility we have is to the safety and welfare of our people. Councilmember Steinmeyer stated that he wants the conversation about moving people along so that we are in compliance and if needed, we make a stand so that mothers in the community feel safe walking from their cars into a business with their children. Mr. Walker stated that we will continue to keep this issue moving along the lines of conversation.

Councilmember DeLuccie stated that she was surprised that no citizens had comments about the budget. In response to Councilmember DeLuccie, Mayor Weir stated that citizen comment is not held during Study Session Meetings, but if needed they could consider suspending the Rules of Procedure to allow this. Councilmember DeLuccie wanted to bring attention to the dates of the budget presentation at a Study Session as well as the first and second reading of the budget ordinance at Regular Meetings. Councilmember DeLuccie also confirmed that the budget is on our website for the public to view.

Councilmember DeLuccie stated that Project Shine is coming up on June 19, 2021 and they are looking for corporate sponsors and volunteer teams. Councilmember DeLuccie provided contact information for those who wish to volunteer.

Mayor Weir stated that we will get a report this week from our lobbyist and we will schedule a time for them to come and give us an end of session wrap up as we try to understand and untangle everything that has been passed this year. Mayor Weir stated that the COVID-19 legislation ended up in a good spot for where it could have been and will allow for local government to continue to make our own decisions for our community. Mayor Weir stated the Cable Franchise Fee had a reduction passed from 5% down to 2.5% that will be phased out over a period of years. She stated that this will have a significant impact on our city revenues. Mayor Weir stated that Wayfair did pass, which will allow us to collect online sales tax not only from businesses that have a presence here in Missouri but from anywhere in the world. The passage of Wayfair should allow us to recover some of the loss we anticipate from Cable Franchise Fee change. Mayor Weir stated that the Gas Tax did pass and will also be phased in over a period of time and will assist with our city revenues. Failure to Appear that would allow the courts to suspend driver's licenses for repeat failures to appear did not pass and was removed from all bills and was not voted on this year.

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Mayor Weir stated she wanted to make sure that everyone in the community understands that with the reduced Health Orders that were released on Friday, the City Manager has also made changes to our city facilities. City Hall and the IUC are open to the public for regular business hours. Face coverings are encouraged for those who are not fully vaccinated but not required. Mayor Weir stated that vaccines are readily available, and our Independence Health Department are conducting on site vaccination clinics at facilities around town and will continue to operate walk in clinics and appointment clinics at the Independence Center through the end of this month. Mayor Weir stated that other city facilities have different hours which you can find on our website. Mayor Weir stated that the Emergency Order will be reviewed and updated to match what we are currently doing within the city.

Mr. Walker stated that we received word through the Standard and Poor Rating Agency this past week that not only does Independence have some of the best tasting water in the world, but we now hold the highest rated debt in the city. The Water Department's credit rating for its outstanding debt went from a AA- to an A+ with a stable outlook. Mr. Walker stated that the Council should take a lot of pride in that because not only are they saving their rate payers money down the road, but the cash resiliency policy was noted as strong financial management and led to the change in the rating.

At 7:10 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., June 7, 2021, in the Council Chambers.

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

ATTEST:

City Clerk