

REGULAR MEETING

January 3, 2023

The Independence City Council met for a Regular Meeting, January 3, 2023, at 6:02 p.m., in the Council Chambers, 111 E. Maple.

Steven Ballantyne, Assistant Pastor, Mount Zion Church, 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, Bridget McCandless, Mike Steinmeyer, Daniel Hobart and Mayor Rory Rowland. Absent – None. Councilmember Steinmeyer attended virtually.

Councilmembers Hobart and McCandless moved to suspend the Rules of Procedure to allow address Bill No. 23-700 before citizen comment. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the motion approved.

Councilmembers Hobart and Stewart moved to suspend the Rules of Procedure to address Bill No. 23-003 before citizen comment. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the motion approved.

Mayor Rowland presented the resolution to Ms. Irvine.

In response to Councilmember Hobart, City Manager, Zach Walker, advised that Bill No. 23-003 is listed as an ordinance and should be considered as a resolution and why.

Councilmembers Hobart and Stewart moved to amend Bill No. 23-003 to a resolution from an ordinance. In response to Councilmember Stewart, Mr. Walker stated that the discussions around the trash issue would end unless brought back up by this Council. Councilmember Steinmeyer stated that he is in agreement with this change as well. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the motion approved.

Councilmember Hobart addressed Mr. Ferrell who owns a local trash company in the city and stated he is happy to have him as a small business in Independence.

Councilmembers Stewart and Perkins moved to approve Bill No. 23-003.

Bill No. 23-003, entitled, [Res. #6885]

“A RESOLUTION EXPRESSING A DESIRE OF THE INDEPENDENCE CITY COUNCIL TO SUPPORT PROHIBITING EXCLUSIVE LICENSING TO ANY WASTE REMOVAL BUSINESS.” – *Requested by Councilmembers Steinmeyer and Stewart*

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

Councilmembers Hobart and McCandless moved to approve Bill No. 23-700.

Bill No. 23-700, entitled, [Res. #6882]

“A RESOLUTION RECOGNIZING KHRISTINA IRVINE, FISCAL ADMINISTRATOR, WITH THE INDEPENDENCE POWER AND LIGHT DEPARTMENT, AS THE I-STAR AWARD RECIPIENT FOR JANUARY 2023.”

REGULAR MEETING

January 3, 2023

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

CITIZENS REQUEST TO SPEAK:

Councilmembers Hobart and McCandless moved to suspend the Rules of Procedure to allow non-residents to speak during Citizen Requests.

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

Colleen Huff spoke to Council regarding prayer being removed from Council Meetings and trash service.

Chad McGregor spoke to Council regarding Public Power and Transparency.

Dusty Ferrell spoke to Council regarding Bill No. 23-003.

Ted Luce spoke to Council regarding Bill No. 23-003.

Betty Weaver spoke to Council regarding trash service.

Chris Cline spoke to Council regarding Bill No. 23-003.

Maria Vargas spoke to Council regarding trash companies.

Wes Epperson spoke to Council regarding the trash proposal.

Butch Nesbitt spoke to Council regarding the trash proposal and the Rules of Procedure change.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmembers Hobart and Fears moved to approve the CONSENT AGENDA.

Councilmember Perkins requested that Item No. 7 be pulled for separate consideration.

Councilmember McCandless requested that Item No. 5 and Item No. 6 be pulled for separate consideration.

1. Approval of minutes for the Regular Meetings on December 5, 2022 and December 19, 2022.
2. Council action is requested to enter into a three-year contract with InvoiceCloud for an online and IVR payment processing service.
3. Council action is requested to issue a purchase order to PTG Premier Truck Group, in the amount of \$117,288.00, for a MT-106 Diesel Truck with Knapheide service body for the Sewer Maintenance Division of the Municipal Services Department.
4. Council action is requested to authorize the City Manager to approve a construction contract with Blue Moon Haulers for an amount not to exceed \$546,879 authorizing future minor change orders not to exceed \$54,687.90 and/or time extensions for the Ralston Stormwater Drainage Improvements Project. (No. 131805).
8. Council action is requested to issue a purchase order to Garland DBS, in the amount of \$131,945.00, for roof restoration for two metal roofs at the IPL Blue Valley plant for the Power & Light Department.

REGULAR MEETING

January 3, 2023

9. Council action to issue Change Order to Purchase Order 23000108 to Wesco Distribution Inc in the amount of \$300,000 to cover additional expenses for pole mount and pad mount transformers for the Power & Light Department. New revised amount of PO will be \$540,000.

Upon roll call, the vote to approve the AMENDED CONSENT AGENDA was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, 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 McCandless, Mr. Walker thanked our Municipal Services Department for their hard work and provided background information on Item No. 5 and Item No. 6.

Councilmembers McCandless and Fears moved to approve Item No. 5.

5. Council action is requested to authorize the City Manager to approve change order No. 1 to the design services contract with Renaissance Infrastructure Consulting for the Sidewalks Phase 2 Project (No. 112209) for an amount not to exceed \$14,972; authorizing future minor change orders for an amount not to exceed \$1,497.20.

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

Councilmembers McCandless and Fears moved to approve Item No. 6.

6. Council action is requested to authorize the City Manager to issue a change order increase to the design contract with Anderson Engineering in the amount of \$50,000, authorizing future change orders not to exceed \$5,000 and/or time extensions, to perform additional design services for the Fairmount Neighborhood Storm Drainage Project (No. 132101).

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

Councilmember Perkins shared excitement for this project and provided background information.

Councilmembers Perkins and Fears moved to approve Item No. 7.

7. Council action is requested to authorize the City Manager to approve a design contract, and issue a purchase order to, Burns & McDonnell for an amount not to exceed \$693,385.80, authorizing future minor change orders not to exceed \$69,385.58. and/or time extensions, to perform engineering design services for the 24 Highway Complete Streets Phase 3 Project (No. 112212).

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

PUBLIC HEARINGS:

Mayor Rowland opened a new information only public hearing for the application by Colin McClain requesting a rezoning from C-2, General Commercial, to R-6, Single-Family Residential, for the property located at 400 N. Osage Street. Director of Community Development, Tom Scannell, provided background information on this item. Mayor Rowland declared the public hearing closed. *New Information Only.*

Bill No. 22-112, entitled, [Ord. #19403]
 “AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTY AT 400 N. OSAGE STREET IN INDEPENDENCE, MISSOURI.”

REGULAR MEETING

January 3, 2023

was given its second reading by title and placed on final passage. In response to Councilmember Hobart, Mr. Scannell provided information about what is surrounding this property. Councilmember Perkins stated that he did not receive any letters to his office in opposition of this rezoning. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the bill approved.

NON-ORDINANCE ACTION ITEMS:

Bill No. 23-701, entitled, [Res. #6883]

“A RESOLUTION DIRECTING THE CITY MANAGER TO RECORD, LIVESTREAM, AND UPLOAD MEETINGS OF THE CITY CHARTER REVIEW COMMISSION.” – *Requested by Councilmembers Mike Steinmeyer and Brice Stewart*

Councilmembers Stewart and McCandless moved to amend Bill No. 23-701 to insert language into Section one after “virtual streaming platforms” that reads “beginning with the commission’s second which is when they will begin to substantially revisions to the Charter.” Councilmember Stewart stated that this would allow the commission members to get to know each other and get any preliminary things out of the way. Councilmember McCandless shared her feelings about the importance of this committee and stated she received feedback from citizens that felt like the committee meetings need to be streamed events and trusts that the citizens of the city will treat the commission members with respect and grace while they work through this process.

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

Upon roll call for Bill No. 23-701, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the bill approved.

Bill No. 23-702, entitled, [Res. #6884]

“A RESOLUTION AMENDING RESOLUTION NO. 6867 AND UPDATING LANGUAGE IN SECTION 2.” – *REQUESTED BY COUNCILMEMBER BRIDGET MCCANDLESS*

Councilmember McCandless advised that this would change the total number of commissioners from 9 to 11 so she could provide some recommendations. Councilmember Stewart shared his feelings regarding this item and will be voting in support. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the bill approved.

ORDINANCES:

Bill No. 22-111, entitled, [Ord. #19405]

“AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF INDEPENDENCE, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR PARTICIPATION IN THE TRAFFIC ENGINEERING ASSISTANCE PROGRAM AND DESIGN SERVICES FOR A TRAFFIC STUDY AT NOLAND ROAD AND 35TH STREET FOR INTERSECTION SAFETY AND OPERATIONAL ANALYSIS.”

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

Bill No. 22-115, entitled, [Ord. #19406]

“AN ORDINANCE AMENDING ORDINANCE 19226, BY UPDATING THE NECESSARY EASEMENT DESCRIPTIONS

REGULAR MEETING

January 3, 2023

FOR PARCELS 5 AND 20 OF THE 24 HWY COMPLETE STREETS PHASE 1 PROJECT (PROJECT #111801) IN ORDER TO MAKE NECESSARY DESIGN CHANGES.”

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

Councilmembers Hobart and Fears moved to postpone the second reading of Bill No. 22-116 until the January 17, 2023 Council Meeting. Councilmember Hobart stated that there will be a Study Session on January 9, 2023 with more information about this item.

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

Bill No. 22-116, entitled, [*postponed to 1/17*]

“AN ORDINANCE IMPOSING A MARIJUANA SALES TAX AT THE RATE OF THREE PERCENT OF THE RECEIPTS FROM THE SALE AT RETAIL OF ADULT USE MARIJUANA WITHIN THE CITY OF INDEPENDENCE, MISSOURI, WHICH SHALL REMAIN IN EFFECT AT SAID RATE THEREAFTER UNTIL REPEALED, BY THE VOTERS OF THE CITY; CALLING FOR THE PROPOSITION ADOPTING SAID TAX TO BE PLACED ON THE BALLOT AT THE REGULARLY SCHEDULED ELECTION TO BE HELD APRIL 4, 2023; PROPOSING THE FORM OF THE BALLOTS AND DIRECTING THE CITY CLERK TO DO ALL THINGS CALLED FOR BY LAW IN CONNECTION WITH THE HOLDING OF SAID ELECTION.”

FIRST READINGS:

Bill No. 22-113, entitled, [Ord. #19407]

“AN ORDINANCE ADOPTING AMENDMENTS TO THE FISCAL YEAR 2021- 2022 BUDGET, WHICH WAS APPROVED BY ORDINANCE NO. 19228. APPROPRIATION ORDINANCES MAY RECEIVE TWO READINGS AND BE VOTED ON AT THE SAME MEETING.”

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

Bill No. 22-114, entitled, [Ord. #19408]

“AN ORDINANCE ADOPTING AMENDMENTS TO THE FISCAL YEAR 2022- 2023 BUDGET, WHICH WAS APPROVED BY ORDINANCE NO. 19340. APPROPRIATION ORDINANCES MAY RECEIVE TWO READINGS AND BE VOTED ON AT THE SAME MEETING.”

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

Bill No. 23-001, entitled

“AN ORDINANCE AMENDING ARTICLE 1 “COUNCIL MEETINGS” OF THE INDEPENDENCE CITY CODE AND REPEALING THE COUNCIL RULES OF PROCEDURE.”

was given its first reading by title.

Bill No. 23-002, entitled

“AN ORDINANCE FINDING AND GRANTING TWO 10-FOOT GENERAL UTILITY EASEMENTS TO SPIRE MISSOURI, INC. ACROSS PART OF LOTS 1 & 2 OF MORNINGSIDE HEIGHTS.”

was given its first reading by title.

INFORMATION ONLY:

1. Case 22-100-20, a request by Walter Bethany to rezone the property at 701 N. Forest Avenue from R-6 (Single-Family Residential) to R-12 (Two-Family Residential), was advertised for a new information only public hearing at the January 3,

REGULAR MEETING

January 3, 2023

2023 City Council meeting. As this case was continued twice by the Planning Commission, the new information only public hearing is now expected to be heard at the February 20, 2023 City Council meeting.

2. Please Note: In accordance with RSMo 610.021, the City Council may convene in an Executive Session during or after the meeting, 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 shared his concerns regarding Bill No. 23-001. In response to Councilmember Stewart, Mayor Rowland clarified the intent behind the language regarding items being added to the agenda. Councilmember Stewart stated that he feels that the language needs to be removed entirely so that it does not silence Councilmember voices for their constituents.

Councilmember Perkins stated he hoped everyone had a great start to the new year. Councilmember Perkins stated that we have had some good conversations and wants citizens to know that the Council listens, he used the trash proposal as an example. Councilmember Perkins stated that he also feels there are flaws in the Rules of Procedure update proposed.

Councilmember Fears echoed Councilmember Perkins regarding the trash proposal, we heard the citizens and took appropriate action. Councilmember Fears wished everyone a happy new year.

Councilmember Hobart thanked everyone in attendance and wished everyone a happy new year. Councilmember Hobart shared his feelings regarding the Rules of Procedures update and stated that there will be changes made to what is being proposed and that the majority of the Council wants prayer to remain on the agenda at this time. Councilmember Hobart stated that although the Council does not all agree, but the continued hard work by the Council to keep taking positive steps forward.

Councilmember McCandless recognized Mr. Epperson who has been doing great community organizing in his neighborhood. Councilmember McCandless shared information about UMKC's Center for Neighborhoods and the training they offer regarding neighborhood associations.

Councilmember Steinmeyer wished everyone a happy new year. Councilmember Steinmeyer stated that it gives him such pride in the city when citizens come together to talk about issues, they are passionate about. Councilmember Steinmeyer is happy that we are all together supporting small businesses in our community. Councilmember Steinmeyer shared his concerns regarding the Rules of Procedure update proposed.

Mayor Rowland thanked those in attendance and who spoke to share their ideas. Mayor Rowland stated he is always happy to speak with citizens directly if they have concerns and for them to reach out if needed.

Mr. Walker advised that an update to the Study Session for January 9, 2023 will be posted to include the presentation regarding recreational marijuana.

At 7:05 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., January 17, 2023, in the Council Chambers.

REGULAR MEETING

January 3, 2023

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

ATTEST:

City Clerk