

REGULAR MEETING

January 17, 2023

The Independence City Council met for a Regular Meeting, January 17, 2023, at 6:02 p.m., in the Council Chambers, 111 E. Maple.

Laurie Dean Wiley, member, EPIC 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 McCandless attended virtually.

Councilmembers Fears and Hobart moved to suspend the Rules of Procedure to address Bill No. 23-001 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 Fears and Perkins moved to remand Bill No. 23-001 back to staff. Councilmember Fears stated that he would like to see this sent back to staff to refine and bring back to Council. Councilmember Steinmeyer stated he feels this is the responsibility of Council to review the Council Rules and not staff.

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.

Bill No. 23-001, entitled, [*remanded back to staff*]
“AN ORDINANCE AMENDING ARTICLE 1 “COUNCIL MEETINGS” OF THE INDEPENDENCE CITY CODE AND REPEALING THE COUNCIL RULES OF PROCEDURE.”

CITIZENS REQUEST TO SPEAK:

Councilmembers Hobart and Steinmeyer 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.

Janet Conrow spoke to Council regarding Council Rules Changes.

Dan O'Neill spoke to Council regarding Council Rules of Procedure.

Colleen Huff spoke to Council regarding Council Rules of Procedure.

Richard McKee spoke to Council regarding Council Rules of Procedure.

Lucy Young spoke to Council regarding Bill No. 23-001.

Michael Talcott spoke to Council regarding IPL related issues.

Chris Fairbank spoke to Council regarding ESCI Study and Rules of Procedure.

Maria Vargas spoke to Council regarding 713 S. Willis Ave. rezoning.

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Butch Nesbitt spoke to Council regarding Policy and Procedures.

Ken Love spoke to Council regarding Rules of Procedure.

Mike Huff spoke to Council regarding Rules of Procedure.

Laurie Dean Wiley spoke to Council regarding Short Term Rentals.

City Counselor, Jeremy Cover, advised Council that the next Council Meeting will be on Wednesday, February 8, 2023 per the Rules of Procedure unless Council vote to change that.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmembers Hobart and Fears moved to approve the CONSENT AGENDA.

1. Council action is requested to approve the issuance of a change order on Purchase Order 23000624 to USIC Locating Services, increasing the amount approved by \$110,000.
2. Council action is requested to issue a contract with U.S. Bank National Association for procurement card services with an initial term of three (3) and the option to renew for two (2) additional one (1) year terms. Expenditures will not exceed budgeted amounts.
3. Council action to issue a purchase order to Capital Electric Line Builders in the amount of \$58,000.00 for a Traffic Signal Replacement at the Intersection of E. 35th & S. Sterling Ave for the Power & Light Department.

Bill No. 23-703, entitled, [Res. #6886]
“A RESOLUTION APPOINTING DOUGLAS SHORT TO BE A CITY REPRESENTATIVE ON THE UNIVERSITY OF MISSOURI EXTENSION COUNCIL.” – *Individual Appointment-Mayor Rory Rowland*

Bill No. 23-704, entitled, [Res. #6887]
“A RESOLUTION REAPPOINTING GLEN ESPLIN TO THE TOURISM COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.”

Bill No. 23-705, entitled, [Res. #6888]
“A RESOLUTION REAPPOINTING LIBET OJEDA TO THE STREET IMPROVEMENT OVERSIGHT COMMITTEE” – *Individual Appointment-Councilmember John Perkins*

Bill No. 23-706, entitled, [Res. #6889]
“A RESOLUTION AFFIRMING THE REAPPOINTMENT OF PATRICK CASEY AND BRUCE LUEDEMAN TO THE PUBLIC SAFETY TAX OVERSIGHT COMMITTEE FOR THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointments-Councilmembers Brice Stewart and John Perkins*

Bill No. 23-707, entitled, [Res. #6890]
“A RESOLUTION APPOINTING STEVE MCLUCKIE AS A MEMBER OF THE PUBLIC UTILITIES ADVISORY BOARD OF THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointment-Councilmember Bridget McCandless*

Upon roll call, the vote to approve the 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 CONSENT AGENDA was approved.

ORDINANCES:

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Bill No. 22-116, entitled, [Ord. #19409]

“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.”

was given its second reading by title and placed on final passage.

Councilmembers Fears and Perkins moved to amend Bill No. 22-116 to substitute the six WHEREAS paragraphs and with four new WHEREAS paragraphs, to add “For the purpose of funding Public Safety facilities and operations” to the beginning of the ballot language sentence and adding Section 4 and Section 5 to the ordinance. Councilmember Fears stated his reasons for the amendment. In response to Councilmember Hobart, City Manager, Zach Walker stated that he made a scrivener’s error in the third WHEREAS paragraph and will correct the public safety language. In response to Councilmember McCandless, Mr. Walker confirmed that this use can be for public safety services to include, but not limited to dispatch and emergency preparedness, not solely for police and fire. Councilmember Steinmeyer stated that he worked with others on the Council with language updates which are not included and does not feel this amendment makes it clear to the taxpayers what we are asking for, specifically a new police building. In response to Councilmember Stewart, Mr. Walker clarified some changes being made by this amendment. Councilmember Fears corrected Mr. Walker stating that his amendment is not to change “public safety” to include read only “police and fire” in the ordinance. Councilmember Fears stated that he feels “public safety” will allow us to use the funds in the future for other needs we may have, he prefers the broader language. In response to Mayor Rowland, Mr. Cover confirmed that that the Mayor could call a recess with the motion on the table so that printed copies of the language changes can be printed for Council prior to the vote.

Mayor Rowland called a recess at 6:52 p.m.

Mayor Rowland called the meeting back to order at 7:08 p.m.

In response to Mayor Rowland, Mr. Walker stated that it needs to be decided by the Council whether “public safety” will be used or “police and fire” in the amendment of the ordinance. In response to Councilmember Fears, Mr. Walker stated generally public safety does include police and fire services. Councilmember Stewart stated that he would like to keep the ballot language to read “public safety” but change a WHEREAS paragraph to specify police and fire so if there ever is a question about the ballot language, then the ordinance can be referenced. Councilmember Steinmeyer stated that using broad terms does not work well in the city and used the Use Tax election item failure as an example. Mr. Walker confirmed that when the city was more specific, the Use Tax was then passed after the next election. Councilmember Steinmeyer stated that he cannot support the broadness of the language and believes listing police and fire specifically protects the tax dollars. In response to Councilmember Hobart, Mr. Walker stated that it is typically more successful with direct ballot language, but our ordinance can then outline more specifically items we want the funds used for. Councilmember Hobart stated that he would like a WHEREAS paragraph that defines public safety as police, fire, emergency services and dispatch services and would like “public safety” used in the ballot language. Councilmember McCandless stated that she is happy with Councilmember Hobart’s suggested solution and shared her thoughts about next steps and residual financing needs to finish the job.

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Councilmembers Fears and McCandless moved to add “(police, fire, dispatch, and emergency preparedness)” after the words “public safety” in the third WHEREAS paragraph of the proposed amendment to Bill No. 22-116. Councilmember Hobart suggested adding the words “limited to” before the word “police” to make it clearer that the funds will be used toward only those entities. Councilmembers Fears and McCandless agreed to change their motion to include the words “limited to.” In response to Mr. Walker, the word “dispatch” will be changed to “emergency communications dispatch” so that there is not confusion with dispatch regarding other departments.

Councilmember Steinmeyer called a point of order. Mayor Rowland clarified that there is currently a motion on the floor to amend the bill, and right now they are voting on the amendment to the amendment. In response to Councilmember Stewart, Mayor Rowland clarified that the vote is for the amendment to the amendment.

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

Upon roll call on the original motion to amend Bill No. 22-116, 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 Fears moved to approve Bill No. 22-116.

Upon roll call for Bill No. 22-116 as amended, 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. 23-002, entitled, [Ord. #19410]

“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 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.

FIRST READINGS:

Bill No. 23-004, entitled

“AN ORDINANCE AUTHORIZING THE INCREASE OF EXPENDITURES FOR SALARIES FOR LIFEGUARDS AT THE ADVENTURE OASIS WATER COMPLEX FOR \$58,434.00 AND MAKING THE NECESSARY APPROPRIATIONS.”

was given its first reading by title.

Bill No. 23-005, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT I-1 (INDUSTRIAL) TO DISTRICT R-6 (SINGLE FAMILY RESIDENTIAL) FOR THE PROPERTIES AT 709 AND 713 S. WILLIS AVENUE IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

INFORMATION ONLY:

1. Change order 23000083 in the amount of \$60,000.00 was issued to DPC Industries for Liquid Chlorine for use in the Courtney Bend Water Plant for the Water Department. New revised amount of PO is \$140,000.
2. Purchase order 23000754 in the amount of \$171,072.92 was issued John Moore Oil Company for Substation Fuel Oil for the Power & Light Department.

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3. The City Clerk's Office is in receipt of the Susquehanna East Shopping Center Community Improvement District Annual Report ending June 30, 2022.
4. The City Clerk's Office is in receipt of the Englewood Community Improvement District Annual Report ending June 30, 2022.
5. The City Clerk's Office is in receipt of the Marketplace Shopping Center Community Improvement District Annual Report ending June 30, 2022.
6. The City Clerk's Office is in receipt of the 39th Street Transportation Development District's Annual Report ending June 30, 2022.
7. Municipal Division monthly case report December 2022
8. 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 Fears stated that he appreciated all the citizen input from the meetings last week that it helped with some of the actions taken tonight.

Councilmember Hobart thanked his fellow Councilmembers for all working very hard on the marijuana tax issue. Councilmember Hobart stated that he knows that the police department and fire department will appreciate the steps taken. Councilmember Hobart shared information about his attendance to the Martin Luther King Jr. Celebration. Councilmember Hobart shared a song verse and wished the best for everyone.

Councilmember Steinmeyer thanked city staff for their hard work in all the meetings held last week. Councilmember Steinmeyer shared that his emotions are just concerns for the people and homes in the city. Councilmember Steinmeyer stated that there is still a lot of work to be done regarding finding the funding for a new police building and to be fiscally responsible. Councilmember Steinmeyer discussed the DKMT study and asked Mr. Walker with the Director of IPL to provide and update on recommendations and status of implementation. Councilmember Steinmeyer thanked everyone in attendance.

Councilmember McCandless thanked the Charter Review Commission members for their willingness to serve and stated that she wanted them to know the Council appreciates the dedication and honorable nature of the efforts they provide.

Mayor Rowland thanked everyone who attended the Martin Luther King Jr. Celebration. Mayor Rowland stated that the Charter Review Commission had their first meeting and elected a Vice Chair, Tom Waters. In response to Mayor Rowland, City Counselor, Jeremy Cover, confirmed that the next meeting will be on Wednesday, February 8, 2023, per the Rules of Procedure, unless Council votes to change it. Mr. Walker provided information regarding required publications that were made for the meeting to be held on Monday, February 6, 2023.

Councilmembers Hobart and Fears moved to suspend the Rules of Procedure to bring up another topic on the agenda.

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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 Steinmeyer moved to change the next regular scheduled Council Meeting from February 8, 2023 to February 6, 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 motion approved.

At 7:49 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., February 6, 2023, in the Council Chambers.

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

ATTEST:

City Clerk