

## REGULAR MEETING

April 17, 2023

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

Tim Allison, Chaplain and Bereavement Coordinator, Visiting Nurse Association, 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 Stewart attended the meeting virtually.

### CITIZENS REQUEST TO SPEAK:

Miriam Keith spoke to Council regarding the BSL petition.

Lucy Young spoke to Council regarding BSL.

Jason White spoke to Council regarding the pit bull ban.

Dorvell Stewart spoke to Council regarding repealing the pit bull ban.

Kenneth Love spoke to Council regarding street signs.

Sarah Coy spoke to Council regarding the pit bull ban.

Lydia Brandl spoke to Council regarding BSL.

### REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmembers Hobart and Steinmeyer moved to approve the CONSENT AGENDA.

Councilmember Hobart requested that Item No. 9 and Bill No. 23-734 be pulled for separate consideration.

1. Council action is requested to authorize the City Manager to enter into a lease agreement with Terry Dingeldein, DBA Dingeldein Properties, for the right to farm and maintain City owned property located at 23001 E. Bundschu Road for 12-months with options for 4 one-year extensions for the amount of \$8,470 annually.
2. Council action is requested to direct the City Manager to enter into a maintenance easement with the Remington Villas Homeowners Association for approximately 1,254 square feet of land for use in performing work necessary to improve, repair, and maintain stormwater drainage facilities .
3. Council action is requested to authorize the City Manager to approve a construction contract with Vance Brothers, Inc. for an amount not to exceed \$1,621,682.50 authorizing future change orders not to exceed \$162,168.25 and/or time extensions for the FY 23 Roadway Seals portion of the Preventative Pavement Maintenance Project (No. 112201-4).
4. Council action is requested to authorize the City Manager to issue a purchase order to Olsson Associates for an amount not to exceed \$177,080, authorizing future minor change orders not to exceed \$17,708 for a professional engineering design services contract as part the Rockwood Storm Drainage Improvements Project (No. 132202).
5. Council action is requested to issue a \$97,999.92 purchase order to MacQueen Emergency, for turnout gear for the Fire Department.

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6. Council action is requested to authorize the City Manager to approve change order no. 1 to the engineering services contract with Renaissance Infrastructure Consulting for the Leslie to Crane & Hereford Drainage Improvement Project (no. 132201) for an amount not to exceed \$48,660, authorizing future minor change orders for an amount not to exceed \$4,866.
7. Council action is requested to authorize the City Manager to issue a purchase order to Veenstra & Kimm for an amount not to exceed \$293,200, authorizing future minor change orders not to exceed \$29,320 for an engineering design contract as part of the Upper Adair Sanitary Sewer Improvements Project (No. 302201).
8. Council action is requested to authorize the City Manager to issue a purchase order to Vogel Traffic Services, Inc. dba EZ Liner for an amount not to exceed \$114,454 for the purchase of an EZ Liner Model PS-AL110 Palletized WindRunner Striping Machine.

## Bill No. 23-727, entitled, [Res. #6909]

“A RESOLUTION APPOINTING JEFF MCLAUGHLIN, SCOTT FORSYTH AND AMY KISTLER TO THE TOURISM COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.”

## Bill No. 23-728, entitled, [Res. #6910]

“A RESOLUTION AFFIRMING THE APPOINTMENT OF COLLEEN HUFF AND MARY SMEAD TO THE STORM WATER CONTROL OVERSIGHT COMMITTEE.” – *Individual Appointments-Councilmembers Brice Stewart and Bridget McCandless*

## Bill No. 23-729, entitled, [Res. #6911]

A RESOLUTION REAPPOINTING VIRGINIA FERGUSON TO THE CITY PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointment-Councilmember Bridget McCandless*

## Bill No. 23-730, entitled, [Res. #6912]

“A RESOLUTION APPOINTING CODY STEGER TO THE INDEPENDENCE PARK COMMISSION FOR THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointment-Councilmember Mike Steinmeyer*

## Bill No. 23-731, entitled, [Res. #6913]

“A RESOLUTION APPOINTING PATRICK CAMPBELL TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF INDEPENDENCE, MISSOURI.”

## Bill No. 23-732, entitled, [Res. #6914]

“A RESOLUTION APPOINTING ANDREW RODRIGUEZ AND PHILLIP GLORIOSO AS MEMBERS OF THE BOARD OF ETHICS OF THE CITY OF INDEPENDENCE, MISSOURI.”

## Bill No. 23-733, entitled, [Res. #6915]

“A RESOLUTION APPOINTING COUNCILMEMBERS JARED FEARS AND BRIDGET MCCANDLESS TO THE INDEPENDENCE ECONOMIC DEVELOPMENT PARTNERSHIP ADVISORY BOARD.”

## Bill No. 23-735, entitled, [Res. #6917]

“AN RESOLUTION OF THE CITY OF INDEPENDENCE, MISSOURI, AUTHORIZING THE CITY TO PARTICIPATE IN THE MISSOURI FIREFIGHTERS CRITICAL ILLNESS TRUST AND POOL, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY FOR THE CITY'S PARTICIPATION THEREIN.”

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.

Councilmember Hobart provided background information for this item. Councilmember Hobart recognized staff for their hard work.

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Councilmembers Hobart and Perkins moved to approve Item No. 9. In response to Mayor Rowland, City Manager, Zach Walker, provided background information on this item and the timekeeping changes. In response to Councilmember Steinmeyer, Mr. Walker stated that staff plans to have this implemented by January 1, 2024.

9. Council action is recommended to issue a contract to Ceridian in the amount of \$429,594 for the purchase and implementation of Ceridian Time Keeping System and Human Resources software system. 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 Hobart provided background information on this item. Councilmember Hobart advised that he is traveling to Washington D.C. at his personal expense to try to see about getting funding for this project. Mr. Walker provided additional background information on this item. Councilmember Hobart recognized Mr. Walker and his staff for their work on this item.

Councilmembers Hobart and Perkins moved to approve Bill No. 23-734. Mayor Rowland recognized Councilmember Hobart for his work on this project.

Bill No. 23-734, entitled, [Res. #6916]

“A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI REGARDING THE NATIONAL FRONTIER TRAILS MUSEUM AND THE MISSOURI MODEL RAILROAD MUSEUM.”

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 full public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to marijuana facilities. Assistant Community Development Director, Rick Aroyo, provided background information on this item. There being no additional speakers, Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

Bill No. 23-023, entitled, [Ord. #19430]

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

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. Community Development Director, Tom Scannell, provided background information on the item. In response to Councilmember Fears, Mr. Walker provided information about police responses to the location. Mark Pope spoke in opposition of this item. Lucy Young spoke in favor of this item. There being no additional speakers, Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

2. 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.

Councilmember Perkins shared his concerns and reasons he will vote no on this item. Councilmember Steinmeyer shared his concerns and reasons he will vote no on this item. Councilmember Hobart shared

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his support and reasons for voting yes on this item. Councilmember Fears shared his support and reasons for voting yes on this item. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Stewart, McCandless and Hobart. Noes – Councilmembers: Perkins, Steinmeyer and Mayor Rowland. Absent – None. The Mayor declared the item approved.

Mayor Rowland opened a full public hearing for the application an application received from G&A Commercial LLC dba Mygrain Liquor, for a Retail Selling of Intoxication Liquor for all kinds in the original package license for Mygrain Liquor located at 1431 S. Noland Rd. Mr. Scannell provided background information on the item. Noelhy Ozaeta spoke in favor of this item. There being no additional speakers, Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

3. Council action is requested on the application received from G&A Commercial LLC dba Mygrain Liquor for a Retail Selling of Intoxicating Liquor of all kinds in the original package license for Mygrain Liquor that will be located at 1431 S. Noland Rd.

Councilmember Hobart stated that he will vote in favor of 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 item approved.

Mayor Rowland opened a full public hearing for the application an application received from The Marinello LLC for Retail Selling of Intoxicating Liquor of all kinds in the original package license located at 210 W. Lexington Ave. Mr. Scannell provided background information on the item. Travis Gensler spoke in favor of this 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 The Marinello LLC for a Retail Selling of Intoxicating Liquor by the drink license at 208 W. Lexington and Retail Selling of Intoxicating Liquor of all kinds in the original package license at 210 W. Lexington Ave.

In response to Councilmember Fears, Mr. Scannell advised that the applicant is applying for two liquor licenses, one to sell by the drink and one to sell packaged liquor to take home. Mr. Scannell confirmed that staff has heard no complaints from citizens regarding this application. 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. 23-022, entitled, [Ord. #19431]

“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 second reading by title and placed on final passage. In response to Mayor Rowland, Mr. Walker provided background information on this item. Mayor Rowland recognized staff’s work on 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. 23-024, entitled, [Ord. #19432]

“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.”

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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. 23-025, entitled, [Ord. #19433]

“AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE, “BUSINESS AND OCCUPATION LICENSES.” 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. 23-026, entitled

“AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A CONTRACT WITH JACKSON COUNTY, MISSOURI, WHICH CALLS FOR JACKSON COUNTY TO PROVIDE FUNDING IN THE AMOUNT OF \$225,000.00 TO THE CITY FOR INDEPENDENCE POLICE DEPARTMENT’S LAW ENFORCEMENT SCHOOL-BASED INITIATIVE CALLED S.T.E.P.”

was given its first reading by title.

Bill No. 23-027, entitled

“AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT A WARRANTY DEED FROM THE ROCK HILL HOMEOWNER’S ASSOCIATION FOR THE OWNERSHIP OF THE ROCK HILL SANITARY SEWER LIFT STATION AND TO ADDITIONALLY ACCEPT OWNERSHIP OF APPROXIMATELY 2,144.6 FT OF SANITARY SEWER FORCE MAIN.”

was given its first reading by title.

Bill No. 23-028, entitled

“AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 4 “PROPERTY MAINTENANCE CODE” PERTAINING TO REPAIRING DANGEROUS BUILDINGS.”

was given its first reading by title.

Bill No. 23-029, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT I-1 (INDUSTRIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTY AT 617 N. HOCKER AVENUE IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 23-030, entitled

“AN ORDINANCE AUTHORIZING A CONTRACT WITH THE NATIONAL COUNCIL ON AGING TO PROVIDE FINANCIAL ASSISTANCE FOR THE COVID-19 AND INFLUENZA VACCINE UPTAKE INITIATIVE GRANT PROGRAM FOR THE PERIOD OF APRIL 28, 2023 THROUGH APRIL 27, 2024; ACCEPTING FUNDS FOR THE PERIOD IN THE AMOUNT OF \$90,560; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS FOR THE SAME PROJECT; AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.”

was given its first reading by title.

### INFORMATION ONLY:

1. Change order #2 to purchase order #23000083 in the amount of \$100,000.00 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 \$240,000.
2. The City Clerk has received notification that the City Manager has accepted a Subaward Grant from UASI/DHS through Mid America Regional Council of \$20,306.45. This award is to receive goods purchased through MARC for our Hazardous Materials team, as part of the regional plan.

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3. Amendments to LPHDI - Local Public Health Disparities Initiative
4. Semi-annual report of the Independence Parks Commission
5. Semi-annual report of the Independence Tourism Commission
6. Semi-Annual Report of the Jackson County Animal Welfare Committee
7. Semi Annual Report of the Public Safety Tax Oversight Committee.
8. Street Improvement Oversight Committee (SIOC) Semi-Annual Presentation to Council.
9. Stormwater Oversight Committee Semi-annual Presentation to Council
10. The City Clerk's Office is in receipt of the Arrowhead Community Improvement District Proposed Budget for fiscal year ending June 30, 2024.
11. The City Clerk's Office is in receipt of the Susquehanna East Shopping Center Community Improvement District Proposed Budget for fiscal year ending June 30, 2024.
12. The City Clerk's Office is in receipt of the Marketplace Shopping Center Community Improvement District Proposed Budget for fiscal year ending June 30, 2024.
13. The City Clerk's Office is in receipt of the Hartman Heritage Center Community Improvement District Proposed Budget for fiscal year ending June 30, 2024.
14. The City Clerk's Office is in receipt of the Crackerneck Center Center Community Improvement District Proposed Budget for fiscal year ending June 30, 2024.
15. The City Clerk's Office is in receipt of the Crackerneck Center Community Improvement District Annual Report ending June 30, 2022.
16. The City Clerk's Office is in receipt of the Noland Fashion Square Center Community Improvement District Proposed Budget for fiscal year ending June 30, 2024.
17. Municipal Division monthly case report March 2023
18. 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).
19. The Council Rules of Procedure amendment noticed for consideration will be considered at the Monday, May 1, 2023 City Council meeting.

### COUNCILMEMBER COMMENTS:

Councilmember Perkins shared his experience and information about his trip with the Independence Chamber of Commerce to Community Exchange event in West Des Moines, Iowa. Councilmember Perkins stated that there will be a debrief and a survey as a follow up to the event.

Councilmember Fears shared his experience and information about the Community Exchange event in West Des Moines, Iowa. Councilmember Fears discussed the information only item regarding the Public Safety Tax Oversight Committee report. Councilmember Fears asked Mr. Walker to prepare a Study Session presentation with information and suggested updates to the dangerous dog ordinance, Mr. Walker stated that he will work with staff to get this scheduled.

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Councilmember Hobart shared that last week was Animal Control and Care Week and this week is Work Zone Safety Week. Councilmember Hobart shared his experience and information about MARC's 26<sup>th</sup> Annual Telecommunicators Appreciation Celebration and Outstanding Performance Awards event that he attended. Councilmember Hobart shared information about an event for which Independence PD dispatchers won an award. He also shared information about current dispatch positions open with the city. Councilmember Hobart thanked Mr. Walker and the dispatch staff for all their hard work.

Councilmember Steinmeyer shared his frustration with drivers yielding to public safety vehicles while on the road. Councilmember Steinmeyer asked that citizens be aware and yield to these vehicles when driving. Councilmember Steinmeyer shared that tomorrow is Line Worker's Appreciation Day and recognized our line workers. Councilmember Steinmeyer stated he was advised that the city recently received a letter from the Crackerneck Creek Development stating that the city owes them approximately \$6,000,000 and shared his feelings. He asked staff and the Audit & Finance Committee to provide an update and audit regarding the situation. Mr. Walker advised that he will work with the Audit & Finance Committee members to see what information we can obtain while the Management Analyst position is open. In response to Councilmember Steinmeyer, Mr. Walker provided information about Blue Springs Harley-Davidson deciding not to move forward with relocating to a site in Independence at this time. Mr. Walker stated that he will provide Council a report regarding what happened with the Harley-Davidson situation. Councilmember Steinmeyer asked that Mr. Walker provide him additional information regarding Information Only Item No. 19.

Councilmember McCandless shared that this week is Volunteer Appreciation Week and thanked so the many volunteers that help within the city. Councilmember McCandless drew attention to the Information Only report items. Councilmember McCandless shared her experience and information about her trip to the Legacy Museum in Montgomery, Alabama. Councilmember McCandless stated that after the shooting of the North Kansas City young man, it is clear that as a community and a nation we have work to do to make sure there is a place for everyone.

Mayor Rowland shared information about trash cleanups happening throughout the summer and thanked the Sustainability Commission. In response to Mayor Rowland, Mr. Walker advised that he will do some research regarding the small alcohol bottle sales in the city. Mayor Rowland shared information regarding an award the city received from the Independence School District regarding their Academy Programs. Mayor Rowland asked for a meeting to be scheduled for the Council to review and update the Strategic Plan. Mayor Rowland discussed a story regarding Lawrence Booker and recognized Independence Police Department for handling the situation professionally.

Mr. Walker thanked the Council for recognizing many people across the city. Mr. Walker recognized the four animal control officers that patrol Independence and unincorporated Jackson County.

At 7:27 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., May 1, 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