

## REGULAR MEETING

April 5, 2023

The Independence City Council met for a Regular Meeting, April 5, 2023, at 6:03 p.m., at the Independence Utilities Center, 17221 E. 23<sup>rd</sup> Street South, Room 117.

Muriel Luedeman, Independence is Alive and Well, 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.

Councilmembers Fears and Perkins moved to suspend the Rules of Procedure to allow Bill No. 23-725 and the SevenDays Proclamation to be addressed prior to citizen comment. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – Councilmember Stewart. Absent – None. The Mayor declared the motion approved.

### PRESENTATION RESOLUTIONS:

Councilmembers Hobart and McCandless moved to approve Bill No. 23-725.

Bill No. 23-725, entitled, [Res. #6907]  
 “A RESOLUTION RECOGNIZING TUA FALETAGOAI, MAINTENANCE WORKER II, WITH THE INDEPENDENCE PARKS, RECREATION AND TOURISM DEPARTMENT, AS THE I-STAR AWARD RECIPIENT FOR APRIL 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.

### PROCLAMATIONS:

City Clerk, Becky Behrens, read the proclamation for SevenDays.

### CITIZENS REQUEST TO SPEAK:

Ron Mareda spoke to Council regarding removal of guardrail on Salisbury Rd.

Barbara Elliot spoke to Council regarding new construction on Harvard with the addition of 60 new families.

Dr. Penny Roofener spoke to Council regarding construction on Harvard Ave. – 60 new dwellings withing 2 blocks.

Lucy Young spoke to Council regarding Non-Ordinance Action Item #1 and #3.

Steve Clemens spoke to Council regarding petition.

Jason White spoke to Council regarding pit bulls.

Councilmembers Hobart and Steinmeyer moved to allow Ken Love to speak during citizen comment.

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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.

Ken Love spoke to Council regarding trees and signage in his neighborhood.

### REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmembers Hobart and Perkins moved to approve the CONSENT AGENDA.

1. Approval of minutes for the Regular Meetings on March 6, 2023 and March 20, 2023.
2. Council action is requested to approve the quote for \$160,000 from SKC Communications for IUC 117 AV Project.
3. 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.
4. Acceptance of donated equipment from Mid-America Regional Council (MARC).
5. Council action is requested to issue a purchase order to ITERIS, inc. for an amount not to exceed \$76,394.94 for traffic signal detection equipment as part of the Replace Loop Detection with Video Detection Project (No. 112206).
6. Council action is requested to issue a purchase order to Advanced Rehabilitation Technology for an amount not to exceed \$71,616, authorizing future minor change orders not to exceed \$7,161.60 for the installation of Manhole lining as part of the Trenchless Technology Project (No. 9757).
7. Council action to issue Change Order #1 to Purchase Order 23000084 to Brenntag Mid-South Inc (Brenntag) in the amount of \$40,000.00 to cover additional expenses for Anhydrous Ammonia for the Courtney Bend Water Treatment Plant for the Water Department. New amount of PO will be \$70,000.00.
8. Council action to issue Change Order #1 to Purchase Order 23000188 to Anixter Inc (Anixter) in the amount of \$85,000.00 to cover additional expenses for Itron Meters for the Power & Light Department. New amount of PO will be \$130,000.00.
9. Council action to issue Change Order #3 to Purchase Order 23000016 to the Goodyear Tire & Rubber Company in the amount of \$25,000 to cover additional expenses for tires the Municipal Services Department. New revised amount of PO will be \$86,600.00.

Bill No. 23-726, entitled, [Res. #6908]

“A RESOLUTION UPDATING THE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF INDEPENDENCE.”

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.

### PUBLIC HEARINGS:

Mayor Rowland opened a new information only public hearing for the rezoning from C-2, General Commercial, and R-30/PUD, High Density Residential/Planned Unit Development, to R-6, Single Family Residential, for the properties located at 137 E. College Street; 110, 116, 118 and 120 E. Farmer Street; 112, 113, 116, 118, 120, 121, 125, 127, 130, 134 and 137 E. Waldo Avenue; and 501, 507, 601, 605, 609, 615, 617, 619 and 623 N. Main Street. Assistant Community Development Director, Rick Arroyo, provided background information on this item. Mayor Rowland declared this public hearing closed. *New Information Only.*

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Bill No. 23-020, entitled, [Ord. #19428]

“AN ORDINANCE APPROVING REZONINGS FROM DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTIES LOCATED AT 137 E. COLLEGE STREET; 110, 116, 118 AND 120 E. FARMER STREET; 112, 113, 116, 118, 120, 121, 125, 127, 130, 134 AND 137 E. WALDO AVENUE; AND 501, 507, 601, 605, 609, 615, 617, 619 AND 623 N. MAIN 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 new information only public hearing for the application by SMJ R.E. LLC requesting a rezoning from C-1, Neighborhood Commercial, to C-2, General Commercial, for the north part of the property located at 3300 S. Blue Ridge Cut-Off. Mr. Arroyo provide background information on this item. Mayor Rowland declared this public hearing closed. *New Information Only.*

Bill No. 23-021, entitled, [Ord. #19429]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT C-2 (GENERAL COMMERCIAL) FOR THE PROPERTY AT 3300 BLUE RIDGE CUT-OFF 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 application from Casey’s Marketing Company dba Minit Mart #4342 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4342 that will be located at 17600 E. 39th St. S. Director of Community Development, Tom Scannell, provided background information on this item. There being no speakers, Mayor Rowland declared the public hearing closed. *Full Public Hearing.*

3. Council action is requested on the application received from Casey’s Marketing Company dba Minit Mart #4342 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4342 that will be located at 17600 E. 39th St. S.

In response to Councilmember Hobart, Mr. Scannell advised that he is unaware of any remodeling of the buildings, but would require a permit. 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 Casey’s Marketing Company dba Minit Mart #4343 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4343 located at 11715 E. US 24 Hwy. Mr. Scannell provided background information on this item. In response to Councilmember Perkins, Mr. Scannell advised that this will be a new license, not a transferred license. Mark Pope spoke in opposition of this item. Cami Beard spoke in opposition of this item. An unknown female citizen spoke in opposition of this item. There being no additional speakers, Mayor Rowland declared the public hearing closed. *Full Public Hearing.*

In response to Councilmember Stewart, Mr. Scannell advised the current gas station has a liquor license which is the same type of license that Casey’s is applying for. In response to Councilmember Hobart, Mr. Scannell confirmed that Casey’s is applying for a new license in their name as they acquire the Minit Marts. In response to Councilmember Fears, Mr. Scannell advised that there has been an active liquor license at this location at least as far as back as 2018. In response to Councilmember Steinmeyer,

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Mr. Scannell confirmed this is the gas station on the south side. Councilmember Steinmeyer stated he believes it was selling liquor back in 2010, but he understands the concerns of the citizens. There was a comment from the audience. In response to Mayor Rowland, Mr. Scannell advised steps to postpone this item.

Councilmembers Stewart and McCandless moved to postpone this public hearing until the next Council meeting. In response to Councilmember Steinmeyer, Councilmember Stewart advised that he would like to postpone this item so Council can find out if the location is currently selling alcohol. 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. In response to Councilmember Hobart, City Counselor, Jeremy Cover, advised that this public hearing will be continued to the April 17, 2023, Council meeting. In response to Mayor Rowland, Mr. Scannell advised that Community Development is not affected by this postponement.

4. Council action is requested on the application received from Casey's Marketing Company dba Minit Mart #4343 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4343 located at 11715 E. US 24 Hwy.

Mayor Rowland opened a full public hearing for the application received from Casey's Marketing Company dba Minit Mart #4344 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4344 located at 15800 E. 23rd St. S. Mr. Scannell provided background information on this item. Ken Love spoke in favor of the item, but shared concerns regarding liquor sales to minors. There being no additional speakers, Mayor Rowland declared the public hearing closed. *Full Public Hearing.*

5. Council action is requested on the application received from Casey's Marketing Company dba Minit Mart #4344 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4344 located at 15800 E. 23rd St. S.

In response to Councilmember Stewart, Mr. Scannell advised that there is a Casey's located west of this location and the company has not indicated whether they intend to keep that location moving forward. 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 Casey's Marketing Company dba Minit Mart #4347 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4347 located at 11109 E. 23rd St. S. Mr. Scannell provided background information on this item. Barbara Elliot spoke in opposition of this item. There being no additional speakers, Mayor Rowland declared the public hearing closed. *Full Public Hearing.*

6. Council action is requested on the application received from Casey's Marketing Company dba Minit Mart #4347 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4347 located at 11109 E. 23rd St. S.

In response to Councilmember Fears, Mr. Scannell stated that he cannot think of a gas station or convenience store that do not sell alcohol and that in the past he has heard that they feel it puts them at an unfair advantage if they are not able to also sell liquor to patrons. Councilmember Perkins shared that there is a convenience store in town that does not sell liquor and is successful, so it can be done. In response to Councilmember McCandless, Mr. Scannell confirmed that the number of liquor licenses in the area are not increasing, but a change in ownership of locations that currently sell liquor. In response to Councilmember Steinmeyer, Mr. Scannell is unsure the liquor license approvals impede the sale between Casey's and Minit Mart, but Mr. Scannell stated that staff could reach out and ask for more information.

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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 item approved.

Mayor Rowland opened a full public hearing for the application received from Casey's Marketing Company dba Minit Mart #4351 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4351 located at 4208 S. Noland Rd. Mr. Scannell provided background information on this item. There being no speakers, Mayor Rowland declared the public hearing closed.

*Full Public Hearing.*

7. Council action is requested on the application received from Casey's Marketing Company dba Minit Mart #4351 for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Minit Mart #4351 located at 4208 S. Noland Rd.

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:

Councilmembers Fears and McCandless moved to change the order of Non-Ordinance Action Items, so that Item No. 1 will be considered last.

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

2. Council action is requested on the approval of the 2023-2024 casualty (liability) renewal, with an estimated annual cost of \$803,391.

In response to Councilmember Fears, Mr. Walker advised that there has been analysis done in the past relative to retention of our deductible. Mr. Walker stated he is not sure of the most recent and would need to check with staff and provide more information back to Council.

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.

3. Council action is requested to direct and authorize the City Manager to initiate a process to evaluate all options relative to the future ownership model of Independence Power & Light.

Councilmember McCandless stated that there will be a lot of conversations surrounding the future of IPL and things like rate increases. Councilmember McCandless stated that the PUAB has suggested that we initiate a 6% rate increase to offset a reduction made during the COVID-19 pandemic. Councilmember McCandless shared background information and how important it is to review all information to come up with the best options and have discussions with the community. Councilmember Fears shared that he also finds this to be a very important topic and while he states he has spent a lot of time learning about IPL he still does not yet know what the best option is for IPL in the future. Councilmember Fears shared some concerns with IPL and stated that there needs to be changes in order to be a viable entity for the next 20-50 years. Councilmember Fears stated that Council wants to ask many important questions and get all the information to make the best strategic decision and suggests Council send the issue to the voters.

Councilmember Fears stated he will vote in favor of this item and against the purchase of the combustion turbines. Councilmember Steinmeyer shared his experience with IPL and growing up in Independence. Councilmember Steinmeyer stated that he would like to rebuild IPL with the ability to sell generation and struggles with the idea of selling IPL. Councilmember Steinmeyer stated that as a public utility, we need public input. Councilmember Steinmeyer shared positives of keeping IPL and talked about the need for a City Action Plan to keep the utility sustainable for the community. Councilmember Steinmeyer stated that will not be voting to spend any money until there is a plan for the future of IPL. Councilmember Hobart shared details about how Mr. Walker and city staff will move forward with gathering the information

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Council is asking for in order to make decisions regarding IPL and that consultants will be hired to provide all the details needed to either make IPL sustainable as a municipality owned utility or to sell IPL. Councilmember Hobart clarified that Council and city staff are not making this decision or choosing a side, this is getting the best information we can so that the citizens can vote. Councilmember Stewart stated that the IPL is our most valuable asset, and he will not support anything that recommends selling it, so he will be voting no. In response to Councilmember Steinmeyer, Mr. Walker agreed that there needs to be public input and Mr. Walker provided additional information about strategy to include the public. Councilmember Perkins stated that he agrees that public input is important and stated that the resolution does state that there will be several public meetings to help provide as much information as possible and he is in support of this item. Mayor Rowland stated that we need outside experts to help us define the reality of IPL, ask questions, and gather information and then allow the citizens to make the decision about what is best for their utility. Mayor Rowland shared additional information regarding how to decide the best way to make decisions with the utility. Mayor Rowland stated he will be voting in favor of this item to help move this in a positive direction without kicking the topic down the road. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – Councilmember Stewart. Absent – None. The Mayor declared the item approved.

1. Council approval is requested to purchase two aeroderivative combustion turbines from ProEnergy Services of Sedalia MO as recommended by staff and endorsed by the Public Utility Advisory Board.

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

### FIRST READINGS:

#### Bill No. 23-022, entitled

“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPROVE A COST SHARE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE I-70 AND LITTLE BLUE PARKWAY INTERCHANGE PROJECT (PROJECT NO. 112303 / COST SHARE PROJECT NO. KU0033), AND INCREASING APPROPRIATIONS.”

was given its first reading by title.

#### Bill No. 23-023, entitled

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

was given its first reading by title.

#### Bill No. 23-024, entitled

“AN ORDINANCE APPROVING THE 2023-24 ANNUAL ACTION PLAN FOR THE CDBG AND HOME PROGRAMS, AUTHORIZING APPLICATIONS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZING EXECUTION OF A WRITTEN AGREEMENT AND ACCEPTANCE OF CDBG AND HOME PROGRAM FUNDS; AND MAKING THE NECESSARY APPROPRIATIONS.”

was given its first reading by title.

#### Bill No. 23-025, entitled

“AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE, “BUSINESS AND OCCUPATION LICENSES”.

was given its first reading by title.

### INFORMATION ONLY:

1. Update on Special Counsel's Recommendations.

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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 stated that he lives close to the guardrail on Salisbury Road that was removed, and he would like more information about why it was removed and how to get it put back up.

Councilmember Perkins shared information about his attendance to the Jackson County Historical Society's Annual Dinner and stated it was a good event.

Councilmember Fears stated that he is pleased about the election results and hopes to have a new police building in the future. Councilmember Fears stated that the conversations had tonight are very important and he's looking forward to the process. Councilmember Fears shared that he and Councilmember McCandless spent time last week with IPD visiting homeless camps and it has challenged his thinking and made him more concerned about how we address this in our community. Councilmember Fears reassured citizens that Council is working on it and there are no quick fixes.

Councilmember Hobart talked about the program that Councilmember McCandless helped get off the ground that employs homeless individuals to pick up trash in the community and receive other types of assistance. Councilmember Hobart shared the results of the marijuana tax passing in the vote yesterday and is excited about getting a new police building. Councilmember Hobart recognized city staff for their efforts in this initiative as well. Councilmember Hobart shared his feelings regarding IPL and stated that this is a step forward to making a decision and stated that the IPL leadership work very hard to fight for the employees of IPL. Councilmember Hobart stated that this will be a long thoughtful process. Councilmember Hobart stated that the city can heal and bring each other together.

Councilmember Steinmeyer thanked citizens for attending this Wednesday night meeting at this location and asked that his fellow councilmembers consider not moving their regular meetings unless there is a candidate election because the IUC facility was not built to accommodate this sort of meeting. Councilmember Steinmeyer asked for thorough detail on the BMI audit from city staff when available and asked that the information be broken into current employees and retirees to show how much we spent and saved as a result of the audit. Councilmember Steinmeyer stated that the IPL employees are the best asset that we have in IPL. Councilmember Steinmeyer stated that it is important to him to rebuild IPL. Councilmember Steinmeyer shared information about the passing of an Independence school teacher.

Councilmember McCandless talked about the Independence Together roadside trash cleanup program and stated that they are enrolling their second group of people. Councilmember McCandless recognized city staff for the cleanup efforts they also make. Councilmember McCandless recognized Mid-Continent Public Library on their groundbreaking for the new library. Councilmember McCandless advised that Municipal Services is working to repair potholes and advised citizens that they can report potholes in the Independence Now app. Councilmember McCandless stated that there is a new group for citizens academy which is a way to get to know the work of your police department and provided information where to find information. In response to Councilmember McCandless, Mr. Walker provided background information on Information Only Item #1.

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Mayor Rowland agreed that we should amend the rules regarding Council meetings so that they are not moved unless there is a candidate election. Mayor Rowland commended his colleagues and citizens who spoke tonight for being polite and civil. Mayor Rowland referenced the IPL study done last year by the prior Management Analyst and advised that it is online and available to be reviewed. Mayor Rowland stated that he will be joining in the cleanup efforts on Saturday at Rotary Park along Rock Creek Trail and encourage citizens to come out and help.

At 8:06 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., April 17, 2023, in the Council Chambers.

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

ATTEST:

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City Clerk