

REGULAR MEETING March 6, 2023

The Independence City Council met for a Regular Meeting, March 6, 2023, at 6:00 p.m., in the Council Chambers, 111 E. Maple.

Ken Truax, Elder, East Independence Church of Christ, 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.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmembers Hobart and McCandless moved to approve the CONSENT AGENDA.

Councilmember Stewart requested that Bill No. 23-722 be pulled for separate consideration.

Councilmember Fears requested that Bill No. 23-716 be pulled for separate consideration.

1. Approval of minutes for the Regular Meetings on February 6, 2023 and February 20, 2023 and Special Called Meeting on February 14, 2023.
2. Council action is requested to issue a purchase order to Insituform Technologies, USA, LLC in the amount of \$98,244 per Johnson County Term Contract Authorization 77, and approving future minor change orders in an amount not to exceed \$9,824.40, as part of the Trenchless Technology project (no. 9757).
3. Council action is requested to issue a one (1) year contract, with two (2), one-year renewal periods for sludge hauling with Synagro for the Municipal Services Department.
4. Council action is requested to issue a one (1) year contract, with two (2), one-year renewal periods for a lime source with Mississippi Lime Company for the Municipal Services Department.
5. Council action is requested to issue a purchase order to Brotke Well and Pump, in the amount of \$1,231,908.00 to drill and construct Well No. 26 and Well No. 28 in the Well Field at the Courtney Bend Water Plant for the Water Department and to approve future minor change orders in the amount not to exceed \$123,190 and time extensions as deemed appropriate.
6. Council action to issue Change Order #2 to Purchase Order 22000976 to Worldwide Industries Corporation in the amount of \$422,535.00 to cover additional expenses to the steel structure of the 39th Street Reservoir for the Water Department. New revised amount of PO will be \$2,138,204.00.
7. Council action to issue Change Order #1 to Purchase Order 23000082 to Carus Corporation in the amount of \$60,000.00 to cover additional expenses 50 lb Sodium Hexametaphosphate bags for the Courtney Bend Water Treatment Plant for the Water Department. New amount of PO will be \$165,000.00.
8. Council action is requested to expend \$180,000.00 in purchase orders to Solomon Corporation, for Transformer Repair-Remanufacturing for the Power & Light Department.
9. Council Action is requested to issue a purchase order to Genesis Environmental Solutions, Inc. for the Courtney Bend Water Treatment Plant Filter No. 8 coating system replacement project for the Water Department.
10. Council Action is requested to issue a purchase order to Martin Mechanical for the Courtney Bend Water Plant High Service Pump Building A/C project for the Water Department.
11. Council action is requested to issue a purchase order to Olathe Ford for \$157,932.00 for the purchase of two (2) F150 small dump trucks for the Sewer Maintenance Collections and Stormwater Divisions of the Municipal Services Department.

REGULAR MEETING

March 6, 2023

12. Council action is requested to issue a purchase order to Genesis Environmental Solutions, Inc. for \$981,600.00 for the Trail Ridge Drive and Pacific Avenue Water Main Replacement Project for the Water Department.

Bill No. 23-723, entitled, [Res. #6905]

“A RESOLUTION APPOINTING CORI THARP AS A MEMBER OF THE HERITAGE COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.” – *Requested by Councilmember Dan Hobart*

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 Stewart, Mayor Rowland provided some background information on this item and gave examples of what the commission has been working on. Mayor Rowland stated that the commission could present their final report and recommendations to Council at a Study Session prior to their last meeting date for the Council to ask questions. Mayor Rowland stated that the commission has met 2-3 times per month. Councilmember Steinmeyer stated he would like more information about the specifics that are being worked on because it is an exhaustive list, and he feels that the Council should have input into their Code of Conduct. Mayor Rowland provided additional background information and stated that he can provide more information to Councilmember Steinmeyer. Councilmember Steinmeyer stated he will be voting no until he sees more information. In response to Councilmember McCandless, City Counselor, Jeremy Cover, advised the date the commission was formed was in July 2022 and the commission was to sunset March 31, 2023. Councilmember Hobart clarified that the commission will make recommendations and then the Council can review and vote on what they would like to adopt. Councilmember Stewart advised he will vote yes on this extension but feels these two additional months should be plenty of time for them to complete their work.

Councilmembers Stewart and McCandless moved to approve Bill No. 23-722.

Bill No. 23-722, entitled, [Res. #6904]

“A RESOLUTION AMENDING THE MEMBER TERMS OF THE MAYOR’S ADVISORY COMMISSION ON ETHICS REFORM.”

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

Councilmembers Fears and Perkins moved to approve Bill No. 23-716.

Councilmembers Fears moved to amend Bill No. 23-716 to add Jamie Franklin as an alternate member, with no second. In response to Councilmember Hobart, City Clerk, Becky Behrens, advised that the original resolution does not list an alternate member for this committee. Ms. Behrens recommended to amend Resolution #3503 that created the Stay Well Committee to include an alternate representative and then set parameters for the member within that amendment. In response to Councilmember Fears, City Manager, Zach Walker, advised that the alternate for the other groups typically do not attend the meetings when their standing member is able to attend. In response to Councilmember Hobart, Councilmember Fears confirmed that his understanding is that Jamie Franklin would serve in place of Cindy Culp if she is not able to attend a meeting. Councilmember Hobart suggested adding that to the amendment instead of changing the foundational resolution that created the committee. Ms. Behrens advised that currently the foundational resolution does not have an alternate member listed.

REGULAR MEETING

March 6, 2023

Councilmember Fears moved to amend Bill No. 23-716 to add Jamie Franklin to serve as an alternate member and amend Resolution No. 3503, with no second. In response to Councilmember Steinmeyer, Mr. Cover advised that it would be inappropriate to amend Resolution No. 3503. Mr. Cover stated that we should review any changes needed to Resolution No. 3503 to address those changes at a later time. Mr. Cover suggested addressing only the resolution that is before Council at this time. In response to Councilmember Fears, Mr. Cover confirmed that per Resolution No. 3503 there are not alternates and only the named individuals appointed should be serving and that alternates are not currently allowed. Councilmember Fears withdrew his motion and asked that staff look into this further.

Bill No. 23-716, entitled, [Res. #6903]

“A RESOLUTION REAPPOINTING CINDY CULP TO THE CITY MANAGER’S STAY WELL COMMITTEE.”

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.

PUBLIC HEARINGS:

Mayor Rowland opened a new information only public hearing for the application by Mark Turnbough with Summit Holdings Group, LLC, requesting a rezoning from C-2, General Commercial, to R-18/PUD (Moderate Density Residential/Planned Unit Development) for the property located at 420 S. Main Street. Assistant Director of Community Development, Rick Arroyo, provided background information on this item. Mayor Rowland declared this public hearing closed. *New Information Only.*

Bill No. 23-013, entitled, [Ord. #19416]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-18/PUD (MODERATE DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN TO REZONE THE PROPERTY LOCATED AT 420 S. MAIN STREET, IN INDEPENDENCE, MISSOURI.”

was given its second reading by title and placed on final passage. Councilmember Perkins thanked staff and the developer for their work on this project. 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.

Mayor Rowland opened a new information only public hearing for the application by Adrienne Hill and Andres Villatoro requesting a rezoning from I-1, Industrial, to R-6, Single-Family Residential for the properties located at 308 and 312 S. Liberty Street. Mr. Arroyo provided background information on this item. Mayor Rowland declared this public hearing closed. *New Information Only.*

Bill No. 23-014, entitled, [Ord. #19417]

“AN ORDINANCE APPROVING REZONINGS FROM DISTRICT I-1 (INDUSTRIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTIES LOCATED AT 308 AND 312 S. LIBERTY STREET, 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, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – None. Absent – None. The Mayor declared the bill approved.

Mayor Rowland opened a full public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code, relating to Group Living Facilities. Mr. Arroyo provided background information on the item. There being no additional speakers, Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

REGULAR MEETING

March 6, 2023

Bill No. 23-015, entitled, [Ord. #19418]

“AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO GROUP LIVING FACILITIES.”

was given its second reading by title and placed on final passage. Councilmember Perkins stated he is happy with this final product and thanked those who worked on this item. Councilmember Perkins pointed out that there are letters of support attached to this item 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 bill approved.

Mayor Rowland opened a full public hearing for the application received from Cali KC LLC for a Retail Selling of Beer by the Drink Including Sunday Sales License for Cali KC that will be located at 11024 E. US 40 Hwy. Director of Community Development, Tom Scannell, provided background information on the item. There being no additional speakers, Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

4. Council action is requested on the application received from Cali KC LLC for a Retail Selling of Beer by the Drink Including Sunday Sales License for Cali KC that will be located at 11024 E. US 40 Hwy. 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.

Mayor Rowland opened a full public hearing for the application received from Tom’s Bar & Grill LLC for a Retail Selling of Intoxicating Liquor by the Drink license for Tom’s Bar & Grill that will be located at 12949 E. US 40 Hwy. Mr. Scannell provided background information on the item. There being no additional speakers, Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

5. Council action is requested on the application received from Tom’s Bar & Grill LLC for a Retail Selling of Intoxicating Liquor by the Drink license for Tom’s Bar & Grill that will be located at 12949 E. US 40 Hwy. 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.

NON-ORDINANCE ACTION ITEMS:

Councilmember Hobart stated that the calendar is very comprehensive. Councilmember Stewart stated that there are a lot of days he was not aware of.

1. Council action is requested for approval of City Communication Calendar. 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.

ORDINANCES:

Bill No. 23-010, entitled, [Ord. #19419]

“AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE CITY CODE BY AMENDING CHAPTER 17, “PUBLIC WORKS REGULATIONS” TO CHAPTER 17, “MUNICIPAL SERVICES REGULATIONS” MAKING NECESSARY UPDATES AND CLARIFYING THE RIGHT-OF-WAY POLICY.”

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. 23-011, entitled, [Ord. #19420]

“AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR THE TRUMAN DEPOT AND PACIFIC TRAIL PROJECT AND MAKING NECESSARY APPROPRIATIONS.”

REGULAR MEETING

March 6, 2023

was given its second reading by title and placed on final passage. In response to Councilmember McCandless, Mr. Walker provided background information on this item. Councilmember McCandless thanked staff for their work to find grants to help with this project. 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. 23-012, entitled, [Ord. #19421]

“AN ORDINANCE AUTHORIZING A CONTRACT WITH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES, TRACKING NUMBER 53164, TO PROVIDE FINANCIAL ASSISTANCE FOR THE WORKFORCE CONTRACT GRANT PROGRAM FOR THE PERIOD OF OCTOBER 1, 2022 THROUGH JUNE 30, 2024; ACCEPTING FUNDS FOR THE PERIOD IN THE AMOUNT OF \$373,550.77; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS FOR THE SAME PROJECT; AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.”

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. 23-016, entitled

“AN ORDINANCE AUTHORIZING THE FEDERAL LANDS ACCESS PROGRAM FUNDS AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE HISTORIC TRAILS PHASE 1 PROJECT.” was given its first reading by title.

Bill No. 23-017, entitled

“AN ORDINANCE AUTHORIZING A CONTRACT WITH TRUMAN HERITAGE HABITAT FOR HUMANITY FOR THE ADMINISTRATION OF HOME REPAIR PROGRAM FOR LOW TO MODERATE INCOME HOMEOWNERS UTILIZING 2022-23 CDBG PROGRAM FUNDS IN AN AMOUNT NOT TO EXCEED \$138,596.43.”

was given its first reading by title.

Bill No. 23-018, entitled

“AN ORDINANCE APPROVING THE AMENDED 2021-2022 ANNUAL ACTION PLAN AND ADOPTING THE HOME-ARP ALLOCATION PLAN; AND MAKING THE NECESSARY APPROPRIATIONS.”

was given its first reading by title.

Bill No. 23-019, entitled

“AN ORDINANCE AMENDING CHAPTER 12 ARTICLE 2 “CONTROLLED SUBSTANCES” OF THE INDEPENDENCE CITY CODE.”

was given its first reading by title.

INFORMATION ONLY:

1. Case 23-100-03, a request from Donte Goodwin to rezone the northern part of this property from C-1, Neighborhood Commercial, to C-2, General Commercial, was advertised for a new information only public hearing at the March 6, 2023 City Council meeting. As the Planning Commission continued said case, the March 6, 2023 City Council new information only public hearing on this item is continued to the Wednesday, April 5, 2023 City Council meeting.
2. Purchase order 23000871 in the amount of \$54,578.00 was issued to Max Ford LLC for a 2022 Ford F450 with a crane body for the Municipal Services Department.
3. 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

REGULAR MEETING
March 6, 2023

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 information about the Bourbon and Blue event happening on March 11, 2023, to support the Independence Police Foundation. Councilmember Stewart shared his condolences for the passing of IPD Detention Officer, Thomas Doerflinger.

Councilmember Perkins shared that he was able to attend MACIT event on February 23, 2023, and shared the names of IPD individuals recognized at the event.

Councilmember Fears stated that the Chamber of Commerce arranged for him and others to attend the Chamber Day in Jefferson City last week. He stated that it was a great opportunity. Councilmember Fears shared information regarding the Independence Youth Court and stated that they have done a great job and have helped many juvenile offenders. Councilmember Fears commended our Youth Court for their good work.

Councilmember McCandless recognized the Independences Examiner for celebrating their 125th anniversary and stated it was a well-attended event. Councilmember McCandless shared information about the Ennovations Center and the work they are doing with small businesses with the hopes that they will be able to start store front businesses in our community. Councilmember McCandless recognized William Chrisman High School for their fabulous Black History Month presentation.

Councilmember Steinmeyer recognized William Chrisman High School as well. Councilmember Steinmeyer shared information about food insecurities in our community and talked about the funds for citizens receiving assistance being lowered and would like continue talking about this issue and see what options we may have to bring food security to our city. Councilmember Steinmeyer recognized the Independence Youth Court as well and shared that his daughter served in the Youth Court. Councilmember Steinmeyer thanked Mr. Walker and staff.

Councilmember Hobart stated that Mayor Rowland and other surrounding area representatives held a press conference regarding the marijuana tax that will be on the ballot. Councilmember Hobart encouraged people to vote on April 4, 2023, and stated that if passed, the tax money will be used to fund a new Public Safety Center. Councilmember Hobart stated that there is likely some coming conversation regarding breed specific legislation.

Mayor Rowland recognized Independence Youth Court and the Ennovation Center. In response to Mayor Rowland, Mr. Walker provided background information regarding adult entertainment retailers. Mr. Walker advised that staff will look into this further and likely bring an item to Council within 90 days for consideration.

At 7:02 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., March 20, 2023, in the Council Chambers.

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

REGULAR MEETING
March 6, 2023

ATTEST:

City Clerk