

REGULAR MEETING November 15, 2021

The Independence City Council met for a Regular Meeting, November 15, 2021, at 6:00 p.m., virtually held via Microsoft Teams and in person, in the Council Chambers, 111 E. Maple.

Shirley Murdock, member, Church of Jesus Christ of Latter-Day Saints, 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 Huff attended virtually. The following members of the City Council were absent: None.

Mayor Weir recognized Aaron from Cub Scout Pack 4221 with River Boulevard Baptist Church. Councilmember Perkins recognized Cub Scout Pack 738 with Glenview Baptist Church.

CITIZENS REQUEST TO SPEAK:

Councilmembers Steinmeyer and DeLuccie 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.

Kevin Baird spoke to Council regarding IPL's RFP for Replacement Generation.

Henry Carner spoke to Council regarding Bill No. 21-826.

Marla Kimsey spoke to Council on behalf of LAGERS retirees regarding NueSynergy.

Bob Sorenson spoke to Council regarding retiree update on open enrollment.

Lisa Wright spoke to Council regarding the Conversion Therapy ordinance.

Chris Fairbank spoke to Council on behalf of the Independence Fire Fighters regarding sales tax.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember DeLuccie requested that Item No. 1 and Item No. 3 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Item No. 1 and Item No. 3 to be considered separately.

1. Council action is requested to authorize the City Manager to enter into a contract with the Missouri Division of Tourism, contract number 22-045-30-093001, for the Supporting Destination Marketing Organization (DMO) Marketing Grant Program for "General Branding and Awareness FY22" for reimbursement of qualified advertising and marketing expenses in the amount of \$54,126.
4. Council action is requested to issue a one (1) year contract, with two (2), one-year renewal periods for Fire Hydrants with Ferguson Waterworks, Inc for the Water Department.

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.

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

Councilmember DeLuccie thanked the Independence Health Department for their work on these items.

Councilmembers DeLuccie and Hobart moved to approve Item No. 1.

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 51089, for the Maternal Child Health Services Grant Program for reimbursement of qualified expenses up to \$57,926.

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.

Councilmembers DeLuccie and Hobart moved to approve Item No. 3.

3. 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 51335, for the Epidemiology and Laboratory Capacity (ELC) Enhancing Detection (ED) Grant Program for reimbursement of qualified expenses up to \$690,975.

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.

PUBLIC HEARINGS:

Mayor Weir opened a new information only public hearing for the application by Driven Assets, LLC requesting a rezoning from C-1, Neighborhood Commercial, to C-2, General Commercial, for the properties located at 16912 and 16914 E. 23rd Street and 2221 S. M-291 S. M-291 Highway. 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.*

Bill No. 21-075, entitled, [Ord. #19272]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT C-2 (GENERAL COMMERCIAL) FOR 16912 AND 16914 E. 23RD STREET S. AND 2221 S. M-291 HIGHWAY 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 Branson Fryer requesting a rezoning from C-2, General Commercial, to R-6, Single-Family Residential, for the property located at 1207 S. Main Street. 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. 21-076, entitled, [Ord. #19273]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR 1207 S. MAIN STREET 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:

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Councilmembers Perkins and Hobart moved to postpone Non-Ordinance Action Item No. 1 indefinitely.

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.

1. City Council action is requested directing the City Manager to proceed with all work necessary to provide a "Fire Line" to the Englewood Arts building. Postponed from 11/1

Councilmembers Huff and Hobart moved to amend Bill No. 21-826 to change the effective dates and language regarding administering retiree benefits as supplied in the amended resolution. In response to Mayor Weir, City Manager, Zach Walker, provided information about the cancelation date of the contract. Mr. Walker confirmed that we will not need to purchase new software, retiree benefits will be handled by city staff using the same software used for active employees.

Upon roll call to amend Bill No. 21-826, 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 Huff and Steinmeyer moved to approve Bill No. 21-826.

Bill No. 21-826, entitled, [Res. #6746]

“A RESOLUTION DIRECTING THE CITY MANAGER TO IMMEDIATELY CANCEL THE CONTRACT WITH NUESYNERGY, INC. AND RESUME PROCESSING RETIREE BENEFITS IN HOUSE.” – *Requested by Councilmembers Mike Steinmeyer, Mike Huff and Brice Stewart*

Upon roll call to amend Bill No. 21-826, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

ORDINANCES:

Bill No. 21-074, entitled, [Ord. #19274]

“AN ORDINANCE AUTHORIZING EXECUTION OF A COOPERATIVE AGREEMENT FOR PAYMENT OF FUNDS FROM CITY OF KANSAS CITY, MISSOURI TO CITY OF INDEPENDENCE, MISSOURI FOR THE PURPOSE OF CONSTRUCTION OF THE NORTH KENTUCKY AVENUE BRIDGE OVER ROCK CREEK IMPROVEMENT PROJECT.” was given its second reading by title and placed on final passage. Councilmember Perkins provided some background information. 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. 21-077, entitled, [Ord. #19275]

“AN ORDINANCE APPROVING THE CHAPTER 353 REDEVELOPMENT PLAN FOR THE CARGO LARGO PROJECT, DECLARING THE AREA DESCRIBED IN THE REDEVELOPMENT PLAN TO BE A BLIGHTED AREA, TAKING OTHER ACTIONS TO IMPLEMENT THE REDEVELOPMENT PLAN, AND APPROVING A REDEVELOPMENT AGREEMENT.” was given its second reading by title and placed on final passage. Councilmember Hobart provided a statement of support for this bill. Councilmember Steinmeyer shared some concerns that citizens have expressed to him and stated that he is in support of this item but wants to give citizens more time to review this plan.

Councilmembers Steinmeyer and Huff moved to postpone Bill No. 21-077 for two weeks. Mayor Weir spoke in support of this bill and provided background information about the groups who have reviewed this plan and are in support of moving forward. In response to Councilmember Stewart, Mr. Walker stated that there was not a Study Session for this item, this went before the Incentives Commission twice for hearing. Councilmember Stewart stated that he would like to see a Study Session and will support postponing this item. In response to Councilmember Hobart, Mr. Walker provided information about the

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financial impact of this to the city. Mr. Walker stated he has no hesitation in recommending this because of the level of vetting that has taken place. In response to Councilmember Steinmeyer, Mr. Walker provided additional information about the abatement. Councilmember DeLuccie spoke in support of moving forward with this project.

Upon roll call to postpone Bill No. 21-077, the vote was: Ayes – Councilmembers: Huff, Stewart, and Steinmeyer. Noes – Councilmembers: Perkins, DeLuccie, Hobart and Mayor Weir. Absent – None. The Mayor declared the motion failed.

Councilmember Steinmeyer stated that he has a relative who works for Cargo Largo so he will be abstaining from voting on this item.

Upon roll call to approve Bill No. 21-077, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Hobart and Mayor Weir. Noes – None. Abstain: Councilmember Steinmeyer. Absent – None. The Mayor declared the bill approved.

Bill No. 21-078, entitled, [Ord. #19276]
“AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN D & J REALTY HOLDINGS LLC AND THE CITY OF 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, Hobart and Mayor Weir. Noes – None. Abstain: Councilmember Steinmeyer. Absent – None. The Mayor declared the bill approved.

Bill No. 21-079, entitled, [Ord. #19277]
“AN ORDINANCE LIMITING THE DEPTH OF TWO EXISTING EASEMENTS ON THE PROPERTY, LOT 2, IN WINTERSTONE UNDERGROUND FIRST PLAT, 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, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

Bill No. 21-080, entitled, [Ord. #19278]
“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. In response to Councilmember Stewart, City Prosecutor, Mitch Langford, provided more information about how the ordinance affects churches. Mr. Langford stated he has not seen a case like this play out in the court system before. Mr. Langford confirmed he would have the resources to thoroughly exam a case like this if it came before him. In response to Councilmember Hobart, City Counselor, Jeremy Cover confirmed that his understanding is that if someone is prosecuted, they have the right to break privilege to defend themselves. In response to Mayor Weir, Mr. Langford provided information about domestic violence dockets. 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. 21-081, entitled
“AN ORDINANCE AMENDING SECTION 1.35.003 OF THE INDEPENDENCE CITY CODE PERTAINING TO STRUCTURE OF THE ADVISORY BOARD OF HEALTH.”
was given its first reading by title.

Bill No. 21-515, entitled, [postponed until 12/6]
“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*

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was given its first reading by title. In response to Councilmember Huff, Mr. Walker stated that he does not have additional details available right now regarding the Unassigned Fund Balance of \$139,050.00 in Section 7.

Mayor Weir and Councilmember Steinmeyer moved to postpone the second reading of Bill No. 21-515 until the December 6, 2021 Council Meeting.

Upon roll call to postpone Bill No. 21-515, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the motion approved.

INFORMATION ONLY:

1. Apartment Moratorium Quarterly Update.
2. Municipal Division Monthly Case report October 2021.
3. Health Department Operations Committee Summary.
4. COVID-19 Semi-Monthly Update.
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 Perkins stated he had a good time at the Square Christmas Tree Lighting and the unveiling of the new Harry S. Truman statue. He stated it was nice seeing people get out for the holidays.

In response to Councilmember Stewart, Mr. Walker stated that the ordinance did not require staff to continue providing reports of funds spent below the threshold of \$50,000.00. Mr. Walker stated that staff could provide reports again if given direction by Council. Councilmember Stewart stated he would like to see them.

Councilmember DeLuccie stated the Truman statue is amazing. Councilmember DeLuccie thanked the Parks, Recreation and Tourism Department for their work in receiving a \$50,000.00 grant. Councilmember DeLuccie thanked the LAGERS retirees and city staff for working together to sort everything out regarding the benefit issues.

Councilmember Steinmeyer thanked Mr. Walker for his work with the retirees. Councilmember Steinmeyer spoke about some concerns he has about rising energy costs and Mr. Walker stated he will work with staff to make a presentation to Council with more information. Councilmember Steinmeyer stated he would like Council and staff to focus on generating revenue for our city without raising taxes.

Councilmember Hobart thanked Marla Kimsey for speaking for the retirees and stated that we have a good path going forward. Councilmember Hobart spoke about a conversation had with citizen, Tara Kruse, about comments he made during councilmember comments at the October 4, 2021 Council Meeting. Councilmember Hobart made an apology and provided his thoughts about the importance of citizens being involved in local government. Councilmember Hobart spoke about his feelings about bodycams for the Police Department.

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Mayor Weir drew attention to the Information Only Section of the agenda and discussed the Health Department Operations Committee and Health Department. Mayor Weir stated that the Englewood lighting event will take place on November 19, 2021 during the Third Friday Art Walk. Mayor Weir stated that there are four Mayor Christmas Trees within the city. Mayor Weir stated that there will not be a Christmas Concert this year, so she will be visiting every fourth-grade classroom in the Independence School District and providing kits to make environmentally friendly ornaments to place on the Mayor's Christmas Tree at the Independence Utility Center.

Mayor Weir stated she agreed with Councilmember Steinmeyer about the importance of bringing revenue to the city without raising taxes. She thanked the developer of the Cargo Largo project for his investment and bringing jobs and revenue to our city. Mayor Weir spoke about economic development. Mayor Weir spoke about the Federal Infrastructure Bill.

Mr. Walker thanked Mr. Sorenson for his positive statements and Mr. Walker apologized to the retirees for the letters that went out about benefits that caused confusion. Mr. Walker stated that communication will be going out to the retirees to confirm that benefits have not been lost as early as tomorrow.

At 7:18 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., December 6, 2021, in the Council Chambers.

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

ATTEST:

City Clerk