

REGULAR MEETING
June 6, 2022

The Independence City Council met for a Regular Meeting, June 6, 2022, at 6:00 p.m., in the Council Chambers, 111 E. Maple.

Anthea Ralovo provided the invocation followed by the Pledge of Allegiance.

Mayor Rory Rowland, Presiding Officer of the City Council, called the meeting to order. Upon roll call, the following members of the City Council were present: Jared Fears, John Perkins, Brice Stewart, Mike Steinmeyer, Daniel Hobart and Mayor Rory Rowland. Absent – None. *At the time of this meeting, one At-Large seat on the Council is currently vacant.*

CITIZENS REQUEST TO SPEAK:

Randy Williamson spoke to Council regarding the Jackson Drive Industrial Park.

Edward Nesbitt spoke to Council regarding CIP project and the budget.

Ali Karolezak spoke to Council regarding Redwood Independence.

PROCLAMATIONS:

City Clerk, Becky Behrens, read a proclamation for Alli Murphy Day. Mayor Rowland presented the proclamation to Alli Murphy.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember Stewart requested that Bill No. 22-757 be pulled for separate consideration.

Councilmember Steinmeyer request that Bill No. 22-755 be pulled for separate consideration.

Councilmembers Hobart and Perkins moved to approve the AMENDED CONSENT AGENDA minus Bill No. 22-757 and Bill No. 22-755.

1. Approval of minutes for the Regular Meetings on May 2, 2022, and May 16, 2022.
2. Approval is recommended to amend the Schedule of Fees for the City of Independence effective July 1, 2022.
3. Council action is requested to authorize the City Manager to approve a construction contract with Superior Bowen for an amount not to exceed \$4,401,425.12 authorizing future minor change orders not to exceed \$489,047.24 and/or time extensions for the 2022 Overlay Project as part of the Pavement Preventative Maintenance Operations Project (No. 112201).
4. Council action is requested to authorize the City Manager to approve a construction contract with SHEDIGS IT, LLC for an amount not to exceed \$472,952, authorizing future minor change orders not to exceed \$47,295.20 and/or time extensions for the Jones Road at Mill Creek Culvert Replacement Project (No. 132203).
5. Council action is requested to issue a purchase order for \$57,147.00 to Mid-America Valve for the replacement of contact/settling desludge valves at the Courtney Bend Water Treatment Plant for the Water Department.
6. Council action to award a Change Order #1 to Purchase Order 22000887 to Cogent in the amount of \$92,123.97 to cover additional repairs and parts for High Service Pump #2 at the Courtney Bend Water Treatment Plant for the Water Department. New revised amount of PO 2200031 will be \$99,256.97.
7. Council action is requested to issue a purchase order for \$75,490.98 to Clark Equipment Co d/b/a KC Bobcat for a T770 T4 Bobcat Compact Track Loader for the Parks, Recreation & Tourism Department.

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8. Council action is requested to issue a purchase order for \$81,505.80 to Grid Solutions US LLC for the replacement of next generation (NG) fiber optic equipment for the Power & Light Department.
9. Council action is requested to issue a purchase order for \$80,103.50 to Avo Multi-Amp Corp, dba Megger for a Relay Test Set for substation electrical systems for the Power & Light Department.
10. Council approval to issue a purchase order to Linaweaver Construction, Inc, in the amount of \$1,050,000.00 for a water main replacement project on Salisbury Road.
11. Council action is requested to approve a contract with the Independence Chamber of Commerce for the license of the Independence Square public area for the Santa-Cali-Gon Festival from Sept 2, 2022, through September 5, 2022.

Bill No. 22-753, entitled, [Res. #6807]

“A RESOLUTION REAPPOINTING DUANE STEPHENS AND APPOINTING LEE ARGO AND JOSH GULDNER AS MEMBERS OF THE HERITAGE COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.”

Bill No. 22-754, entitled, [Res. #6808]

“A RESOLUTION AUTHORIZING A CONTRACT WITH THE KANSAS CITY AREA TRANSPORTATION AUTHORITY FOR THE PURPOSE OF PROVIDING TRANSIT SERVICES FOR THE PERIOD OF JULY 1, 2022, THROUGH JUNE 30, 2023, IN THE AMOUNT OF \$135,342.00, AND AUTHORIZING FUTURE MINOR CHANGE ORDERS NOT TO EXCEED \$13,500.00.”

Bill No. 22-756, entitled, [Res. #6810]

“A RESOLUTION AUTHORIZING THE FILING OF APPLICATION(S) WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, FINANCIAL ASSISTANCE CENTER’S STATE ARPA GRANT PROGRAMS FOR SUBAWARD OF FEDERAL FINANCIAL ASSISTANCE PROVIDED TO THE STATE OF MISSOURI BY THE U.S. DEPARTMENT OF THE TREASURY PURSUANT TO SECTION 602(B) OF THE SOCIAL SECURITY, AS ADDED BY SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT, (PUB. L. NO. 117-2 (MARCH 11, 2021), 135 STAT. 4, 223-26.”

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

In response to Councilmember Stewart, City Manager, Zach Walker, provided additional information about changes being made to the policies and who it will affect and advised this would not apply to the Fire Department. In response to Councilmember Perkins, Mr. Walker stated that he does not see this affecting the grant money we receive for IPD overtime. In response to Councilmember Steinmeyer, Mr. Walker provided additional information about cost of restoration of sick leave hours used and stated it was not recommended to move forward. Deputy City Manager, Adam Norris, provided additional information about Fire Department overtime and stated this will be discussed with IAFF in negotiations.

Councilmembers Stewart and Fears moved to approve Bill No. 22-757.

Bill No. 22-757, entitled, [Res. #6811]

“A RESOLUTION DIRECTING THE CITY MANAGER TO PURSUE IMMEDIATE CHANGES TO THE CITY’S OVERTIME POLICIES AND PRACTICES.”

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

In response to Councilmember Steinmeyer, Mr. Walker provided additional information about this item and what the next steps are regarding development of this area.

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Councilmembers Steinmeyer and Stewart moved to postpone this item until more information can be provided by city staff. The motion was withdrawn. In response to Councilmember Hobart, Acting City Counselor, Joe Lauber, provided information regarding a preliminary plat. Mr. Lauber stated that without moving forward on this item it may be difficult to obtain some of the information that Councilmember Steinmeyer is asking for. Councilmember Steinmeyer stated that some of his constituents have incurred large costs because their home foundations have been damaged, possibly due to the detention pond built in the area. Councilmember Steinmeyer stated that this issue was brought to staff a long time ago so there is going to be hesitancy by the constituents that this is putting the cart before the horse.

Mayor Rowland called for a recess at 6:36 p.m. Mayor Rowland called the meeting back to order at 6:37 p.m.

In response to Councilmember Fears, Mr. Lauber confirmed that no construction would occur until after the final plat is approved. The Mayor provided an analogy comparing this process to the process of buying a home to help people understand this process.

Councilmembers Perkins and Fears moved to approve Bill No. 22-755.

Councilmember Steinmeyer reminded Council that he had ask for a motion to postpone once discussion was completed.

In response to Mayor Rowland, Mr. Walker advised that a geological survey is not typically done by the City on private property until there is project being contemplated.

Councilmember Perkins withdrew his motion to approve Bill No. 22-755.

Councilmember Steinmeyer moved to postpone Bill No. 22-755.

In response to Councilmember Steinmeyer, Mr. Walker advised that without this step being approved the additional research items would not be initiated. In response to Councilmember Steinmeyer, Mr. Lauber advised that staff will do the research to confirm the detention basin is in working order and meets the stormwater requirements before bringing this back to Council for final approval. Mr. Lauber advised that typically development pays for these surveys and studies and is not the responsibility of the city to pay for these items. In response to Councilmember Steinmeyer, Mr. Lauber advised that this development is for today and forward, this application does not look backward into time.

Councilmembers Hobart and Perkins moved to call the question. Due to the previous motion being started, but no second there was no question on the floor to be called. Councilmember Stewart seconded Councilmember Steinmeyer's motion to postpone.

Councilmembers Hobart and Perkins request to call the question resumed. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the motion approved.

Councilmembers Steinmeyer and Stewart moved to postpone Bill No. 22-755 pending more information from staff.

Upon roll call, the vote was: Ayes – Councilmembers: Stewart and Steinmeyer. Noes – Councilmember Fears, Perkins, Hobart and Mayor Rowland. Absent – None. The Mayor declared the motion failed.

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Councilmembers Hobart and Perkins moved to approve Bill No. 22-755.

Bill No. 22-755, entitled, [Res. #6809]

“A RESOLUTION APPROVING A PRELIMINARY PLAT OF JACKSON DRIVE INDUSTRIAL PARK, LOTS 1 – 8, AND TRACTS A & B, LOCATED ON THE NORTHWEST CORNER OF JACKSON DRIVE AND R. D. MIZE ROAD, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.”

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

PUBLIC HEARINGS:

Mayor Rowland opened a new information only public hearing for the application by Ali Karolczak requesting a rezoning from R-6, Single Family Residential, to R-18/PUD, Moderate Density Residential/Planned Unit Development, and to approve a preliminary development plan for the properties located at 19515 and 19601 E. R.D. Mize Road. Assistant Community Development Director, Rick Arroyo, provided background information on this item. Mayor Rowland declared the public hearing closed. *New Information Only.*

Bill No. 22-041, entitled, [Ord. #19334]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) TO DISTRICT R-18/PUD (MODERATE DENSITY RESIDENTIAL /PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTIES LOCATED AT 19515 & 19601 E. RD MIZE ROAD, IN INDEPENDENCE, MISSOURI.”

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

Mayor Rowland opened a full public hearing for the formation of the Noland South Community Improvement District. Community Development Director, Tom Scannell, provided background information on this item. Christopher Shank spoke in favor of this item. There being no additional speakers, Mayor Rowland declared the public hearing closed. *Full Public Hearing.*

Bill No. 22-044, entitled, [Ord. #19335]

“AN ORDINANCE APPROVING THE PETITION TO ESTABLISH THE NOLAND SOUTH SHOPPING CENTER COMMUNITY IMPROVEMENT DISTRICT (CID), ESTABLISHING THE DISTRICT, AND MAKING FINDINGS AND AUTHORIZING ACTIONS RELATED TO ESTABLISHMENT OF THE DISTRICT.”

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

ORDINANCES:

Bill No. 22-042, entitled, [Ord. #19336]

“AN ORDINANCE AMENDING SECTION 12.04.007 OF THE INDEPENDENCE CITY CODE FOR INCLUDING THE VIOLATION OF AN EX PARTE AS A VIOLATION OF AN ORDER OF PROTECTION.”

was given its second reading by title and placed on final passage. In response to Councilmember Stewart, City Prosecutor, Mitch Langford, provided background information and advised that if an order of protection is violated the city prosecutes the offender. In response to Councilmember Hobart, Mr. Langford confirmed that these cases have not been prosecuted at the state level for some time. Upon roll

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call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the bill approved.

Bill No. 22-043, entitled, [Ord. #19337]

“AN ORDINANCE CREATING SECTION 12.01.019 OF THE INDEPENDENCE CITY CODE FOR THE PROHIBITION OF STALKING.”

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

FIRST READINGS:

Bill No. 22-045, entitled

“AN ORDINANCE ADOPTING THE ANNUAL OPERATING AND CAPITAL BUDGETS OF THE CITY OF INDEPENDENCE, MISSOURI, FOR THE FISCAL YEAR JULY 1, 2022 - JUNE 30, 2023, ESTIMATING THE REVENUES FOR SAID FISCAL YEAR; APPROPRIATING SUMS FOR THE PURPOSES STATED IN SAID BUDGET, ESTABLISHING OPERATING TRANSFERS, DESIGNATING FUND BALANCE ALLOCATIONS, ESTABLISHING THE AUTHORIZED TABLE OF ORGANIZATION, AND DESIGNATING THOSE WHO MAY MAKE A REQUISITION FOR ENCUMBRANCES AGAINST APPROPRIATIONS.”

was given its first reading by title.

Bill No. 22-046, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT C-3 (SERVICE COMMERCIAL) FOR THE PROPERTY AT 1311 E. US 24 HIGHWAY IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 22-047, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6 (SINGLE FAMILY RESIDENTIAL) TO DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY AT 316 W. SEA AVENUE, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 22-048, entitled

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A CAR WASH AT 1337 S. NOLAND ROAD, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 22-049, entitled

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A USED CAR LOT AT 203 N. M-291 HIGHWAY, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

INFORMATION ONLY:

1. The City Clerk's Office is in receipt of the Hartman Heritage Center Community Improvement District Proposed Budget for 2022.
2. Report on purchase agreements \$50,000 and above.
3. 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).

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COUNCILMEMBER COMMENTS:

Councilmember Perkins stated the Strawberry Festival last weekend was great with good weather. Councilmember Perkins stated that he worked with five churches over the weekend to cleanup trash near Truman Rd. and 24 Highway and thanked the Municipal Services and Police Departments for helping with the event. Councilmember Perkins shared some upcoming events.

Councilmember Steinmeyer shared information about a ride-along he did with the Police Department on a homeless sweep. Councilmember Steinmeyer stated that the officers involved showed compassion and professionalism. Councilmember Steinmeyer thanked Acting Chief Adam Dustman, IPD officers and Parks, Recreation and Tourism Department for their efforts.

Councilmember Hobart thanked the owners of the Noland South Shopping Center for loving Independence so much and he stated he is excited to see the Cargo Largo project moving forward. Councilmember Hobart asked for help cleaning up some areas in his district.

Mayor Rowland shared some of his expectations for City Council moving forward, specific to politeness, professionalism and productivity. In response to Mayor Rowland, Mr. Walker advised that staff will provide some recommendations at the June 21, 2022 Council meeting.

At 7:08 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., June 21, 2022, in the Council Chambers.

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

ATTEST:

City Clerk