

REGULAR MEETING  
August 7, 2023

The Independence City Council met for a Regular Meeting, August 7, 2023, at 6:06 p.m., in the Council Chambers, 111 E. Maple.

Lupe Moe, member of 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: John Perkins, Brice Stewart, Jared Fears, Bridget McCandless, Daniel Hobart and Mayor Rory Rowland. Mike Steinmeyer appeared virtually. Absent – None.

Mayor Rowland made a motion to go out of order and do the I-Star resolution before the Citizens request. Councilmember Hobart seconded the motion. Mayor Rowland asked for a voice vote. There were no “nays.”

Mayor Rowland then rescinded this motion and followed the Agenda.

### **CITIZENS REQUEST TO SPEAK**

Jason White spoke to Council regarding Bill 23-065, “An ordinance amending Chapter 1 Article 16, "Board of Ethics" of the Independence City Code.

Lucy Young also spoke to Council regarding Bill 23-065, “An ordinance amending Chapter 1 Article 16, "Board of Ethics" of the Independence City Code.

### **PRESENTATIONS/RESOLUTIONS**

Councilmembers McCandless and Perkins moved to approve Bill No. 23-768.

Bill No. 23-768, entitled, [Res. #6950]  
“A RESOLUTION RECOGNIZING WAYNE RUCKER, TREATMENT PLANT OPERATOR, WITH THE MUNICIPAL SERVICES DEPARTMENT, AS THE I-STAR AWARD RECIPIENT FOR AUGUST 2023.”

Upon a voice vote, there were no “nays.” The Mayor declared the bill approved.

### **PROCLAMATIONS**

OSHA'S National Safe & Sound Week - August 7-13, 2023. (Accepted by Eric Holder, Independence Power and Light.)

### **CONSENT AGENDA**

#### **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:**

Councilmembers Hobart and McCandless moved to approve the CONSENT AGENDA.

Councilmember Hobard requested that number 1 be pulled for separate consideration.

Councilmember Perkins requested that number 14 be pulled for separate consideration.

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Councilmember Fears requested that number 20 be pulled for separate consideration.

Councilmember McCandless requested that Resolution number 23-769 be pulled for separate consideration.

2. Council action is requested to expend \$50,000.00 on a purchase order for lime to Mississippi Lime Company for the Municipal Services Department.
3. Council action is requested to expend \$75,000.00 in a purchase order to Synagro for sludge hauling for the Municipal Services Department.
4. Council action is requested to issue a purchase order to Precision Industries, Inc., for two pumpers to be purchased by the Fire Department, in the amount of \$1,687,401.00.
5. Council action is requested to issue a purchase order to Clark Equipment Company, for an E42 R2 Bobcat Excavator to be purchased by the Municipal Services Department/Sewer Maintenance Division, in the amount of \$74,843.64.
6. Council action is requested to issue a purchase order to Clark Equipment Company, for a E60 Compact Excavator to be purchased by the Municipal Services Department/Sewer Maintenance Division, in the amount of \$76,627.94.
7. Council action is requested to create a \$85,200.00 purchase order with Majestic Franchising Inc. (dba Jani-King), for Cleaning of the Animal Shelter for the Animal Services Division of the Health Department.
8. Council action is requested to expend \$110,000.00 with Blue Springs Winwater for inventory purchases for the Sewer Maintenance Division of the Municipal Services Department.
9. Approval of minutes for the Regular Meetings on July 3, 2023 and July 17, 2023.
10. Council action is requested to expend \$50,000.00 to Design Mechanical, for HVAC Maintenance at the Independence Power & Light (IPL) Service Center for the Power & Light Department.
11. Council action is requested to create a \$1,000,000.00 in a purchase order for fiscal year 2023-2024 to John Moore Oil Company for fuel oil purchases for the Power & Light Department.
12. Council action is requested to authorize the City Manager to issue a purchase order to Olsson Associates in the amount of \$998,785, authorizing future minor change orders not to exceed \$99,878.50 for a professional engineering design services contract as part of the Rock Creek Watershed Pipe Replacement Project (No. 132402).
13. Council action is requested to expend \$4,191,750.00 with Frazier Oil Company for Fuel for the Municipal Services and Power & Light Departments.

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15. Council action is requested to expend \$175,980.00 in purchase orders for fiscal year 2023-2024 to Charlesworth Consulting for Risk Management Consulting Services and Workers Compensation Claims Processing for the Finance Department.
16. Council action is requested to issue a contract with Wallis Lubricants for Motor Oil and Lubricants for one year, with two possible one-year renewal periods for the Municipal Services Department.
17. Council action is requested to expend \$100,000.00 in purchase orders for fiscal year 2023-2024 to Metro Ford for repair services for the Central Garage for the Municipal Services Department.
18. Council action is requested to issue a contract with Fifth Asset, Inc for a three-year period for the DebtBook subscription-based software platform.
19. Council action is requested to issue a purchase order to Olathe Ford in the amount of \$58,060, for a ¾ Ton Pickup Chassis for the Sanitary Sewer Division of the Municipal Services Department.
21. Council action is requested to issue a purchase order to AVI-SPL in the amount of \$190,000, for Audio-Visual (AV) Equipment for Room 117 at the Independence Utility Center (IUC) for the Tech Services Department.

## **RESOLUTIONS**

Bill No. 23-770. (Res. #6949)

“A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF CAR WASH APPLICATIONS.”

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.

## **CONSENT AGENDA - SEPARATE CONSIDERATIONS:**

1. Consideration of License Agreement with Google Fiber Missouri, LLC.

Councilmember Hobart shared his excitement about the Google Fiber agreement and commented how proud he was of the staff, Mr. Walker, City Manager, and Adam Norris, Deputy City Manager. Councilmember Hobart asked if Mr. Walker wanted to add anything. Mr. Walker added his appreciation. Rachel Merlo, Google Fiber head of Government and Community Affairs, Central Region, spoke and addressed timeline issues. Mayor Rowland asked for any additional comments. Councilmembers Hobart and Perkins moved to approve Item No. 1. Mayor Rowland asked Ms. Merlo additional questions regarding a number of specifics regarding Google coming into Independence.

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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.

14. Council action is requested to approve a contract with the Englewood Arts for the license of the Englewood public area for the Englewood ReArt Festival.

Councilmember Perkins shared that the organizers asked that this agreement be removed because they are not going to have it this year. Councilmember Perkins made a Motion and Councilmember Hobart seconded to postpone Item No. 14 indefinitely.

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.

20. Council action is requested to expend \$701,399.00 in a purchase order for fiscal year 2023-2024 to Modern Pool Management (MPM) for the management and staffing of the Adventure Oasis Waterpark (AO).

Councilmember Fears questioned the City Manager about the amount of this purchase order to manage this water park and asked him to explain. In response to Councilmember Fears, Mr. Walker explained what the management of this entailed and what subsidization the City. Mr. Walker then asked Morris Heidi, Parks Director, to come forward for more explanation. Mr. Heidi clarified the purpose for this request. Councilmember Fears asked the City Manager to get back with him on annual basis where they are at on an annual income on this particular park. Mr. Walker advised Councilmember Fears he would follow up with the Council with a brief report. Councilmember Fears made a Motion and Councilmember Perkins seconded approving Item No. 20. Councilmember Hobart asked if they were moving to approve or continue it until they get more numbers. Fears then said to go ahead and approve it since it is a five-year agreement, and it is cleaning up some things that they have been doing.

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.

Bill No. 23-769. (Res. #6948)

“A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$5,000,000 FROM THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT (DED) FOR REIMBURSEMENT OF CERTAIN PROJECT DEVELOPMENT COSTS ASSOCIATED WITH THE EASTGATE COMMERCE CENTER PROJECT; AUTHORIZING FUTURE CHANGE ORDERS, EXTENSIONS, AMENDMENTS, OR ADDENDUMS FOR ADDITIONAL FUNDING FOR THE SAME PROJECT.”

Councilmember McCandless asked Mr. Walker to explain a little bit about this grant and its purpose. In response to Councilmember McCandless, Mr. Walker explained that this was spearheaded by Deputy City Manager and asked him to come and speak on this matter. Mr. Norris explained that they were one of three to receive this grant. Mr. Norris when on to explain what this money would be used for. This was discussed more by Councilmember McCandless and Mr. Norris. Councilmember McCandless thanked the City for pursuing grant opportunities. Mayor Rowland also thanked the City for its work on its pursuit of the grant. Mr. Norris went on to explain that it was a team effort with the North Point team. Councilmember

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McCandless made a Motion and Councilmember Hobart seconded to approve 23-769.

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 new information only public hearing for the application received from Girlzworld II, Inc. for a Restaurant Selling Intoxicating Liquor and a Sunday Sales License for Summit Pizza that will be located at 3010 S. 291 Hwy, Suite V. Tom Scannell, Community Director provided information on this item. Mayor Rowland declared this a full public hearing and anyone can speak or provide any information. There were none. Mayor Rowland declared this public hearing closed.

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  
SECOND READING(S)**

Bill 23-062, entitled, [Ord. #19466].

“AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$1,014,375.00 FROM THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF DRE CONFERENCE FEES AND OVERTIME PROGRAMS FOR THE POLICE DEPARTMENT FOR IMPAIRED DRIVING ENFORCEMENT AND YOUTH ALCOHOL LIQUOR COMPLIANCE CHECKS FROM OCTOBER 1, 2023, TO SEPTEMBER 30, 2024; AUTHORIZING FUTURE CHANGE ORDERS AND/OR TIME EXTENSIONS FOR THE SAME PROJECT AND MAKING THE NECESSARY 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.

Bill No. 23-063, entitled, [Ord. #19467]

“AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$495,119.00 FROM THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT FOR A BOSCH CDR UPGRADE KIT, AN ENCLOSED CARGO TRAILER, LETSAC CONFERENCE FEES AND AN OVERTIME PROGRAM FOR HAZARDOUS MOVING VIOLATIONS ENFORCEMENT FROM OCTOBER 1, 2023, TO SEPTEMBER 30, 2024; AUTHORIZING FUTURE CHANGE ORDERS, EXTENSIONS, AMENDMENTS, OR ADDENDUMS FOR ADDITIONAL FUNDING FOR THE SAME PROJECT AND MAKING THE NECESSARY 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.

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Bill No. 23-064, entitled, [Ord. #19468]

“AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$100,625.00 FROM THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF OVERTIME FOR OCCUPANT PROTECTION ENFORCEMENT PROGRAMS FROM OCTOBER 1, 2023, TO SEPTEMBER 30, 2024; AUTHORIZING FUTURE CHANGE ORDERS, EXTENSIONS, AMENDMENTS, OR ADDENDUMS FOR ADDITIONAL FUNDING FOR THE SAME PROJECT AND MAKING THE NECESSARY 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.

Bill No. 23-065

“AN ORDINANCE AMENDING CHAPTER 1 ARTICLE 16 “BOARD OF ETHICS” OF THE INDEPENDENCE CITY CODE.”

Councilmember Steinmeyer stated the reasons he wanted to introduce this bill. Councilmember Steinmeyer made a motion and Hobart seconded to remove 23-065.

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 withdrawn.

Bill No. 23-066, entitled, [Ord. #19469]

“AN ORDINANCE AUTHORIZING A CONTRACT WITH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES TO PROVIDE FINANCIAL ASSISTANCE FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT PROGRAM FOR THE PERIOD OF JULY 1, 2023, THROUGH JUNE 30, 2024; ACCEPTING FUNDS FOR THE PERIOD IN THE AMOUNT OF \$125,952.00; 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.

Bill No. 23-067, entitled, [Ord. #19470]

“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTAIN GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE TRUMAN CONNECTED PHASE 1 PROJECT (PROJECT NO. 112102 / FEDERAL PROJECT NO. STP 3301(524)).”

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.

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**FIRST READINGS:**

Bill No. 23-068.

“AN ORDINANCE AMENDING SECTION 3.03.008 “DANGEROUS DOGS” AND SECTION 3.03.009 “VICIOUS DOGS” OF THE INDEPENDENCE CITY CODE.”

was given its first reading by title.

Bill No. 23-069.

“AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PUBLIC TRANSIT OPERATING ASSISTANCE GRANT IN THE AMOUNT OF \$105,206.25 FOR OPERATING EXPENSES ASSOCIATED WITH TRANSIT SERVICE FOR THE PERIOD JULY 1, 2023, THROUGH JUNE 30, 2024; AND MAKING THE NECESSARY APPROPRIATIONS.”

was given its first reading by title.

Bill No. 23-070.

“AN ORDINANCE APPROVING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY AND NORTHPOINT DEVELOPMENT, LLC AND AUTHORIZING AND APPROVING CERTAIN ACTIONS IN CONNECTION THEREWITH.”

was given its first reading by title.

Bill No. 23-071.

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-6 (SINGLE FAMILY RESIDENTIAL) FOR THE PROPERTY AT 140 EAST FARMER STREET IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 23-072.

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT R-30/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTIES AT 17610 E. 39TH STREET S., IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 23-073.

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 11913 E. MAR BEC TRAIL, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 23-074.

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT I-1 (INDUSTRIAL) TO DISTRICT R-6 (SINGLE FAMILY RESIDENTIAL) FOR THE PROPERTY AT 1700 S. M-291 HIGHWAY IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

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**INFORMATION ONLY:**

1. Purchase orders 23001392, 23001394 and 24000056 for \$75,475.39, \$59,893.20, and \$110,313.72 were issued to Frazier Oil Company and John Moore Oil Company for Substation Fuel Oil for the Power & Light Department.
2. Amendment to City Council Rules of Procedure.
3. Purchase order 24000117 for \$80,511.81 was issued to Frazier Oil Company for Substation Fuel Oil for the Power & Light Department.
4. The City Council is expected to convene in an Executive Session at 4:45 pm, Monday, August 7, 2023, with the closed session taking place in Conference Room A (Third Floor), on Legal Actions, as permitted by Sec. 610.021(1); Personnel Actions, as permitted by 610.021(3); and Personnel Records, as permitted by 610.021 (13).
5. 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 Steinmeyer shared information about his attendance at the event IPD put on at the Independence Center. Councilmember Steinmeyer also stated he had a question about No. 2 in the Information Only section of tonight's Agenda. He stated he thought this issue had been addressed and wonders if this is something that will be coming up for Council to vote on. Mayor Rowland asked Mr. Cover, City Attorney, to address this issue. In response to Councilmember Steinmeyer, Mr. Cover explained that this is to put it out there so it can be brought up at the next meeting so it can be discussed and voted on as a Resolution. Councilmember Steinmeyer questions who put it on the agenda. Mayor Rowland responded to Councilmember Steinmeyer on his reasons for putting it on the agenda. Mayor Rowland stated it can be put on for discussion at the next study session. Mayor Rowland asked Mr. Walker if, given the time frame, it was appropriate to put it on the next study session agenda? In response to Mayor Rowland, Mr. Walker explained that the Council can vote on putting this item on the study session agenda. A voice vote was taken and passed.

Councilmember Stewart asked Mr. Walker about the residency rules for Adventure Oasis and wants him to look into that policy. Mr. Walker responded that he would be happy to review the rules and look to see if any changes needed to be made. Mayor Rowland stated that he agreed and requested to have a special session to look into the rules. Councilmember McCandless recommended that since there are only two more weeks left in the summer, to wait for recommendations for the next season.

Councilmember Perkins shared information about his attendance at the Fire Department swearing in ceremony.



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Councilmember Fears shared his thoughts on the Strategic Planning session meeting with the Chamber of Commerce and stated that he appreciated their Chamber's involvement. Councilmember Fears also asked about the first reading on dangerous dogs/vicious dogs and commented that he had talked about some type of ordinance that would have discussion about responsible ownership. He asked Mr. Walker if that was still in the works. Mr. Walker responded that it was the opinion of legal counsel that the current ordinance provided the coverage that was akin and what was seen with Liberty. Mr. Cover then explained that the first reading on the agenda was for the additional revisions the Council had wanted made.

Councilmember McCandless shared information regarding her trip to Washington, DC as part of her being on the Board of Directors of the Truman Library.

Councilmember Hobart requested Mr. Walker to find out of the major internet service providers in Independence how long they have provided broadband service in Independence and what percentage of households they cover. Mr. Walker responded that his staff would work on getting the information. Councilmember Hobart also requested Mr. Walker to see if he could get the number of complaints of each service.

Mayor Rowland shared the times and place for trash pickup.

Councilmember McCandless also shared the State of the City Address.

Mayor Rowland shared that he would like to take the recording of the Address to another event in the evening to run the video to allow people to see it.

Mr. Walker shared that Fire Chief Short retired and that he wishes him well. He introduced Interim Fire Chief Laus. He also advised of the merging of the Water Department and Municipal Services.

At 7:25 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., August 7, 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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Interim City Clerk