

REGULAR MEETING

June 5, 2023

The Independence City Council met for a Regular Meeting, June 5, 2023, at 6:01 p.m., in the Council Chambers, 111 E. Maple.

Opal Cunningham, member, Church of Jesus Christ of Latter Day Saints, 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.

CITIZENS REQUEST TO SPEAK:

Walter Capps spoke to Council regarding Community Service Project Idea.

Tom Gebken spoke to Council regarding Agenda Item #3.

Robert Brackenbury spoke to Council regarding pit bulls.

Teresa Tweedie spoke to Council regarding pit bulls.

PRESENTATION RESOLUTIONS:

Councilmembers McCandless and Hobart moved to approve Bill No. 23-746.

Bill No. 23-746, entitled, [Res. #6927]

“A RESOLUTION RECOGNIZING HOLLY DREYER, PAYROLL MANAGER, WITH THE HUMAN RESOURCES DEPARTMENT, AS THE I-STAR AWARD RECIPIENT FOR JUNE 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 National Gun Violence Awareness Day. Mayor Rowland presented the proclamation.

City Clerk, Becky Behrens, read the proclamation for Flag Day Mayor Rowland presented the proclamation.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmembers Hobart and McCandless moved to approve the CONSENT AGENDA.

1. Approval of minutes for the Regular Meetings on May 1, 2023, and May 15, 2023 and Special Called Meeting on May 22, 2023.
2. Council action is requested to authorize the City Manager to enter into a Lease Agreement with the Union Pacific Railroad Company for a landscape and beautification easement along the west side of Noland Road, located generally between Osage Street and 35th Street.

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3. Consideration of Memorandum of Understanding between City of Independence and Communications Workers of America (CWA).
4. Council action to issue Change Order #1 to Purchase Order #23000230 to Davenport Construction LLC (Davenport) in the amount of \$40,000.00 to cover the costs for paving services for the Stormwater division of Municipal Services Department. New amount of PO will be \$65,000.00.
5. Council action to issue Change Order #1 to Purchase Order 22000323 to Olathe Ford Lincoln Mercury in the amount of \$26,006.00 to cover the costs for the Ford F250 4x4 for sewer maintenance for the Municipal Services department. The new amount of the PO will be \$58,060.00.
6. Approval is recommended to amend the Schedule of Fees for the City of Independence effective July 1, 2023.
7. Council action to issue Change Order #4 to Purchase Order #23000171 to Davenport Construction LLC (Davenport) in the amount of \$300,000.00 to cover the costs for Asphalt Street Cut Repairs for the Water Department. New amount of PO will be \$800,000.00.
8. Council action is requested to issue a purchase order to Ferguson Waterworks in the amount of \$132,128.50 for Fire Hydrants for the Water Department.
9. Council action is requested to issue two (2) separate purchase orders to Graybar Electric Company (Graybar) in the amounts of \$54,293.48 and \$89,762.70 for wire for the Northpoint Development located along Little Blue Parkway for the Power & Light Department.
10. Council action is requested to authorize the City Manager to approve a construction contract with Superior Bowen for an amount not to exceed \$1,799,769.85 authorizing future minor change orders not to exceed \$179,977 and/or time extensions for the FY 23 Overlay portion of the Preventative Pavement Maintenance Project (No. 112201-5).
11. Council action is requested to authorize the City Manager to approve a design contract, and issue a purchase order to, Burns & McDonnell for an amount not to exceed \$376,571.56 authorizing future minor change orders not to exceed \$37,657.16 and/or time extensions, to perform engineering design services for the I-70 & Little Blue Pkwy Interchange Project (No. 112303).
12. Council action is requested to issue a purchase order to Infrastructure Solutions LLC in the amount of \$464,800.00 for the US 24 Highway water main replacement project from Noland Road to Emery Street for the Water Department.

Bill No. 23-747, entitled, [Res. #6928]

“A RESOLUTION DIRECTING THE CITY MANAGER TO SIGN THE FAIRMOUNT COMMUNITY IMPROVEMENT DISTRICT PETITION FOR THE CITY-OWNED PROPERTY AT 600 SOUTH STERLING AVENUE.”

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 full public hearing for the HUB Drive Tax Increment Financing Redevelopment Plan, Redevelopment Area and Redevelopment Project. David Martin with Gilmore and Bell provided background information on this item. Rich Doobey, Developer with Tri-Land Properties provided additional information. John Hansen with Tri-Land Properties provided additional information. In response to Councilmember Hobart, Mr. Martin clarified his role in this project. In response to Councilmember Hobart, Mr. Martin stated that the city’s only obligation would be to transfer TIF revenues, there would be no circumstance where the city would be required to make a payment from any other funds if the project experiences partial or total failure. In response to Councilmember McCandless, Mr. Martin stated that this project was structured specifically to avoid the result of the city owing anything in the event of project failure. Councilmember Steinmeyer stated that he has met with the

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developer and stated that he feels they have done it the right way in partnering with the city and the residents. Councilmember Steinmeyer stated he spoke with the developer about local labor being allowed to bid for the project and the developer stated they are committed to do that. In response to Councilmember Stewart, the developer provided information about current businesses and what available space there will be to lease when the project is complete. In response to Mayor Rowland, Mr. Martin confirmed the city's obligation will be to transfer TIF revenues only. Mayor Rowland thanked everyone for their work on this project. Theresa Hoeflicker asked questions about property maintenance. The developer provided information about how they handle maintenance. Kerri Batey asked if any of the of the businesses will be closed during this project, the developer confirmed that all businesses will remain open during the project. Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

Bill No. 23-039, entitled

"AN ORDINANCE APPROVING THE HUB DRIVE TAX INCREMENT FINANCING REDEVELOPMENT PLAN, ESTABLISHING A REDEVELOPMENT AREA, DESIGNATING THE REDEVELOPMENT AREA AS A BLIGHTED AREA, MAKING OTHER REQUIRED FINDINGS FOR THE REDEVELOPMENT PLAN, DESIGNATING A DEVELOPER, APPROVING A REDEVELOPMENT AGREEMENT WITH THE DEVELOPER AND DIRECTING STAFF TO IMPLEMENT THE REDEVELOPMENT PLAN."

was given its first reading by title. Councilmember Hobart thanked Tri-Land Properties, Mr. Martin and city staff for their work on this project.

Mayor Rowland opened a full public hearing for the formation of the Hub Drive Community Improvement District. Mr. Martin provided background information on this item. Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

Bill No. 23-040, entitled

"AN ORDINANCE APPROVING THE PETITION FOR THE ESTABLISHMENT OF THE HUB DRIVE COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE DISTRICT, MAKING FINDINGS AND AUTHORIZING ACTIONS RELATED TO ESTABLISHMENT OF THE DISTRICT."

was given its first reading by title.

Mayor Rowland opened a full public hearing for the plan for an Industrial Development Project for the Hub Drive Redevelopment Project. Mr. Martin provided background information on this item. Mayor Rowland declared this public hearing closed. *Full Public Hearing.*

Bill No. 23-041, entitled

"AN ORDINANCE APPROVING A PLAN FOR AN INDUSTRIAL DEVELOPMENT PROJECT; AUTHORIZING THE CITY OF INDEPENDENCE, MISSOURI TO ISSUE TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$27,500,000 IN CONNECTION WITH THE HUB REDEVELOPMENT PROJECT; AND AUTHORIZING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH."

was given its first reading by title.

NON-ORDINANCE ACTION ITEMS:

Bill No. 23-748, entitled, [Res. #6929]

"A RESOLUTION REPEALING RESOLUTIONS 6386, 6436 AND 6486."

In response to Councilmember McCandless, City Manager, Zach Walker, provided background information on this item. Councilmember McCandless spoke about an IPL presentation made to the Public Utilities Advisory Board about the intense fiscal impact this rate reduction had on their ability to remain solvent. Councilmember McCandless stated that this change will only return us to the 2012 levels of cost and does not account for the city's inflationary pressure and stated that it will be likely that there will be rate increases in the future to be able to address the increased costs the city has for running its own utility. In response to Councilmember Steinmeyer, Mr. Walker provided background information

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regarding the municipal rate. Councilmember Steinmeyer asked for a more extensive audit of IPL to happen before Council makes decisions about lifting the moratorium. Mr. Walker provided information about why this item was brought forth tonight and what the cost will be to the city if not approved. Councilmember Steinmeyer stated that he understands the stress regarding the budget, he also stated that he would like more transparency for the publicly owned utility. Councilmember McCandless cited a presentation provided by IPL to the PUAB which included a fiscal analysis done by IPL and advised that it would be available to provide the Council. Mr. Walker also shared additional information regarding recommendations from a study done in 2015 that have not been implemented. Councilmember Hobart commended IPL staff for management on rates from 2012. Councilmember Hobart shared some personal feelings and stated that he does not take a rate increase lightly and advised that he will vote in favor of this item. In response to Mayor Rowland, Mr. Walker provided information about IPL reserve funds and rates. Mr. Walker advised that this item will buy time for them to do further research into solving the cost issue, but does not solve the financial issues with IPL. Mr. Walker provided information about the Comprehensive Annual Financial Review. In response to Councilmember Fears, Mr. Walker confirmed that our bond rating could be decreased and make it that much more difficult and expensive to borrow in the future. In response to Councilmember Steinmeyer, Mr. Walker provided information about the changes for the target reserve amount in the last few years. Mr. Walker confirmed that the moratorium ends in 2024 if no action is taken tonight. Councilmember Steinmeyer stated that he will be voting no, but understands the position of the city. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, McCandless, Hobart and Mayor Rowland. Noes – Councilmembers Stewart and Steinmeyer. Absent – None. The Mayor declared the bill approved.

ORDINANCES:

Bill No. 23-032, entitled, [*remanded back to staff*]

“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.

Councilmembers Hobart and Steinmeyer moved to remand Bill No. 23-032 back to staff. Councilmember Hobart stated that there are still come questions to be determined. Councilmember Hobart asked that if this motion is approved, that Mr. Walker draft a resolution creating a moratorium on any adult business that would otherwise be covered in this language until staff could get back to Council with additional information. Councilmember Stewart stated he will be voting yes to remand this back to staff. Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer and Hobart. Noes – Mayor Rowland. Absent – None. The Mayor declared the motion approved.

Bill No. 23-038, entitled, [Ord. #19444]

“AN ORDINANCE REPEALING INDEPENDENCE CITY CODE OF ORDINANCES SECTION 3.03.006 “KEEPING OF PIT BULLS PROHIBITED” AND ORDERING 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.” was given its second reading by title and placed on final passage.

Councilmembers Hobart and Stewart moved to amend Bill No. 23-038 to add a Section 3 and language stating “this ordinance shall go into effect Friday, August 4, 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.

Councilmember Stewart shared his feelings about this ordinance and why this is a difficult vote. Councilmember Stewart stated that he will stay true to his word and believes this change should be voted

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on by citizens so he will vote no on this item. Councilmember Steinmeyer shared his feelings and concerns shared with him by citizens. Councilmember Steinmeyer shared that he believes the petition was to take the issue in front of the voters. Councilmember Steinmeyer will vote no because he would like this to go to a vote of the people. In response to Councilmember Fears, City Counselor, Jeremy Cover, advised of the Council responsibilities and options are regarding an initiative petition has been submitted. Councilmember Fears asked that in reviewing the other ordinances that Mr. Walker include a responsible owner section. Mayor Rowland stated that Council provided information to Mr. Walker regarding things they would like to see updated in the dangerous dog ordinance to make the City Code more robust to protect citizens.

Upon roll call for Bill No. 23-038, the vote was: Ayes – Councilmembers: Fears, Perkins, McCandless, Hobart and Mayor Rowland. Noes – Councilmembers: Stewart and Steinmeyer. Absent – None. The Mayor declared the bill approved.

FIRST READINGS:

Bill No. 23-042, entitled

“AN ORDINANCE APPROVING A REDEVELOPMENT PROJECT FOR THE HUB DRIVE TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND INITIATING TAX INCREMENT FINANCING THEREIN.”

was given its first reading by title.

Bill No. 23-043, entitled

“AN ORDINANCE AUTHORIZING THE INCREASE OF EXPENDITURES FOR LIFEGUARD INCENTIVES AT THE ADVENTURE OASIS WATER COMPLEX FOR \$25,000.00 AND MAKING THE NECESSARY APPROPRIATIONS.”

was given its first reading by title.

Bill No. 23-044, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-12 (TWO FAMILY RESIDENTIAL) AND DISTRICT C-2 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT C-2/PUD (GENERAL COMMERCIAL/ PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTIES AT THE NORTHWEST CORNER OF 23RD STREET AND COTTAGE STREET, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 23-045, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT I-1 (INDUSTRIAL) TO DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) FOR THE PROPERTY AT 907 AND 907½ S. CRYSLER AVENUE IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 23-046, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) AND DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) TO DISTRICT R-6 (SINGLE-FAMILY RESIDENTIAL) FOR THE PROPERTIES ALONG FARMER STREET AND MAIN STREET IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 23-047, entitled

“AN ORDINANCE DESIGNATING THE DWELLING AND ITS ASSOCIATED PROPERTY LOCATED AT 1114 SOUTH NOLAND ROAD, AS A HISTORIC LANDMARK AND GIVING THE PROPERTY A CLASSIFICATION OF SINGLE-FAMILY RESIDENTIAL/HISTORIC LANDMARK (R-6/HL) ON THE ZONING MAP.”

was given its first reading by title.

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Bill No. 23-048, entitled

“AN ORDINANCE AMENDING INDEPENDENCE CITY CODE SECTION 12.01.005 “LOITERING”. – Requested by councilmember Brice Stewart

was given its first reading by title.

Councilmember Stewart stated that there was a disconnect between what he asked for and what he received for Bill No. 23-048. He has now received an amendment for the ordinance and would like to see information presented from staff at the June 12, 2023, Study Session.

Bill No. 23-049, entitled

“AN ORDINANCE ADOPTING THE ANNUAL OPERATING AND CAPITAL BUDGETS OF THE CITY OF INDEPENDENCE, MISSOURI, FOR THE FISCAL YEAR JULY 1, 2023 - JUNE 30, 2024, ESTIMATING THE REVENUES FOR SAID FISCAL YEAR; APPROPRIATING SUMS FOR THE PURPOSES STATED IN SAID BUDGET, ESTABLISHING OPERATING TRANSFERS, DESIGNATING FUND BALANCE ALLOCATIONS, ESTABLISHING THE AUTHORIZED TABLE OF ORGANIZATION, AND DESIGNATING THOSE WHO MAY MAKE A REQUISITION FOR ENCUMBRANCES AGAINST APPROPRIATIONS.”

was given its first reading by title.

INFORMATION ONLY:

1. Epidemiology and Laboratory Capacity (ELC) Enhancing Detection (ED) Expansion Amendment
2. Purchase Order 23001253 was issued to the Missouri Department of Transportation for a one-time payment in the amount of \$1,928,507.43 in accordance with Cost Share Agreement #2021-03-62166 for the overage of the estimated bid for construction services on the 24 Highway Complete Streets Phase 1 Project (111801/ Fed. Project No. JFS3405B).
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 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:

In response to Councilmember Stewart, Mr. Walker provided information regarding funds used for Police Department retention and recruitment.

Councilmember Perkins shared information about the 21st Annual Island Fest and the Northwest Independence Clean Up events he attended. Councilmember Perkins thanked Police Department staff and volunteers.

Councilmember Fears shared information about the installation ceremony for five new police officers and the Hillcrest Teen and Young Adult Center ribbon cutting that he was able to attend.

Councilmember McCandless shared information about the Strawberry Festival event she attended. In response to Councilmember McCandless, Mr. Walker provided information regarding the change in the credit card processing vendor for city payments and what may change for customers.

Councilmember Hobart shared information about the Council Strategic Plan Follow Up meeting they had a couple weeks ago. Councilmember Hobart shared an update for the Frontier Trails Museum and the Model Railroad Museum. Councilmember Hobart shared information about the Island Fest that he also was able to attend.

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Mayor Rowland shared an update regarding the location of the Mayor's Clean Up event on June 10, 2023. Mayor Rowland thanked the Council for their participation in the Strategic Planning Session and stated that Council will be doing it again on July 31, 2023. Mayor Rowland shared information about events he attended and suggested that citizens attend the Island Fest next year. Mayor Rowland shared information about the St. Paul Church Anniversary events.

At 8:08 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., June 20, 2023, in the Council Chambers.

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

ATTEST:

City Clerk