

REGULAR MEETING
September 7, 2021

The Independence City Council met for a Regular Meeting, September 7, 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, Visiting Nursing 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, Mike Steinmeyer, Daniel Hobart and Mayor Eileen Weir. The following members of the City Council were absent: Karen DeLuccie.

CITIZENS REQUEST TO SPEAK:

Joseph O'Hara spoke to Council regarding a Councilmember update.

Jane Gaughran spoke to Council regarding Athenton Quarry. City Manager, Zach Walker, stated that city staff is involved and working with experts to evaluate the impact this project could potentially have on Independence.

Chris Heitzman spoke to Council regarding the City Charter.

PRESENTATION RESOLUTION:

Councilmembers Huff and Hobart moved to approve Bill No. 21-795.

Bill No. 21-795, entitled, [Res. #6723]
"A RESOLUTION RECOGNIZING JACOB STAHLMAN, STREET MAINTENANCE WORKER III, WITH THE MUNICIPAL SERVICES DEPARTMENT, AS THE EMPLOYEE OF THE MONTH FOR SEPTEMBER 2021."
Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – Councilmember DeLuccie. The Mayor declared the bill approved.

PROCLAMATIONS:

City Clerk, Becky Behrens, read a proclamation for Citizenship Day and Constitution Week. The proclamation was accepted by representatives from both the Harry S. Truman and Independence Patriots Chapters of the Sons of the American Revolution.

Ms. Behrens read a proclamation for National Preparedness Month. The proclamation was accepted by Dante Gliniecki, the Emergency Preparedness Manager with the City of Independence.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember Huff requested that Item No. 7 and Item No. 9 be pulled for separate consideration.

Councilmember Stewart requested that Item No. 2 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Item No. 7, Item No. 9, and Item No. 2 to be considered separately.

1. Approval of minutes for the Regular Meetings on August 2, 2021, and August 16, 2021 and Special Called Meeting on August 9, 2021.

REGULAR MEETING September 7, 2021

3. Council action is requested to issue a purchase order to Primetime Contracting Corp., in the amount of \$377,798.00 for the Rock Creek Treatment Facility, and Rock Creek Pump Station fencing Capital Improvement project for the Municipal Services Department.
4. Council action is requested to authorize the City Manager to enter into a tender agreement with the surety, North American Specialty Insurance Company. This tender agreement will result in hiring the Completion Contractor, Radamacher Brothers Excavating Co. Inc., to complete the construction contract for the Blue Lawn Storm Drainage Improvement Project (No. 131603) for an amount not to exceed \$271,901, authorizing future minor change orders for an amount not to exceed \$27,900 and/or time extensions.
5. Council action is requested to authorize the City Manager to approve an evaluation services contract with Xylem for an amount not to exceed \$93,000.00, authorizing future minor change orders for an amount not to exceed \$32,000, for the Force Mains Evaluation Services for Rock Creek and Sugar Creek Pump Stations.
6. Council action is requested to authorize the City Manager to approve a construction contract with SHEDIGS IT, LLC for an amount not to exceed \$278,924.00, authorizing future minor change orders not to exceed \$27,800.00 and/or time extensions for the Bison Park Sanitary Sewer Improvements Project. (No. 302003).
8. Council action is requested to issue a purchase order to Rand Construction Company, in the amount of \$214,400.00 for the Rock Creek Waste Water Treatment Plant Boiler Replacement Project for the Municipal Services Department.
10. Council action is requested to authorize the City Manager to enter into a contract with the Missouri Department of Health and Senior Services for the Public Health Emergency Preparedness Grant Program for reimbursement of qualified expenses up to \$74,315.
11. Council action is requested to issue a purchase order to Watchmen Security Services, LLC, in the amount of \$65,000.00 for the Security System Upgrade project at the Cable Dahmer Arena for the Parks, Recreation and Tourism Department.

Bill No. 21-796, entitled, [Res. #6716]

“A RESOLUTION APPOINTING MICHAEL FIELDING AS A MEMBER OF THE BOARD OF BUILDING AND ENGINEERING APPEALS FOR THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointment Mayor Eileen Weir*

Bill No. 21-797, entitled [[Res. #6717]

“A RESOLUTION APPOINTING PAULA MARTIN TO THE INDEPENDENCE PARK COMMISSION FOR THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointment Councilmember Brice Stewart*

Bill No. 21-798, entitled, [Res. #6718]

“A RESOLUTION APPOINTING EDWARD NESBITT TO THE CITY PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointment Councilmember Mike Steinmeyer*

Bill No. 21-799, entitled, [Res. #6719]

“A RESOLUTION APPOINTING ANTHONY GIARAMITA AS A MEMBER OF THE PUBLIC UTILITIES ADVISORY BOARD OF THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointment Councilmember Mike Steinmeyer*

Bill No. 21-800, entitled, [Res. #6720]

“A RESOLUTION AFFIRMING THE APPOINTMENT OF CHRIS VERBRUGGE AND BRUCE LUEDEMAN TO THE PUBLIC SAFETY TAX OVERSIGHT COMMITTEE FOR THE CITY OF INDEPENDENCE, MISSOURI.” - *Individual Appointments Councilmembers Dan Hobart and John Perkins*

Bill No. 21-801, entitled, [Res. #6721]

“A RESOLUTION APPOINTING JANA MAGNUSON TO THE SLOVAK SISTER CITY COMMITTEE.”

Bill No. 21-802, entitled, [Res. #6722]

“A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP AND INSTALL SIGNAGE AS DEEMED NECESSARY FOR THE PROPER NOTIFICATION REGULARLY SCHEDULED CITY OF INDEPENDENCE GENERAL CLEANUP OF PUBLIC SPACES AND DEVELOPING PROVISIONS FOR THE STORAGE OF CERTAIN ITEMS.” – *Requested by Councilmembers Mike Huff and Mike Steinmeyer*

REGULAR MEETING September 7, 2021

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

Councilmembers Huff and Steinmeyer moved to postpone Item No. 7 until December. In response to the Mayor, Director of Independence Power and Light, Jim Nail, provided background information and impact of postponing this item. Councilmember Huff stated that since the unit is currently functioning then we should wait for more information about the new generation plan. In response to Councilmember Perkins, Mr. Nail confirmed the estimated total bill from GE for the repairs is \$317,500. Upon roll call to postpone Item No. 7, the vote was: Ayes – Councilmembers: Huff, Stewart and Steinmeyer. Noes – Councilmembers: Perkins, Hobart and Mayor Weir. Absent – Councilmember DeLuccie. The Mayor declared the motion failed.

Councilmembers Hobart and Huff moved to approve Item No. 7.

7. Council action is requested to issue a purchase order to General Electric, in the amount of \$317,500, for the H-6 combustion turbine generator repairs for Power & Light.

Upon roll call, the vote was: Ayes – Councilmembers: Perkins, Hobart and Mayor Weir. Noes – Councilmembers: Huff, Stewart and Steinmeyer. Absent – Councilmember DeLuccie. The Mayor declared the item failed.

Councilmembers Huff and Steinmeyer moved to amend Item No. 9 to include Shift Captains. In response to Mayor Weir, Mr. Walker stated per the direction of the Council he was directed to negotiate with the FOP. Shift Captains are not members of the FOP and this MOU covers only FOP members. Upon roll call to amend Item No. 9, the vote was: Ayes – Councilmembers: Huff, Stewart and Steinmeyer. Noes – Councilmembers: Perkins, Hobart and Mayor Weir. Absent – Councilmember DeLuccie. The Mayor declared the motion failed.

Councilmembers Huff and Hobart moved to approve Item No. 9.

9. Consideration of Memorandum of Understanding between City of Independence and Fraternal Order of Police No. 1 (FOP). Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – Councilmember DeLuccie. The Mayor declared the item approved.

In response to Councilmember Stewart, Mr. Walker provided information about fee updates being made for Public Records Requests through the City Clerk's office.

Councilmembers Stewart and Hobart moved to approve Item No. 2.

2. Council action is requested to amend the open records fees contained in the Schedule of Fees.

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

PUBLIC HEARINGS:

Mayor Weir opened a new information only public hearing for a rezoning from C-2, General Commercial, to R-12, Two Family Residential, for numerous properties located on South Oxford Avenue. Assistant Community Development Director, Rick Arroyo, provided background information on this item. There being no additional speakers, Mayor Weir declared the public hearing closed. *New Information Only.*

REGULAR MEETING September 7, 2021

Bill No. 21-058, entitled, [Ord. #19253]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-12 (TWO FAMILY RESIDENTIAL) FOR NUMEROUS PROPERTIES ON SOUTH OXFORD AVENUE IN INDEPENDENCE, MISSOURI.”

Mayor Weir provided some background information on the area. Mayor Weir asked that staff establish solid communication about how these properties will be rehabilitated and the expectations of the neighborhood so that we get the quality development we are looking for.

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

Mayor Weir opened a new information only public hearing for a rezoning from C-2, General Commercial, to R-30/PUD, High Density Residential/Planned Unit Development, for numerous properties located on South Oxford Avenue. 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. 21-059, entitled, [Ord. #19254]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR NUMEROUS PROPERTIES ON SOUTH OXFORD AVENUE IN INDEPENDENCE, MISSOURI.”

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

Mayor Weir opened a new information only public hearing for the application by Donte Goodwin requesting a Special Use Permit to operate a body art shop at 10701 E. Winner Road. 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. 21-060, entitled, [Ord. #19255]

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A BODY ART SHOP AT 10701 E. WINNER ROAD, SUITE 220, IN INDEPENDENCE, MISSOURI.”

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – Councilmember DeLuccie. The Mayor declared the item 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 sign permits in Section 14-504 and 14-708. Mr. Arroyo provided background information on this item. There being no additional speakers, Mayor Weir declared the public hearing closed. *Full Public Hearing.*

Bill No. 21-061, entitled, [Ord. #19256]

“AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO SIGN REGULATIONS VARIANCES, PERMITS, APPEALS, REVIEW & APPROVAL.”

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – Councilmember DeLuccie. The Mayor declared the item 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 Electronic Message Centers. Mr. Arroyo provided background information on this item. There being no additional speakers, Mayor Weir declared the public hearing closed. *Full Public Hearing.*

Bill No. 21-062, entitled, [Ord. #19257]

“AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO ELECTRONIC MESSAGE CENTERS.”

REGULAR MEETING September 7, 2021

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

Mayor Weir opened a full public hearing regarding the Hartman Heritage Park and Marketplace Tax Increment Financing Plans. Mr. Arroyo provided background information on this item. There being no additional speakers, Mayor Weir declared the public hearing closed. *Full Public Hearing.*

NON-ORDINANCE ACTION ITEMS:

1. Council action is request in approving the 2021 Strategic Plan Updated Action Plan.

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

2. Consideration of Amended American Rescue Plan (ARPA) Expenditure Plan.

Councilmember Huff stated he disagrees with portions of this item and will be voting no.

Upon roll call, the vote was: Ayes – Councilmembers: Perkins, Hobart and Mayor Weir. Noes – Councilmembers: Huff, Stewart and Steinmeyer. Absent – Councilmember DeLuccie. The Mayor declared the item failed.

ORDINANCES:

Bill No. 21-063, entitled, [Ord. #19258]

“AN ORDINANCE VACATING AN EXISTING UNCONSTRUCTED RIGHT-OF-WAY OF ALL THAT PART OF 1706 S M-291 HWY LYING IN, ON, AND ACROSS LOT 154, AND THE SOUTH 10 FEET OF LOT 153, OF STAYTON PLACE (LOTS 150 TO 166 INCLUSIVE), A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.”

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

FIRST READINGS:

Bill No. 21-064, entitled

“AN ORDINANCE AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY FOR THE HOLDING OF A PRIMARY AND GENERAL CITY ELECTION WITHIN THE CITY OF INDEPENDENCE, MISSOURI, IN COMPLIANCE WITH THE CHARTER ADOPTED BY SAID CITY, AS AMENDED, AND ALL STATE LAWS IN REFERENCE THERETO, AND TO CERTIFY TO THE JACKSON COUNTY BOARD OF ELECTION COMMISSIONERS ALL NAMES OF CANDIDATES PROPERLY PRESENTED BY PETITIONS UNDER THE CHARTER AND FOR THE HOLDING OF A PRIMARY ELECTION ON FEBRUARY 8, 2022, AND A GENERAL ELECTION ON APRIL 5, 2022.”

was given its first reading by title.

Bill No. 21-065, entitled

“AN ORDINANCE LEVYING A TAX ON ALL REAL PROPERTY SUBJECT TO TAXATION ON JANUARY 1, 2021, WITHIN THE CORPORATE LIMITS OF THE CITY OF INDEPENDENCE, MISSOURI, FOR GENERAL REVENUE AND PUBLIC HEALTH AND RECREATION PURPOSES, AND FOR THE INDEPENDENCE SQUARE SPECIAL BUSINESS BENEFIT DISTRICT; SAID LEVIES AND ASSESSMENTS BEING SEPARATE AND DISTINCT, ALL FOR THE FISCAL YEAR COMMENCING ON THE 1ST DAY OF JULY, 2021, AND ENDING ON THE 30TH DAY OF JUNE, 2022.”

was given its first reading by title.

Bill No. 21-066, entitled

“AN ORDINANCE APPROVING THE EXERCISE, WITHIN A PORTION OF THE CITY OF INDEPENDENCE, MISSOURI, OF CERTAIN POWERS, FUNCTIONS AND DUTIES OF A LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY.”

was given its first reading by title.

REGULAR MEETING September 7, 2021

Bill No. 21-067, entitled
“AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO GROUP LIVING FACILITIES.”
was given its first reading by title.

Bill No. 21-511, entitled, [Ord. #19259]
“AN ORDINANCE APPROVING A FINAL PLAT FOR MCBEE LANDING, LOTS 1 THRU 4, IN INDEPENDENCE, MISSOURI; 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, Perkins, Stewart, Steinmeyer, Hobart and Mayor Weir. Noes – None.
Absent – Councilmember DeLuccie. The Mayor declared the bill approved.

INFORMATION ONLY:

1. COVID-19 Semi-Monthly Update
2. Purchase order 22000181, in the amount of \$147,944.16 was issued on August 2, 2021, to Athletica Sports Systems for conversion of the hockey glass at the Cable Dahmer Arena for the Parks, Recreation and Tourism Department.
3. Purchase order 22000182, in the amount of \$142,795.00 was issued to Athletica Sports Systems for the ice deck (ice covering) at the Cable Dahmer Arena for the Parks, Recreation and Tourism Department.
4. Purchase order 22000316, in the amount of \$74,218.00 was issued to Freeland Chevrolet for a 2021 Chevrolet Medium Duty Silverado with an 11' Dump Bed for the Water Department.
5. 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 Stewart stated he does not believe any action is needed at this time regarding Councilmember DeLuccie. In response to Councilmember Stewart, Mayor Weir referenced a recent Study Session where the Rules of Procedure were discussed. Mayor Weir reminded that if at any time a member of the Council wishes to stop someone who is speaking, they can do so. Ms. Behrens also confirmed that the item on the last agenda to update the Rules of Procedure failed. Councilmember Stewart stated that he does not feel it is right for a private citizen to call out another private citizen by name.

Councilmember Perkins stated that we are aware of what is happening in Sugar Creek and will stay on top of that situation.

Councilmember Huff referenced the Sugar Creek quarry project and stated that him and a few other Councilmembers have contacted the Attorney General to try to shut it down. Councilmember Huff spoke about the Santa Cali Gon festival.

Councilmember Steinmeyer referenced Rosh Hashanah, the Jewish New Year and his personal reflections. Councilmember Steinmeyer stated he is tired of the division in this country, and we need to come back together and be a society that cares for one another.

Councilmember Hobart suggested that individuals who have lodged a complaint against Councilmember DeLuccie's absence read the Charter provision that provides for absences of City Councilmembers. Councilmember Hobart spoke about the Santa Cali Gon festival. Councilmember Hobart

REGULAR MEETING
September 7, 2021

stated that even when we disagree, we should look at the positives and come together. Councilmember Hobart encouraged citizens to vote in support of our public safety staff at the November 2, 2021 election.

Mayor Weir acknowledged Mr. O'Hara and thanked him for the update regarding Councilmember DeLuccie. The Mayor asks for privacy and compassion for Councilmember DeLuccie's family as they continue to deal with a difficult situation. The Mayor asked that the ARPA amendment item be added to the next Study Session for further discussion so that it can be reconsidered in future. Mayor Weir spoke about the Santa Cali Gon festival. Mayor Weir provided information about COVID-19 vaccinations.

Mr. Walker stated that the MOU that was previously approved with the FOP is now voided because there is no funding to support the MOU. Mr. Walker stated that he's been advised by the FOP that as many as 12 officers were waiting on this item to decide if they would stay with our agency or contemplate going to another agency. He stated that this may have an impact in the next two weeks before the Council could vote on it again. In response to Mayor Weir, Ms. Behrens confirmed that in order for this to be reconsidered this evening, there would need to be a motion made by the prevailing side. No additional motions were made.

At 7:05 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., September 20, 2021, in the Council Chambers.

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

ATTEST:

City Clerk