

REGULAR MEETING

April 4, 2022

The Independence City Council met for a Regular Meeting, April 4, 2022, at 6:00 p.m., virtually held via Microsoft Teams and in person, in the Council Chambers, 111 E. Maple.

Morris Heide, Director of Parks, Recreation and Tourism Department, 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. Absent – Councilmember Karen DeLuccie.

CITIZENS REQUEST TO SPEAK:

Tia Tuala spoke to Council regarding thanking the City Council and Staff.

Tracy Warma spoke to Council regarding opposing the development of McBee Acres.

Deborah Wilson spoke to Council regarding the NorthPoint Development.

Gerald Wilson spoke to Council regarding the NorthPoint Development.

Dana Long spoke to Council regarding the NorthPoint Development.

Councilmembers Huff and Hobart moved 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, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – Councilmember DeLuccie. The Mayor declared the motion approved.

Anita Champion-Burks spoke to Council regarding the NorthPoint Development.

Jennifer Burke spoke to Council regarding opposing the development of McBee Acres.

Bob Sorensen spoke to Council regarding thanking the current Council on behalf of the retirees of the City of Independence.

Michael Elkins spoke to Council regarding the Fairmount Plaza Apartments parking.

PRESENTATION RESOLUTION:

Councilmembers Huff and Steinmeyer moved to approve Bill No. 22-728.

Bill No. 22-728, entitled, [Res. #6783]

“A RESOLUTION RECOGNIZING RICHELIEU SESE, CONTRACT & BIDS ADMINISTRATOR, WITH THE FINANCE AND ADMINISTRATION DEPARTMENT, AS THE EMPLOYEE OF THE MONTH FOR APRIL 2022.”

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:

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City Clerk, Becky Behrens, read a proclamation for SevenDays. Mayor Weir provided additional information about SevenDays and is proud to participate again this year.

Ms. Behrens read a proclamation for Child Abuse Prevention Month. The proclamation was accepted by Christina Heinen, Director of Health and Animal Services Department.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember Hobart requested that Item No. 4 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Item No. 4.

1. Approval of minutes for the Regular Meetings on March 7, 2022, and March 22, 2022.
2. Council approval to issue a purchase order to Pyramid Excavation & Construction, Inc., in the amount of \$995,300.00 for a water main replacement project on Salisbury Road.
3. Council action is requested to issue a purchase order to the Missouri Highway Patrol, in the amount of \$446,345.25, for used Dodge Chargers for the Police Department.
5. Council action is requested to issue a purchase order to M & B Search Group (M & B), in the amount of \$50,000.00 for Recruitment Services for the Finance & Administration Department.
6. Council action is requested to issue a purchase order to Delta Innovative Services, Inc, in the amount of \$269,500.00 for Operations and Reservoir Roof Replacements for the Water Department.

Bill No. 22-729, entitled, [Res. #6784]

“A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUB-AWARDEE AGREEMENT BETWEEN THE KANSAS CITY AREA TRANSPORTATION AUTHORITY AND THE CITY OF INDEPENDENCE FOR THE CRRSAA FORMULA GRANT.”

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.

In response to Councilmember Hobart, Zach Walker, City Manager, provided background information on this item.

Councilmembers Hobart and Huff moved to approve Item No. 4.

4. Council action is requested to issue a purchase order to Kaw Roofing & Sheet Metal Inc., in the amount of \$155,380.00, for Roof Repairs for Central Garage for the Municipal Services Department.

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 the application by Jessica Glavas of Quik Trip, requesting a rezoning from C-1, Neighborhood Commercial, and C-2, General Commercial, to C-2, General Commercial for the property located at 16813 E. 23rd Street. Assistant Community Development Director, Rick Arroyo, provided background information on this item. In response to

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Councilmember Stewart, Mr. Arroyo provided additional information regarding the traffic in this area. Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 22-019, entitled, [Ord. #19312]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) AND C-2 (GENERAL COMMERCIAL) TO DISTRICT C-2 (GENERAL COMMERCIAL) FOR 16813 E. 23RD STREET S. (A.K.A. 16801 E. 23RD STREET S. AND 2304 S. M-291 HIGHWAY), IN INDEPENDENCE, MISSOURI.”

In response to Councilmember Huff, Mr. Arroyo stated that the applicant intends to keep the location at Gudgell open. 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.

Mayor Weir opened a new information only public hearing for the application by Chane and Amy Harris requesting a rezoning from C-2, General Commercial, to R-6, Single-Family Residential, for the property located at 16000 E. 23rd Street. Mr. Arroyo provided background information on this item. Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 22-021, entitled, [Ord. #19313]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR 16000 E. 23RD STREET S., 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 bill approved.

NON-ORDINANCE ACTION ITEMS:

Bill No. 22-730, entitled, [Res. #6785]

“A RESOLUTION ENCOURAGING THE CITY MANAGER TO INCLUDE FUNDING IN THE FISCAL YEAR 2022-2023 SUBMITTED BUDGET FOR THE ADDITION OF BODY CAMERAS FOR THE INDEPENDENCE POLICE DEPARTMENT IN ANTICIPATION OF RECEIVING FEDERAL GRANT FUNDS TO IMPLEMENT A BODY WORN CAMERA PROGRAM.” – *Requested by Councilmember Brice Stewart*

Councilmember Stewart stated why he believes body cams are important and asked the other Councilmembers to vote in support of this bill. In response to Councilmember Hobart, Mr. Walker stated that he has spoken to Interim Police Chief, Adam Dustman, about the IPD budget. Interim Chief Dustman provided financial information specific to implementing and maintaining body cams for the Police Department. Councilmember Hobart stated that he is interested in having body cams for IPD and hopes that we can find a way to make it happen in the budget. Councilmember Huff suggested doing outreach for private donors. Mr. Walker agreed to add a presentation to the next Study Session about body cam implementation. Mayor Weir stated that private donations are always welcome and a wonderful conversation to have with the Police Foundation. Mayor Weir stated that saying we can't afford it so we won't do it, is not an option. Mayor Weir stated that we may not be able to do everything in one year, but we need to give our Police Department and community assurance this is the path we are going to be on. In response to Councilmember Perkins, Mr. Walker stated that we will have to figure out what the trade offs are in order to add anything new to the budget this year to meet the very important priorities of the Council. 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.

Bill No. 22-731, entitled, [failed]

“A RESOLUTION REQUESTING THE MISSOURI STATE AUDITOR TO CONDUCT A COMPREHENSIVE PERFORMANCE AUDIT TO EXAMINE AND EVALUATE THE MANAGEMENT OF THE CITY OF INDEPENDENCE'S FISCAL, BUDGETARY AND PROCUREMENT POLICIES, AND PROCEDURES TO ENSURE TRANSPARENCY AND

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ACCOUNTABILITY TO THE TAXPAYERS AND THE EXPENDITURE OF PUBLIC FUNDS.” - *Requested by Councilmember Brice Stewart*

Councilmember Stewart stated that since he’s been on the Council, he’s heard from many citizens that do not feel as though the city is using our funds to the best of our ability and he feels doing this audit is important.

Councilmembers Stewart and Huff moved to amend Section 2 and Section 3 of Bill No. 22-731. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer and Mayor Weir. Noes – Councilmember Hobart. Absent – Councilmember DeLuccie. The Mayor declared the motion approved.

In response to Mayor Weir, City Counselor, Jeremy Cover, provided information about initiative petitions by citizens to request an audit and stated that because this is not an initiative petition, he does not know what the State Auditor’s response will be to a request for an audit outside of the initiative petition process. Councilmember Stewart stated that he mirrored this resolution from the one Jackson County passed and submitted which was approved by the State Auditor. In response to Mayor Weir, Councilmember Stewart stated that in the Jackson County resolution, questions were asked in the bullet points of the resolution and then the auditor makes the determination about what gets audited. Councilmember Hobart stated that the Jackson County audit was for the Sheriff’s Department and cost \$277,000 and did not audit everything. Councilmember Hobart shared his concerns about the impact the cost of an audit like this could have on our city resources and how expensive this will be. Councilmember Stewart stated that he believes if this is not passed that we will receive a citizen petition to force us to do this anyway. Mayor Weir stated that she is reluctant to jump into an unknown expense without more investigation so she will not be supporting this item tonight. Mayor Weir stated we could contact the Auditor’s office to see what the process may entail, and the initiative petition process is available to citizens. Mayor Weir stated we may need to limit this to the areas of greatest concerns and utilize our Audit and Finance Committee and Management Analyst, once hired, to assist with these things. Councilmember Huff stated that we won’t find out the cost of this until something is submitted to the Auditor’s office and would support starting this process. Mayor Weir stated that she believes the cost will be determined by the time and discovery it takes to complete the audit so it would not be given up front and she does not believe that once we make the request, if it is accepted that we could decide later not to move forward. In response to Councilmember Steinmeyer, Mr. Walker stated that there is an annual comprehensive financial review and performance audits are performed by the city’s Management Analyst but an audit like this has not been done by the State Auditor before. Mayor Weir stated that our CIDs have been audited by the State. Councilmember Perkins provided information about the Audit and Finance Committee that works with staff and outside auditors to review city financial items. Councilmember Perkins stated that he has reached out to the State Auditor’s office as well and the cost seems open ended. Councilmember Perkins stated he would encourage Councilmembers and citizens to take a look at some of the audits completed by the Audit and Finance Committee and look at remarks, improvements and controls that have been put in place. In response to Councilmember Perkins, Councilmember Stewart stated that he has not spoken to city staff. Mayor Weir advised Councilmember Perkins to direct his questions to her. Councilmember Perkins stated he will not be in favor of this item. Councilmember Steinmeyer stated that everyone wants to focus on the cost, but the issue is public trust. Councilmember Steinmeyer stated he thinks citizens understand the cost and are asking this to be done to rebuild public trust, which he stated is important to him.

Upon roll call for Bill No. 22-731 as amended, the vote was: Ayes – Councilmembers: Huff, Stewart, and Steinmeyer. Noes – Councilmembers: Perkins, Hobart and Mayor Weir. Absent – Councilmember DeLuccie. The Mayor declared the bill failed.

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3. Authorizing the Mayor of the City of Independence to execute a letter of support as part of the Bi-State Sustainable Reinvestment Corridor RAISE grant application committing to provide matching funds for this project in the amount of not to exceed \$350,000.

In response to Mayor Weir, Mr. Walker provided background information on this item. Mr. Walker stated that these funds typically come from the General Fund or the city's Street Sales Tax Fund.

Councilmember Perkins stated that he plans to make a motion after discussion to postpone so we can hear more about this in a Study Session. In response to Mayor Weir, Mr. Walker stated that the grant is due by April 14, 2022. Councilmember Perkins stated that it is a lot of money to spend before knowing very much about the project. Mayor Weir advised that the other municipalities involved are at the same stage of getting approval from the governing body to move forward with the application. Councilmember Huff stated that he agrees with Councilmember Perkins and feels like this is a rush when we don't know what it is doing. Mayor Weir stated it would be leveraging the federal RAISE grant program. In response to Councilmember Perkins, Mr. Walker provided information about Kansas City's budget and Mayor Weir stated that if it is not passed for this amount, it would mean that we could collectively apply for less money. Mayor Weir stated that if the Council is not in favor of this item, then we need to vote no, but we can't really postpone it because of grant deadline. Councilmember Perkins stated he is not in favor of this item. Mr. Walker stated that there will be a representative coming to the next Study Session to provide more information.

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

ORDINANCES:

Bill No. 22-018, entitled, [Ord. #19314]

“AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A CONTRACT WITH JACKSON COUNTY, MISSOURI, WHICH CALLS FOR JACKSON COUNTY TO PROVIDE FUNDING IN THE AMOUNT OF \$225,000.00 TO THE CITY FOR INDEPENDENCE POLICE DEPARTMENT'S LAW ENFORCEMENT SCHOOL BASED INITIATIVE CALLED S.T.E.P.”

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

Bill No. 22-020, entitled, [failed]

“AN ORDINANCE AMENDING SECTION 7.10.004 OF THE INDEPENDENCE CITY CODE TO INCLUDE A PROHIBITION ON THE USE OF VEHICLES WITH AN INTERNAL COMBUSTION ENGINE CONSTRUCTED OR SO OUT OF REPAIR AS TO CREATE LOUD OR UNNECESSARY NOISE.”

was given its second reading by title and placed on final passage. In response to Councilmember Stewart, Mr. Walker stated that Mayor Weir worked on this item with the City Prosecutor, Mitch Langford. Mr. Cover provided additional information about this item. Mayor Weir stated that she and Councilmember Steinmeyer have received complaints and this item is to address a common complaint about people riding vehicles up and down the street at all hours of the night and day in a disturbing manner. Councilmember Steinmeyer shared his concern with how this could be enforced. Mayor Weir stated that once it warms up we have a lot of motorcycles and unlawful four-wheelers on the road and that is what this is trying to address. Interim Chief Dustman provided information about enforcement and stated that calls for service will go up requiring officers to respond and deal with these complaints. Interim Chief Dustman stated this would be a General Ordinance Summons and a judge would decide on their case. In response to Councilmember Steinmeyer, Mr. Cover stated that if the case went to trial the complaining witness would need to testify. Mayor Weir stated that all of our laws are there for us to voluntarily comply with, but this would give a complainant the opportunity to testify that their peace has been disturbed and potentially make the behavior stop. In response to Councilmember Stewart, Interim Chief Dustman stated that an officer would respond to a call for service, and this would be treated like a normal peace disturbance.

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Interim Chief Dustman stated we do have a separate ordinance for defective equipment, such as not having a catalytic converter. 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 bill failed.

FIRST READINGS:

Bill No. 22-022, entitled

“AN ORDINANCE VACATING ALL EXISTING UNCONSTRUCTED RIGHT-OF-WAY OF ALL THAT PART OF BLUE RIDGE MOUNTAIN VIEW, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.”
was given its first reading by title.

Bill No. 22-023, entitled

“AN ORDINANCE ANNEXING A “CONTIGUOUS AND COMPACT” AREA OF LAND CONSISTING OF A PORTION OF THE RIGHT-OF-WAY OF OLD LEXINGTON ROAD LOCATED GENERALLY WEST OF US 24 HIGHWAY AND EAST OF N. BAY AVENUE IN UNINCORPORATED JACKSON COUNTY, MISSOURI, INTO THE CORPORATE LIMITS OF THE CITY OF INDEPENDENCE, MISSOURI, AND AUTHORIZING AND DIRECTING THE CITY CLERK TO DO THOSE THINGS NECESSARY TO ACCOMPLISH SAID ACTION.”
was given its first reading by title.

Bill No. 22-024, entitled

“AN ORDINANCE AUTHORIZING THE BORROWING OF NOT TO EXCEED \$85,000,000 FROM THE MISSOURI DEVELOPMENT FINANCE BOARD TO REFINANCE THE COSTS OF CERTAIN PROJECTS RELATED TO THE CITY'S ELECTRIC SYSTEM; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A FINANCING AGREEMENT WITH THE MISSOURI DEVELOPMENT FINANCE BOARD; AND PRESCRIBING OTHER MATTERS RELATING THERETO.”
was given its first reading by title.

Bill No. 22-025, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-12/PUD (TWO FAMILY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY SOUTHWEST OF SALEM DRIVE, EAST OF BAY AVENUE, NORTH OF US 24 HIGHWAY, IN INDEPENDENCE, MISSOURI.”
was given its first reading by title.

Bill No. 22-026, entitled

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 909 W. WALDO AVENUE, IN INDEPENDENCE, MISSOURI.”
was given its first reading by title.

Bill No. 22-027, entitled

“AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING TEMPORARY CONSTRUCTION AND GRADING EASEMENTS AND GENERAL UTILITY EASEMENTS FOR THE SUB K REBUILD PROJECT (PROJECT NO. 201706); AUTHORIZING THE NEGOTIATION AND EMINENT DOMAIN PROCEEDINGS IF NECESSARY; APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT; AUTHORIZING THE USE OF EXPERTS AS NEEDED; AUTHORIZING AND DIRECTING THE EXECUTION OF DOCUMENTS AND THE PAYMENT OF FUNDS TO PROPERTY OWNERS OR OTHERS HOLDING PROPERTY RIGHTS, IN CONJUNCTION WITH THE PROJECT.”
was given its first reading by title.

Bill No. 22-028, entitled

“AN ORDINANCE CREATING A CHARTER AMENDMENT ADVISORY BOARD, TO CONSIST OF NINE MEMBERS TO BE APPOINTED BY THE CITY COUNCIL; DEFINING THE PURPOSES AND DUTIES OF SAID BOARD AND THE

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OBJECTIVES SOUGHT TO BE ACCOMPLISHED; AND FURTHER PROVIDING FOR THE ORGANIZATION AND PLAN OF OPERATION OF SAID BOARD.” – *Requested by Mayor Eileen Weir* was given its first reading by title.

INFORMATION ONLY:

1. The City Clerk's Office is in receipt of the Crackerneck Center Community Improvement District Annual Report ending June 30, 2021.
2. The City Clerk's Office is in receipt of the Independence Square Community Improvement District Proposed Budget for fiscal year ending June 30, 2023.
3. The City Clerk's Office is in receipt of the Arrowhead Community Improvement District Proposed Budget for fiscal year ending June 30, 2023.
4. Marketplace Shopping Center CID Proposed Budget for fiscal year ending June 30, 2023.
5. Report on purchase agreements \$50,000 and above
6. Cases 22-100-03, 22-125-02, 22-125-03, requests from NorthPoint Development to rezone the property generally situated along Little Blue Parkway beginning around R.D. Mize Road to Truman Road then along M-78 Highway to M-7 Highway, were advertised for a new information only public hearing at the April 18, 2022 City Council meeting. At staff's request, these cases will have their first reading on April 18, 2022 and 2nd reading on May 2, 2022. This will move the the new information only public hearings on these cases to May 2, 2022.
7. 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 Hobart stated that Councilmember DeLuccie apologizes for missing the meeting tonight. Councilmember Hobart thanked Interim Chief Dustman and stated having a Police Chief that is interested in the budget is just what we need.

Councilmember Steinmeyer stated that he has heard from citizens about the fact that their utility bill was more than their gas bill in the winter months. He stated that citizens would like to hear this discussed by Council to see why this would be. Councilmember Steinmeyer stated the other complaint he's been hearing is about long wait times on hold or calling and you can't get through. He would like to see us update our phone system to possible implement a call back option for callers instead of waiting on hold and would like this discussed in an upcoming Study Session. Mr. Walker stated he will talk to staff and report back to Council. Councilmember Steinmeyer encouraged citizens to get out and vote tomorrow.

Councilmember Huff would like more information about why there are so many light poles near 39th and Arrowhead instead of being underground and why so many trees were cut down at Kohl's to put these in. Councilmember Huff stated that it looks like a trash pile where they cut up all the trees and would like it cleaned up.

Councilmember Perkins stated he was honored to be a part of the McCoy Academic Award with the Independence School District. Councilmember Perkins stated that with the warm weather he has also

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been made aware of ATVs out and about and wanted to make the officers aware of the locations he's been told they are being seen.

Councilmember Stewart encouraged everyone to go vote tomorrow.

At 7:48 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., April 18, 2022, in the Council Chambers.

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

ATTEST:

City Clerk