

REGULAR MEETING
May 15, 2023

The Independence City Council met for a Regular Meeting, May 15, 2023, at 6:01 p.m., in the Council Chambers, 111 E. Maple.

Chris Whiting, former City Councilmember, 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 Steinmeyer and Stewart moved to suspend the Rules of Procedure to allow Non-Residents to speak during Citizen Request to Speak. 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 Fears recognized a Boy Scout in attendance from Troop 201 working on his Building a Better World Badge.

CITIZENS REQUEST TO SPEAK:

Sheryl Rohrman spoke to Council in opposition of the short-term rental at 509 E. Rankin Rd.

Beth Franklin spoke to Council regarding short-term rentals.

Norma Higbee spoke to Council regarding the short-term rental at 509 E. Rankin Rd.

Mike Talcott spoke to Council regarding the short-term rental at 509 E. Rankin Rd.

Tony Sommer spoke to Council regarding the Bus System.

Leigh Phillips spoke to Council regarding statement of exception.

Debbie Skaggs spoke to Council regarding BSL.

Bob Brackenbury spoke to Council regarding the Pitbull Ban.

Terre Kelly-Tweedie spoke to Council regarding the Pitbull Ban.

April Preston spoke to Council regarding 1430 S. Maywood.

Cynthia Green spoke to Council regarding Air BNB.

Karen Davis spoke to Council regarding 1430 S. Maywood.

Jeff Marland spoke to Council regarding 1430 S. Maywood.

Jason White spoke to Council regarding the Pitbull Ban.

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REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmembers Hobart and Steinmeyer moved to approve the CONSENT AGENDA.

Councilmember Stewart requested that Bill No. 23-741 be pulled for separate consideration.

Councilmember Steinmeyer requested that Bill No. 23-744 be pulled for separate consideration.

1. Council action to issue Change Order #1 to Purchase Order 23000818 to Monaco Property Services in the amount of \$162,885 to cover additional expenses for Abatement and Dangerous Building Board Ups for the Community Development Department. New revised amount of PO will be \$275,000.00.
2. Council action to award a contract to Toth & Associates, in the amount of \$122,407.00, for Substation M Breaker replacement engineering services for the Power & Light Department.
3. Council action to award a change order #1 to Burns & McDonnell PO #23000632 in the amount of \$39,633.00 to cover additional requirements for Substation S site study for the Power & Light Department.

Bill No. 23-742, entitled, [Res. #6924]

“A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH THE KANSAS CITY AREA TRANSPORTATION AUTHORITY FOR THE PURPOSE OF PROVIDING TRANSIT SERVICES FOR THE PERIOD OF JULY 1, 2022, THROUGH JUNE 30, 2023, IN THE AMOUNT OF \$30,000.”

Bill No. 23-743, entitled, [Res. #6925]

“A RESOLUTION APPROVING A SHORT-TERM RENTAL FOR 1430 S. MAYWOOD AVENUE IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.-THIS ITEM WILL REQUIRE AN AFFIRMATIVE VOTE OF 5, AS A VALID LEGAL PROTEST PETITION WAS SUBMITTED.”

Bill No. 23-745, entitled, [Res. #6926]

“A RESOLUTION APPOINTING MARCIE GRAGG TO THE STREET IMPROVEMENT OVERSIGHT COMMITTEE.” – *Individual Appointment-Councilmember Bridget McCandless*

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.

Councilmembers Stewart and Perkins moved to amend Bill No. 23-741 to add “if an ordinance has not been adopted by the City Council the terms of the members shall end on December 21, 2023.” 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 motion approved.

Councilmembers Steinmeyer and McCandless moved to amend Bill No. 23-741 for the term length to end on August 15, 2023. Mayor Rowland stated that Councilmember Stewart spoke to him prior to the meeting and advised he would be making a motion and would prefer to stick with the December 31, 2023, date. In response to Councilmember McCandless, Mayor Rowland stated that his concern is that if Council does not act and the committee is disbanded, we will not be able to go back to them and ask them for input on any changes. Mayor Rowland stated that this process has been very complicated, and lot of time has been spent on this ethics reform update. Mayor Rowland stated that he will be voting no on this amendment. Councilmember Steinmeyer stated that he was against the last extension and stated that the Mayor advised that committee should be able to get this handled by the end of March and he still has not

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been given the updated 30 pages that the committee has worked on to this point. Councilmember Steinmeyer stated that he agrees ethics in politics is necessary, but how we go about it should involve the Council. Councilmember Steinmeyer stated that August 15th will give the committee a full year but doesn't like the idea of continuing to move it down the road. Councilmember McCandless stated that she believes some of the pressure is on this Council to make decisions and work with the Ethics Commission and to help keep this moving along she is comfortable with the August 15th date. Upon roll call, the vote was: Ayes – Councilmembers: McCandless, Steinmeyer, Hobart. Noes – Councilmembers: Fears, Perkins, Stewart and Mayor Rowland. Absent – None. The Mayor declared the motion failed.

Councilmembers Stewart and Fears moved to approve Bill No. 23-741 as amended.

Bill No. 23-741, entitled, [Res. #6923]

“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 Steinmeyer and Hobart moved to approve 23-744. Councilmember McCandless shared reasons why she will be voting no on this item. In response to Councilmember Fears, City Manager, Zach Walker, provided some background information regarding restrictions on short-term rentals within our City Code. Councilmember Fears shared his feelings regarding short-term rentals process and advised he will be voting in favor of this item.

Bill No. 23-744, entitled, [*failed*]

“A RESOLUTION APPROVING A SHORT-TERM RENTAL FOR 509 E. RANKIN ROAD, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.”

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

PUBLIC HEARINGS:

Mayor Rowland opened a new information only public hearing for the application by Christopher Carter requesting a rezoning from C-1, Neighborhood Commercial, to R-6, Single Family Residential, for the property located at 10103 E. Kentucky Road. Assistant Community Development Director, Rick Arroyo, provided background information on this item. Mayor Rowland declared this public hearing closed. *New Information Only*.

Bill No. 23-034, entitled, [Ord. #19439]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTY AT 10103 E. KENTUCKY 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 Christopher Carter requesting a rezoning from C-1, Neighborhood Commercial, to R-30/PUD, High Density

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Residential/Planned Unit Development, for the property located at 10101 E. Kentucky Road. Mr. Arroyo provided background information on this item. Mayor Rowland declared this public hearing closed. *New Information Only.*

Bill No. 23-035, entitled, [Ord. #19440]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY AT 10101 E. KENTUCKY ROAD, 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 Robert Hoover requesting a rezoning from R-6, Single Family Residential, to R-6/PUD, Single Family Residential/Planned Unit Development, for the property located at 2710 S. Westport Road. Mr. Arroyo provided background information on this item. Mayor Rowland declared this public hearing closed. *New Information Only.*

Bill No. 23-036, entitled, [failed]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) TO DISTRICT R-6/PUD (SINGLE-FAMILY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY AT 2710 S. WESTPORT ROAD, IN INDEPENDENCE, MISSOURI.”

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

Mayor Rowland opened a full public hearing for the Fiscal Year 2023-24 Proposed Budget Hearing. Lucy Young spoke in support of this item. There being no additional speakers, Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

ORDINANCES:

Bill No. 23-031, entitled, [Ord. #19441]

“AN ORDINANCE AMENDING CHAPTER 1 ARTICLE 28 “INDEPENDENCE COMMISSION ON HUMAN RELATIONS” OF THE INDEPENDENCE CITY CODE.”

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 Perkins and Stewart moved to postpone Bill No. 23-032 until the June 5, 2023 meeting. Councilmember Perkins stated that he would like more time to have this reviewed and clarified before taking action.

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. 23-032, entitled, [Postponed to 6/5]

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

Bill No. 23-033, entitled, [Ord. #19442]

“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTAIN GRANT AGREEMENT WITH

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THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE SQUARE STREETSCAPE PROJECT (PROJECT NO. 111902 / FEDERAL AWARD NO. B-23-CP-MO-0905)."

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. 23-501, entitled, [Ord. #19443]

"AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPROVE THE GOVERNOR'S TRANSPORTATION COST SHARE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE LITTLE BLUE PARKWAY AND JACKSON DRIVE PROJECT (PROJECT NO. 112408 / MODOT PROJECT NO. SNS0020), INCREASING APPROPRIATIONS, AND DECLARING AN EMERGENCY."

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. 23-037, entitled

"AN ORDINANCE SUBMITTING TO THE REGISTERED QUALIFIED VOTERS OF THE CITY OF INDEPENDENCE AN ORDINANCE PROPOSING A REPEAL OF INDEPENDENCE CITY CODE OF ORDINANCES SECTION 3.03.006 "KEEPING OF PIT BULLS PROHIBITED" AND A REVIEW OF INDEPENDENCE CITY CODE OF ORDINANCES SECTIONS 3.03.007 "AGGRESSIVE DOGS," 3.03.008 "DANGEROUS DOGS," AND 3.03.009 "VICIOUS DOGS," TO ASSURE PROTECTIONS FOR THE CITIZENS FROM ANY DANGEROUS ANIMALS."

was given its first reading by title.

In response to Mayor Rowland, City Attorney, Jeremy Cover, provided information about next steps for Council in response to the petition regarding the prohibition of pit bulls that has been successfully submitted.

INFORMATION ONLY:

1. The signature verification for the Initiative Petition-Repealing 3.03.006 of the City Code & Reviewing 3.03.007-3.03.009 of the City Code, from the Jackson County Board of Election Commissioners has been received by the City Clerk.
2. Purchase order 23001149 in the amount of \$258,688.31 was issued John Moore Oil Company for Substation Fuel Oil for the Power & Light Department.
3. Amendment to MCH - Maternal Child Health Grant Contract
4. Change order #1 to purchase order #23000081 in the amount of \$203,245.49 was issued to Mississippi Lime for additional Rotary Kiln Lime for use in the Courtney Bend Water Plant for the Water Department. New revised amount of PO is \$1,852,405.49.
5. Change order #2 to purchase order #23000082 in the amount of \$50,000.00 was issued to Carus Coporation for additional 50 lb Hexametaphosphate bags for use in the Courtney Bend Water Plant for the Water Department. New revised amount of PO is \$231,500.00.
6. Panhandle Amendment
7. Partial Release of Redevelopment and TIF Agreements between COI and Clover Communities.
8. Municipal Division monthly case report April 2023
9. 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

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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).

10. Handouts During the Meeting

COUNCILMEMBER COMMENTS:

Councilmember Hobart complimented Mr. Walker for his budget presentation.

Councilmember Steinmeyer expressed his condolences for the family of Milly Nesbitt, a former Independence Councilmember. In response to Councilmember Steinmeyer, Mr. Cover provided information about county property assessments statutes.

Councilmember McCandless expressed her condolences for Milly Nesbitt as well. Councilmember McCandless recognized Independence Together and shared statistics of the work that the program has completed. Councilmember McCandless thanked city staff for the opportunity that staff members had to take part in the Youth Mental Health First Aid Training. Councilmember McCandless wished City Clerk, Becky Behrens, a happy birthday.

Councilmember Fears congratulated the Independence High School graduates.

Mayor Rowland shared that there was a celebration at the Truman Library for the 75th Anniversary of the recognition of Israel. Mayor Rowland recognized Gingers Breads & Treats. Mayor Rowland mentioned a joint editorial in the Examiner between Jason White and Lucy Young. Mayor Rowland thanked the employees who volunteered to organize the employee picnic last Friday. Mayor Rowland discussed the trash cleanup and recognized Lydia who won a chalk contest and helped pick up trash. The Mayor also thanked Independence Together and citizen volunteers.

At 7:50 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., June 5, 2023, in the Council Chambers.

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

ATTEST:

City Clerk