

REGULAR MEETING
October 18, 2021

The Independence City Council met for a Regular Meeting, October 18, 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. Councilmember DeLuccie attended virtually. The following members of the City Council were absent: None.

CITIZENS REQUEST TO SPEAK:

Jared Fears spoke to Council regarding November ballot initiatives.

Tara Kruse spoke to Council regarding Public Safety.

Laura Dominik spoke to Council regarding Public Safety and thanked Council.

In response to Mayor Weir, City Manager, Zach Walker, provided information about an update regarding recent UDO changes allowing an applicant to have an official process before the Council where administrative relief can be granted by the Council in the event that an applicant appeals a decision made by the City Planning Commission. City Counselor, Jeremy Cover, provided additional information about this appeal process.

Mayor Weir and Councilmember Steinmeyer made a motion to suspend the Council Rules of Procedure to allow for non-residents to speak. 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.

Joshua Keller spoke to Council regarding Bill No. 21-817.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember DeLuccie requested that Item No. 1 be pulled for separate consideration.

Mayor Weir requested that Bill No. 21-817 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Item No. 1 and Bill No. 21-817 to be considered separately.

2. Council approval is requested to issue a change order increase on contract #500000592 with contractor Superior Bowen, in the amount of \$231,345.47 in order to complete the 2021 Full and Partial Depth Asphalt Patching Project (No. 1121010).
3. Council action is requested to issue a purchase order to Electro Technical Industries, in the amount of \$1,250,501.00, for Substation E Switchgear for the Power & Light Department.
4. Council action is requested to issue a purchase order to Converge One, in the amount of \$69,035.34 for cyber security engineering support.
5. Council action is requested in order to issue a purchase order in the amount of \$76,000 to Anderson Engineering for engineering design services for the Fairmount Highland Storm Drainage Project (no. 132101).

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Bill No. 21-813, entitled, [Res. #6734]

“A RESOLUTION NAMING BRANDON SCHNUR, KARA PARIS AND NANCY KERR BOARD OF DIRECTORS OF THE ENGLEWOOD COMMUNITY IMPROVEMENT DISTRICT.” – *Individual Appointment-Mayor Eileen Weir*

Bill No. 21-814, entitled, [Res. #6735]

“A RESOLUTION APPOINTING SHARON VALASEK TO THE SLOVAK SISTER CITY COMMITTEE.”

Bill No. 21-815, entitled, [Res. #6736]

“A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE INDEPENDENCE EVENTS CENTER COMMUNITY IMPROVEMENT DISTRICT.”

Bill No. 21-816, entitled, [Res. #6737]

“A RESOLUTION EXTENDING THE CONTRACT BETWEEN THE CITY OF INDEPENDENCE, MISSOURI, AND INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS-INDEPENDENCE POWER AND LIGHT BARGAINING UNIT FROM NOVEMBER 1ST, 2021 THROUGH JANUARY 31ST, 2022.”

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 Huff, Mr. Walker provided background information on Item No. 1 and stated that the applicant has withdrawn their application with the City of Sugar Creek.

Councilmembers DeLuccie and Hobart moved to postpone Item No. 1 indefinitely.

In response to Councilmember Steinmeyer, Mr. Walker stated that if a new application is submitted it would go before the Board of Aldermen in Sugar Creek. In response to Councilmember Huff, Mr. Walker stated that this study would take 60-90 days if needed in the future.

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

1. Council action is requested to issue a purchase order to Black & Veatch, in the amount of \$100,000.00 for an Evaluation Study for groundwater related to the Atherton Quarry for the Water Department and increase appropriations. Postponed from 10/4

In response to Councilmember DeLuccie, Mr. Walker stated that if approval is granted for the administrative adjustment, it would be an amendment or relief from the UDO and not in conformance with the UDO as written.

Councilmember Steinmeyer shared his feelings in support of Bill No. 21-817.

Councilmember Perkins shared his feelings in support of Bill No. 21-817.

Bill No. 21-817, entitled, [Res. #6738]

“A RESOLUTION APPROVING THE APPEAL OF THE ADMINISTRATIVE ADJUSTMENT DECISION ON THE KELLER’S TURF & SHRUB CARE INC. STORAGE BUILDING.”

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.

PUBLIC HEARINGS:

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Mayor Weir opened a new information only public hearing for the application by Micheala Miller requesting a rezoning from I-1, Industrial, to R-6, Single-Family Residential, for the property located at 1001 W. Hayward 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.*

In response to Councilmember Perkins, Mr. Walker stated he will work with staff to determine if it's possible to cross check the applicant list and to do a proactive Code check prior to the application coming before the commission or Council.

Bill No. 21-068, entitled, [Ord. #19264]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT I-1 (INDUSTRIAL) TO DISTRICT R-6 (SINGLE FAMILY RESIDENTIAL) FOR 1001 W. HAYWARD AVENUE 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.

Mayor Weir opened a new information only public hearing for the application by Pamela Wells requesting a Special Use Permit to operate a bed and breakfast at 1 Hawthorne Place. 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. 21-069, entitled, [Ord. #19265]

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 1 HAWTHORNE PLACE, 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.

Mayor Weir opened a full public hearing for an application received from Phoenix Nail Lounge Independence, LLC for a Retail Selling of Intoxicating Liquor by the Drink license for their business at 2329 S. M-291 Highway. Community Development Director, Tom Scannell provided background information on this item. There being no additional speakers, Mayor Weir declared the public hearing closed. *Full Public Hearing.*

In response to Councilmember Hobart, Mr. Scannell stated that the application is for drinks to be sold only inside the business and not for any packaged liquor sales. In response to Mayor Weir, Mr. Scannell stated that to his knowledge this is the first application of this kind that he's seen but anticipates we would see more like this in the future. Mr. Scannell stated that the business plans to offer complimentary drinks during the patron's services.

Council action is requested on the application from Phoenix Nail Lounge Independence, LLC for a Retail Selling of Intoxicating Liquor by the Drink license for their business at 2329 S. M-291 Highway. 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.

NON-ORDINANCE ACTION ITEMS:

Bill No. 21-818, entitled, [failed]

“A RESOLUTION DIRECTING THE CITY MANAGER TO AMEND THE AMERICAN RECOVERY PLAN FUNDING PLAN BY REDUCING FUNDING FOR THE UPTOWN MARKET LOAN REPAYMENT AND REALLOCATING SAID FUNDS FOR SHOT SPOTTER PILOT PROGRAM AND A VIRTRA DE-ESCALATION TRAINING SIMULATOR FOR THE POLICE DEPARTMENT.” – Requested by Councilmember Brice Stewart-Postponed from 10/4

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Councilmembers Stewart and Huff moved to amend Bill No. 21-818 to remove Shot Spotter Pilot Program.

Upon roll call to amend Bill No. 21-818, 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 for Bill No. 21-818, the vote was: Ayes – Councilmembers: Huff, Stewart and Steinmeyer. Noes – Councilmembers: Perkins, DeLuccie, Hobart and Mayor Weir. Absent – None. The Mayor declared the bill failed.

Bill No. 21-819, entitled, [Res. #6739]

“A RESOLUTION DIRECTING THE CITY MANAGER TO AMEND THE AMERICAN RESCUE PLAN FUNDING PLAN BY REDUCING FUNDING FOR THE CITY HALL SECURITY AND CITIZEN INTERACTION IMPROVEMENTS AND REALLOCATING SAID FUNDS FOR ONE-TIME EXPENDITURES FOR ESSENTIAL EQUIPMENT NEEDS IN THE POLICE AND FIRE DEPARTMENTS.”

In response to Councilmember Stewart, Mr. Walker provided more information about the City Hall security and citizen interaction improvements and some additional background about the one-time expenditures for the Police and Fire Departments. Councilmember Stewart will be voting in support of this item. In response to Councilmember Steinmeyer, Mr. Walker provided more information about the one-time incentives given to current officers and new recruits, but there will not be ongoing funds available to continue the program. Mr. Walker stated that the idea was to try and get the current vacancies filled within the department. Mr. Walker provided additional information about the purchasing process for a ladder truck. Mr. Walker stated that he does not have the exact number in front of him at this time regarding how much has been generated from Sales Tax since 2004 when it was passed. Mr. Walker confirmed that approximately \$2 Million comes in annually. Mr. Walker stated that a modest amount of General Funds are used for Capital Improvement Projects and the Sales Tax supplements those projects. Councilmember Steinmeyer stated that he will be voting in support of this item.

Upon roll call for Bill No. 21-819, 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. 21-070, entitled

“AN ORDINANCE AUTHORIZING A CONTRACT WITH LINAWEAVER CONSTRUCTION, INC. FOR THE INSTALLATION OF AN 8-INCH DIAMETER DUCTILE IRON WATER MAIN FOR THE GUDGELL AVENUE (DODGION – KINGS HIGHWAY) WATER MAIN REPLACEMENT CAPITAL IMPROVEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED \$1,165,500.00; AUTHORIZING MINOR CHANGE ORDERS FOR AN AMOUNT NOT TO EXCEED \$116,550.00 AND/OR TIME EXTENSIONS; AND INCREASING APPROPRIATIONS.”

was given its first reading by title.

Bill No. 21-071, entitled

“AN ORDINANCE AUTHORIZING A CONTRACT WITH TRUMAN HERITAGE HABITAT FOR HUMANITY FOR THE ADMINISTRATION OF HOME REPAIR PROGRAM FOR LOW TO MODERATE INCOME HOMEOWNERS UTILIZING 2021-22 CDBG PROGRAM FUNDS IN AN AMOUNT NOT TO EXCEED \$371,514.00.”

was given its first reading by title.

Bill No. 21-072, entitled

“AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO RECOMMENDED TREES AND PLANTS.”

was given its first reading by title.

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Bill No. 21-073, entitled
“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A VEHICLE SALES LOT AT 908 N. ATHERTON ROAD, IN INDEPENDENCE, MISSOURI.”
was given its first reading by title.

Bill No. 21-513, entitled, [Ord. #19266]
“AN ORDINANCE AUTHORIZING THE BORROWING OF NOT TO EXCEED \$12,000,000 FROM THE MISSOURI DEVELOPMENT FINANCE BOARD IN CONNECTION WITH THE REFINANCING OF CERTAIN COSTS RELATED TO CONSTRUCTION OF A MULTIPURPOSE EVENTS CENTER; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL FINANCING AGREEMENT RELATING THERETO WITH THE MISSOURI DEVELOPMENT FINANCE BOARD; PROVIDING FOR THE ADMINISTRATION OF CERTAIN SPECIAL ALLOCATION FUNDS PREVIOUSLY CREATED BY THE CITY; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.”
was given its first and second reading by title and placed on final passage. In response to Councilmember Huff, Mr. Walker provided some background information on this item. Director of Finance and Administration, Bryan Kidney, provided additional details regarding this item. Mr. Kidney stated that the emergency need is based on the market.
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:

Mayor Weir directed attention to the committee reports in the Information Only section and provided additional details about the COVID-19 Semi-Monthly Update.

1. The City Council is expected to convene in an Executive Session at 5:15 pm, Monday, October 18, 2021, in the Council Chambers with the closed session taking place in Conference Room D, on Legal Matters, as permitted by Sec. 610.021(1), RSMO.
2. Case 21-100-12, a request from Jessica Glavas, representing QuikTrip, to rezone the property located at 16813 E. 23rd Street from C-1 and C-2 to C-2, was advertised for a new information only public hearing at the October 18, 2021 City Council meeting. As the Planning Commission continued said case, the new information only public hearing is expected to be held at the January 18, 2022 City Council meeting.
3. Streets Improvements Oversight Committee (SIOC) Semi-Annual Presentation to Council.
4. Semi-Annual Report of the Public Safety Tax Oversight Committee.
5. Semi-Annual Report of the Independence Park Commission.
6. Stormwater Oversight Committee Semi-Annual Presentation to Council.
7. Semi-Annual Report of the Independence Tourism Commission.
8. Semi-Annual Report of the Jackson County Animal Welfare Committee.
9. The City Clerk's Office is in receipt of the Noland Road Community Improvement District Annual Report ending June 30, 2021.
10. The City Clerk's Office is in receipt of the Independence Square Community Improvement District Annual Report ending June 30, 2021.
11. Mayor Eileen Weir's travel report for trip to KC Chamber Leadership Exchange to Salt Lake City, UT Sunday, October 10 through Tuesday, October 12, 2021.
12. COVID-19 Semi-Monthly Update.
13. 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

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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 DeLuccie stated she misses our city and our citizens. She thanked everyone for support, thoughts and prayers during her absence. She stated that she hopes to be back in person in two weeks. Mayor Weir stated that we are all glad to have her back.

Councilmember Huff thanked staff for working on the completion of the fence around the Salvation Army.

Councilmember Perkins talked about some cleanup projects and an article in the Examiner. Councilmember Perkins showed images of a cleanup area that had been worked on. Councilmember Perkins thanked those that help keep some of our vacant lots clean and shared the amounts that these folks are saving the city by helping with this cleanup. Mayor Weir presented Doug and Peggy Ault with the Mayor's Challenge Coin for an Exemplary Act. Councilmember Perkins talked about the success of the Third Friday Art Walk in Englewood.

In response to Councilmember Stewart, Mayor Weir provided information about her recent travel to Salt Lake City, UT. Councilmember Stewart stated he was glad Councilmember DeLuccie is back and well.

Councilmember Steinmeyer stated we have missed Councilmember DeLuccie and are glad to see her. Councilmember Steinmeyer thanked the community members that help keep us moving forward and working together. Councilmember Steinmeyer stated we will continue to work toward improvements in public safety. In response to Councilmember Steinmeyer, Mr. Walker asked for the questions to be provided that Councilmember Steinmeyer would like answers to from the Parks Recreation and Tourism Department so that an update can be provided.

Councilmember Hobart stated there is a citizen initiative called Independence is Alive and Well and they have cleaned up the trail between Rotary Park and Country Club Park and he thanked the citizens that helped with that cleanup. Councilmember Hobart congratulated Independence Police Officer Jeff Nunn in his recent accomplishment in the Boston Marathon. Councilmember Hobart stated that he looks forward to seeing Councilmember DeLuccie in a couple of weeks.

Mayor Weir provided some information regarding her recent trip to Salt Lake City, UT. The Mayor stated she will provide the itinerary to the City Clerk to upload for any citizens who would like to see more details. Mayor Weir discussed the upcoming election ballot item regarding public safety funding. Mayor Weir encouraged people to get out and vote in our November 2nd, 2021 election.

At 7:09 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., November 1, 2021, in the Council Chambers.

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

ATTEST:

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City Clerk