

REGULAR MEETING
July 19, 2021

The Independence City Council met for a Regular Meeting, July 19, 2021, at 6:02 p.m., virtually held via Microsoft Teams and in person, in the Council Chambers, 111 E. Maple.

Tim Allison, Chaplain and Bereavement Coordinator, 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, John Perkins, Brice Stewart, Karen DeLuccie, Mike Steinmeyer, Daniel Hobart and Mayor Eileen Weir. Councilmember Hobart attended virtually. The following members of the City Council were absent: None.

CITIZENS REQUEST TO SPEAK:

Kevin Baird spoke to Council regarding Consent Agenda Item No. 1.

Anthony Giaramita spoke to Council regarding PUAB appointments.

Holmes Osborne spoke to Council regarding board appointments.

Kenneth Love spoke to Council regarding city ordinances.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Mayor Weir requested that Item No. 1 be pulled for separate consideration.

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

2. Council action is recommended to approve a change order to a purchase order between the City and Black & Veatch in the amount of \$129,000.00 for an amendment to do an addition of Lime Slaking Equipment for a Lime Silo at the Courtney Bend Water Plant for the Water Department.
3. Council action is requested to issue a purchase order to Daktronics Inc, in the amount of \$625,000.00 for a ribbon board for the Cable-Dahmer Arena for the Parks, Recreation and Tourism Department.
4. Council action is requested to issue a purchase order to WesTech Engineering Inc, in the amount of \$72,570.00 for drive equipment for Contact Basin #5 for the Courtney Bend Water Plant for the Water Department.
5. Council action is requested to issue a purchase order to Transperfect Legal Solutions, in the amount of \$75,000.00 for Audio Transcription Services for the Finance & Administration Department.
6. Council action is requested to authorize the City Manager to approve a construction contract with a VF Anderson Builders for an amount not to exceed \$580,678.00 authorizing future minor change orders not to exceed \$58,060.00 and/or time extensions for the Bristol Drainage Improvements (Project No. 70131902).

Bill No. 21-778, entitled, [Res. #6703]

“A RESOLUTION REAPPOINTING MAYOR EILEEN WEIR TO SERVE AS CITY REPRESENTATIVE ON THE BOARD OF DIRECTORS OF THE INDEPENDENCE ECONOMIC DEVELOPMENT COUNCIL THROUGH JUNE 30, 2024.”

Bill No. 21-779, entitled, [Res. #6704]

“A RESOLUTION APPOINTING JOHN SZTURO AND GRACE KOHAN TO THE SLOVAK SISTER CITY COMMITTEE.”

Bill No. 21-780, entitled, [Res. #6705]

“A RESOLUTION APPOINTING ANTHONY SOMMER TO THE SUSTAINABILITY COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.”

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Bill No. 21-781, entitled, [Res. #6706]

“A RESOLUTION REAPPOINTING DAVID CAMPBELL AS A MEMBER OF THE TREE COMMISSION FOR THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointment Mayor Eileen Weir*

Bill No. 21-782, entitled, [Res. #6707]

“A RESOLUTION APPOINTING JOHN SZTURO TO THE TAX INCREMENT FINANCING COMMISSION FOR THE CITY OF INDEPENDENCE, MISSOURI.” – *Council Interview Committee Recommendation*

Bill No. 21-783, entitled, [Res. #6708]

“A RESOLUTION DIRECTING THE CITY MANAGER TO CONDUCT A REVIEW OF THE CODE OF THE CITY OF INDEPENDENCE FOR THE PURPOSES OF CREATING AND/OR AMENDING ORDINANCES FOR THE ADVANCEMENT OF NON-DISCRIMINATION.”

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 the motion carried, and the AMENDED CONSENT AGENDA was approved.

Mayor Weir stated that she has watched the presentations that were given at the last Study Session regarding this item and had asked some additional questions to the City Manager, Zach Walker. Mr. Walker responded by email to those questions and a copy had been provided to Council (email was later added to the agenda.) Mayor Weir suggested we postpone this item again until we are further down the road in the RFP process.

Mayor Weir and Councilmember Huff moved to postpone Item No. 1 until December 2021.

In response to Councilmember Huff, Director of IPL, Jim Nail stated that any time there is an outage, it is promptly reported into SPP’s monitoring system and this has been done for this unit. Mr. Nail stated that the market monitor is already asking what our plan is to get the unit back up and running. Mr. Nail stated that it is possible that this delay could require us to purchase short term capacity to replace it for the summer load. Mr. Nail stated that GE stated that the estimated time to get the unit returned after repair is three weeks to two months. Mr. Nail provided information about a trailer mounted unit costs and requirements. In response to Councilmember Hobart, Mr. Nail stated that we may have to purchase short term capacity over the summer months if we choose to postpone this item until December and provided approximate costs. In response to Councilmember DeLuccie, Mr. Nail stated he does not believe this purchase order will cause any issues with SPP approving our fast track for generation at the Blue Valley site, but we will have to wait and see. Mr. Nail stated that we could sell excess capacity. Mr. Nail stated the intent with the replacement plan is to look at sufficient generation that we could retire any or all of the combustion turbines with more efficient up to date units. As long as the current units are operational, there is no requirement to retire them, so the capacity that they represent could be something we market. Mr. Nail provided more details regarding the cost associated with the repair of H5. In response to Councilmember Huff, Mr. Nail stated that if a rotor was taken from an I unit and put into H, that would not solve the capacity issue, but would allow us to run a more efficient unit. H units are cheaper to run than the I units. In response to Mayor Weir, Mr. Walker provided the difference between a purchase order and a contract. Mr. Walker confirmed that any funds not used can be put back into the fund balance of IPL. In response to Councilmember Perkins, Mr. Nail stated that he would need to make SPP aware of our plan and time frame and if they want the capacity for the summer then we would check the market for a bid. Mr. Nail stated the requirement would be to replace the capacity.

1. Council action is requested to issue a purchase order to General Electric International, Inc. in the amount of \$1,909,344.00 for the inspection and repair of the generator rotor for Combustion Turbine H5.

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Upon roll call on the motion to postpone Item No. 1 until December 2021, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer, Hobart and Mayor Weir. Noes – Councilmember DeLuccie. Absent – None. The Mayor declared the motion passed.

PUBLIC HEARINGS:

Mayor Weir opened a new information only public hearing for a rezoning from R-30/PUD, High Density Residential/Planned Unit Development, to R-6, Single-Family Residential, for part of the property located at 218 N. Delaware Avenue. Assistant Director of Community Development, Rick Arroyo, provided background information on this item. There being no additional speakers, Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 21-036, entitled, [Ord. #19232]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) TO DISTRICT R-6 (SINGLE FAMILY RESIDENTIAL) FOR PART OF THE PROPERTY AT 218 N. DELAWARE AVENUE IN INDEPENDENCE, MISSOURI.”

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 Justin Barnes with Club Carwash, requesting a Special Use Permit to operate a car wash at 19151 E. 39th Street S. Mr. Arroyo provided background information on this item. There being no additional speakers, Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 21-037, entitled, [Ord. #19233]

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A TUNNEL CARWASH ON PROPERTY LOCATED AT 19151 E. 39TH STREET S., IN INDEPENDENCE, MISSOURI.”

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 an application received from S.M. Trading Corporation, doing business as Fuel Espresso #41, for a Retail Selling of Intoxicating Liquor of All Kinds in the Original Package for a convenience store with gas under construction at 4200 S. Lee’s Summit Road. Director of Community Development, Tom Scannell, provided background information on this item. David Hicks spoke in opposition of this application. Councilmember Steinmeyer commended the applicant for speaking to the homeowners and listening to their concerns then making some changes. Councilmember Hobart stated he is also very pleased to see the business owner and the homeowners come together on this item. There being no additional speakers, Mayor Weir declared the public hearing closed. *Full Public Hearing.*

Council action is requested on the application received from S.M. Trading Corporation, doing business as Fuel Espresso #41, for a Retail Selling of Intoxicating Liquor of All Kinds in the Original Package for a convenience store with gas under construction at 4200 S. Lee’s Summit Road.

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. Bill No. 21-784, entitled, [failed]

“A RESOLUTION APPOINTING LAURA DOMINIK AS A MEMBER OF THE PUBLIC UTILITIES ADVISORY BOARD OF THE CITY OF INDEPENDENCE, MISSOURI.” – *Requested by Councilmember Karen DeLuccie*

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Councilmember Huff referenced a similar situation with PUAB appointment in April 2019 and how Council handled the situation. Councilmember Huff read a statement in support of the Council Interview Committee (CIC) process to recommend individuals for appointment or to continue reviewing applications. Councilmember Huff stated that Council should follow the CIC process or abolish the CIC and go back to individual Councilmember appointments. Councilmember DeLuccie stated that she spent three hours interviewing candidates for the PUAB. Councilmember DeLuccie stated that Laura Dominik has not worked on her campaign. Councilmember DeLuccie stated that during the CIC meeting she made a motion to appoint Laura Dominik and the votes were yes, no and pass. Councilmember DeLuccie stated that there was no other nomination made and the PUAB is too important to have a vacancy when we are facing major decisions. Councilmember DeLuccie stated that she made a motion to appoint Ms. Dominik because she is the best fit for the role and not because of a personal friendship. Councilmember DeLuccie stated that the CIC failed to make a recommendation and she believes Ms. Dominik is the best candidate for the appointment. Councilmember Steinmeyer referenced Section 5.2 of the City Charter regarding Fair and equal treatment. Councilmember Steinmeyer stated that he does not believe Ms. Dominik is the best candidate and he's had trouble with some of her comments to Council in the past. Councilmember Steinmeyer stated he doesn't want to be pushed back toward AMI again because that is not the will of the rate payers, and he has concerns that this is what is happening. Councilmember Steinmeyer stated that he will vote no on this item to follow the CIC process. Councilmember DeLuccie stated that nothing in the CIC process prevents a Councilmember from making a recommendation for appointment. Councilmember DeLuccie stated that this has nothing to do with AMI, it's about appointing the most qualified person to fill the one-year vacancy. Councilmember Huff stated that Ms. Dominik already serves on other boards, and we should be willing to consider giving other individuals the opportunity to serve. Councilmember Huff stated Ms. Dominik is against reduction of rates and giving additional money back to the rate payers. Councilmember Huff stated he will be voting no. Councilmember Perkins stated that appointment brought forward by another Councilmember at the last meeting was because that individual could not interview at the time and it was discussed during the CIC that it can be brought forth to the entire body of the Council for discussion. Councilmember Perkins stated that the CIC process is going to be on the July 26, 2021, Study Session to discuss what changes may need to be made. Councilmember Huff stated the difference is that on the most recent CIC, there were not two yes votes for this individual like there was with the previous recommendation. Councilmember Hobart stated he agrees with Councilmember Perkins and also with Councilmember DeLuccie, and he will vote in support of this item. Upon roll call, the vote was: Ayes – Councilmembers: DeLuccie, Hobart and Mayor Weir. Noes – Councilmembers: Huff, Perkins, Stewart and Steinmeyer. Absent –None. The Mayor declared the item failed.

2. Council action is requested on a recommendation from the Public Utility Advisory Board for the removal of participation limits in the Community Solar Farm.

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 item approved.

ORDINANCES:

Bill No. 21-038, entitled, [Ord. #19234]

“AN ORDINANCE AMENDING ORDINANCE NO. 19226, BY ADDING SIXTY-FIVE (65) NEW PARCELS RELATED TO THE 24 HWY COMPLETE STREETS PHASE 1 (PROJECT NO.70111801) IN ORDER TO ACQUIRE NECESSARY TEMPORARY CONSTRUCTION AND GRADING EASEMENTS, NEW RIGHT-OF-WAY AND GENERAL UTILITY EASEMENTS FOR THE PROJECT.”

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.

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Bill No. 21-039, entitled, [failed]

“AN ORDINANCE CREATING SECTION 12.06.008 OF THE INDEPENDENCE CITY CODE FOR THE PROHIBITION OF CONVERSION THERAPY OF MINORS.”

was given its second reading by title and placed on final passage. Councilmember DeLuccie stated that she will be voting no on this item because it is too broad. In response to Councilmember Stewart, Acting City Counselor, Mitch Langford, stated the ordinance language used is to ensure that we will not get into a religious First Amendment issues. Mr. Langford stated that he was asked to draft the ordinance by recommendation of the Human Relations Commission and the decision to pass ordinances falls with the Council. Councilmember Stewart stated that he will be voting no on this item and agrees with Councilmember DeLuccie. Councilmember Stewart stated he believes this would be a feel-good ordinance, and we would have no enforcement.

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

In response to Mayor Weir, Mr. Walker stated that this item is directly tied to Item No. 1 that has been postponed until December 2021 and recommends we postpone this bill as well.

Mayor Weir and Councilmember DeLuccie moved to postpone Bill No. 21-509 until December 2021.

Bill No. 21-509, entitled, [postponed]

“AN ORDINANCE ADOPTING AN AMENDMENT TO THE FISCAL YEAR 2021-2022 BUDGET, WHICH WAS APPROVED BY ORDINANCE 19228. APPROPRIATION ORDINANCES MAY RECEIVE TWO READINGS AND BE VOTED ON AT THE SAME MEETING.”

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

FIRST READINGS:

Bill No. 21-040, entitled

“AN ORDINANCE AUTHORIZING THE REMOVAL AND DESTRUCTION OF MUNICIPAL COURT RECORDS THAT HAVE MET ALL REQUIREMENTS TO BE ELIGIBLE FOR SUCH DESTRUCTION AND ARE THE SUBJECT OF CIRCUIT COURT ADMINISTRATIVE ORDER NO. 2021-214.”

was given its first reading by title.

Bill No. 21-041, entitled

“AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH TRUMAN HERITAGE HABITAT FOR HUMANITY AS A QUALIFYING COMMUNITY HOUSING DEVELOPMENT ORGANIZATION, FOR THE DEVELOPMENT OF AFFORDABLE HOUSING, UTILIZING 2019-20 HOME PROGRAM FUNDS IN AN AMOUNT NOT TO EXCEED \$181,603.62.”

was given its first reading by title.

Bill No. 21-042, entitled

“AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH TRUMAN HERITAGE HABITAT FOR HUMANITY AS A QUALIFYING COMMUNITY HOUSING DEVELOPMENT ORGANIZATION, FOR THE DEVELOPMENT OF AFFORDABLE HOUSING, UTILIZING 2020-21 HOME PROGRAM FUNDS IN AN AMOUNT NOT TO EXCEED \$217,729.00.”

was given its first reading by title.

Bill No. 21-043, entitled

“AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH OIKOS DEVELOPMENT CORPORATION AS A QUALIFYING COMMUNITY HOUSING DEVELOPMENT ORGANIZATION, FOR THE DEVELOPMENT OF

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AFFORDABLE HOUSING, UTILIZING 2020-21 HOME PROGRAM FUNDS IN AN AMOUNT NOT TO EXCEED \$144,118.00.”

was given its first reading by title.

Bill No. 21-044, entitled

“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDEWALK IMPROVEMENTS AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR SIDEWALK IMPROVEMENTS ON THE NORTH SIDE OF US 40 HIGHWAY FROM THE BLUE RIDGE CUTOFF TO STERLING AVENUE AS PART OF THE US 40 HIGHWAY COMPLETE STREETS PROJECT (PROJECT NO. 111802 / FEDERAL PROJECT NO. STP 3379{437}).”

was given its first reading by title.

Bill No. 21-045, entitled

“AN ORDINANCE DE-ANNEXING CERTAIN LAND SOUTH OF THE SOUTHEAST CORNER OF TRUMAN ROAD AND M-7 HIGHWAY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO TAKE ALL STEPS NECESSARY TO ACCOMPLISH SAID ACTION.”

was given its first reading by title.

Bill No. 21-046, entitled

“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM MID-AMERICA REGIONAL COUNCIL IN THE AMOUNT OF \$203,443 FOR THE CITY’S SENIOR ADULT NUTRITION SITE PROGRAM FOR FISCAL YEAR 2021-2022 AND EXECUTE THE AMENDMENT TO THE COMMUNITY CENTER SERVICES AGREEMENT; MAKING THE NECESSARY APPROPRIATIONS; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS; AND, AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.”

was given its first reading by title.

INFORMATION ONLY:

1. The City Council is expected to convene in an Executive Session at 5:00 pm, Monday, July 19, 2021, in the Council Chambers with the closed session taking place in Conference Room D, on Contract Negotiations, as permitted by Sec. 610.021(12), RSMO and on Labor Negotiations as permitted by Sec. 610.021(9), RSMO.
2. Purchase order 22000039, in the amount of \$125,00.00 was issued to Superior Bowen Asphalt Co LLC for emergency asphalt street repairs at the intersection of Noland Road & 24 Highway for the Water Department.
3. COVID-19 Semi-Monthly Update.
4. Please Note: In accordance with RSMo 610.021, the City Council may convene in an Executive Session at 5:15 pm, in the Council Chambers and move to Conference Room D for the closed meeting, on matters of litigation, legal action, and/or attorney client communications, as permitted by Sec. 610.021(1), on matters of personnel, as permitted by Sec. 610.021(3) and personnel records, as permitted by 610.021(13), on matters of contracts, as permitted by 610.021(12), on matters of real estate, as permitted by 610.021(2) and/or matters of labor negotiations, as permitted by 610.021(9).

COUNCILMEMBER COMMENTS:

Councilmember Steinmeyer stated that he appreciated the email from Mr. Walker last week regarding the directive to enforce the panhandling and homeless issue. In response to Councilmember Steinmeyer, Mr. Walker provide more information about the homeless issue and actions being taken to address this within the city. Mr. Walker stated that he can provide more information about the amount spent last year for environmental cleanup related to homeless at an upcoming Study Session. Councilmember Steinmeyer asked that we also have details regarding Police and Fire operations for the developing Crackerneck Creek area at an upcoming Study Session.

Councilmember Huff stated he has received calls regarding backflow preventors stating notices went out but were dated three weeks ago with shut offs only a couple days later. In response to Councilmember Huff, Mr. Walker stated he will look into the concerns and get back to the full Council with some more details. Councilmember Huff stated he would like to see that MGE adequately repairs the

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roads that they cut up. Councilmember Huff stated he is glad to see we raised the limits for the solar farm tonight.

Councilmember Perkins stated he signed up with MARC that is doing an illegal dumping community discussion starting next week to talk about the situations and ramifications of illegal dumping. He stated he will report back to the Council after the discussion wraps up in August. Councilmember Perkins stated he also wanted to give kudos to the Englewood Arts and their Board of Directors who received \$241,000 in tax credits through the Neighborhood Assistance Program through the state of Missouri.

Mayor Weir stated that the Study Session that will discuss how Council handles boards and commission is scheduled for July 26, 2021. Mayor Weir stated that she will be adding a review of Council Meeting procedures to the same Study Session along with reviewing the Council Interview Committee processes. Mayor Weir stated while she has heard others say that we shouldn't pass laws we cannot enforce, she stated that when new laws are passed, we expect our citizens to voluntarily comply. Mayor Weir stated that they need to be on the books so that when there is not compliance, it can be reported, investigated and prosecute if necessary. When there is no law on the books, we cannot do anything to compel people to comply.

Mr. Walker stated that staff has access to an app called Stop It through our shared services initiative. This is used for staff to anonymously report any concerns they see within the organization, then those concerns are investigated by a third party and follows up. Mayor Weir stated that she used the app to test it, and does not feel like it is very user friendly and suggested some training in the future. Mr. Walker stated staff sent out information to individuals that are believed to have been affected by the December 2020 cyber-attack. If citizens did not receive a letter, then they have not been affected. Mr. Walker stated a few years ago, Missouri Legislature enacted Bill 572 that affects our ability to administer code enforcement in an expedited manner. Mr. Walker stated that IndepNow App that allows citizens to make requests for service or suggestions and encourages people to utilize that app.

At 7:25 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., August 2, 2021, in the Council Chambers.

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

ATTEST:

City Clerk