

REGULAR MEETING  
August 21, 2023

The Independence City Council met for a Regular Meeting, August 21, 2023, at 6:06 p.m., in the Council Chambers, 111 E. Maple.

Shirley Murdock, 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, Mike Steinmeyer and Mayor Rory Rowland. Absent – None.

**CITIZENS REQUEST TO SPEAK**

Walter Capps spoke to Council regarding the amendments to Ethics Code on the Agenda and the discussion regarding the same at the Study Session.

Councilmembers Hobart and Steinmeyer moved to suspend the Rules of Procedure to allow non-residents 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.

Colleen Huff spoke to Council regarding her opposition of item 23-774, resolution to make an amendment to City Council Rules and Procedures.

Lucy Young spoke to Council regarding the Model Railroad Museum and item 23-774, resolution to make an amendment to City Council Rules and Procedures.

Marla Kimsey spoke to Council regarding her opposition of item 23-774, resolution to make an amendment to City Council Rules and Procedures.

Richard McKee spoke to Council regarding his opposition of item 23-774, resolution to make an amendment to City Council Rules and Procedures.

Kenneth Love spoke to Council regarding the homeless issue and his opposition to the 39<sup>th</sup> Street apartment project.

Bob Sorenson spoke to Council regarding his opposition of item 23-774, resolution to make an amendment to City Council Rules and Procedures.

Michael Huff spoke to Council regarding the responsibilities of the counsel and the need to work together and his opposition of item 23-774, resolution to make an amendment to City Council Rules and Procedures.

Dakota Worrell spoke to Council regarding his opposition of item 23-774, resolution to make an amendment to City Council Rules and Procedures.

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**PRESENTATIONS/RESOLUTIONS**

None

**PROCLAMATIONS**

None

**CONSENT AGENDA**

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

Councilmembers Hobart and McCandless moved to approve the CONSENT AGENDA.

Councilmember Stewart requested that numbers 2, 26 and 27 be pulled for separate consideration.

Councilmember Hobart requested that number 29 be pulled for separate consideration.

Councilmember McCandless requested that number 10 and Resolution number 23-771 be pulled for separate consideration.

1. Council action is requested to engage with Copaken Brooks as Downtown Master Developer.
3. Council action is requested to issue a purchase order to Olathe Ford Lincoln Mercury, for a Ford F450 dump body chassis to be purchased by the Municipal Services Department/Sewer Maintenance Division, in the amount of \$60,835.00.
4. Council action is requested to enter the third renewal term with CBiz Benefits & Insurance Services, Inc for Benefits Consulting Services. The expected expenditure for FY 24 is \$120,000.00.
5. Council action is requested to expend \$350,000.00 in purchase orders for fiscal year 2023-2024 to USIC Locating Services Inc. for Locating Services for the Sewer Maintenance and Storm Water Divisions of the Municipal Services Department (\$180,000) and for the Power & Light Department (\$170,000).
6. Council action is requested to expend \$80,830.00 in expenditures for fiscal year 2023- 2024 to Riley's Complete Lawn Professionals for the Parks, Recreation, & Tourism Department.
7. Council action is requested issue a purchase order in the amount of \$180,336.00 for fiscal year 2023-2024 to Woodley Janitorial for Janitorial Services for the Power & Light Department.
8. Council action is requested to issue a \$64,380.00 purchase order for fiscal year 2023- 2024 to Zambelli Lawn Mowing and Snow Removal Inc. for Mowing Services for the Power & Light Department.
9. Council action is requested to expend \$90,000.00 in purchase orders for fiscal year 2023- 2024 to Zambelli Lawn Care and Snow Removal for Lawn Care Service for the Water Department.

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11. Council action is requested to expend \$300,000.00 in purchase orders for fiscal year 2023-2024 to Fletcher-Reinhardt and Wesco for Steel and Aluminum poles for the Power & Light Department.
12. Council action is requested to issue purchase orders to Martin Underground Construction Inc, for the West College Fiber Replacement Project (\$142,338.50) and Fire Station 6 to Courtney Bend Water Plant Project (\$53,321), for the Power & Light Department. Total Fiscal Impact for both projects are \$195,659.50.
13. Council action is requested to issue a purchase order for \$400,000 to Fletcher-Reinhardt, for Utility Hardware Group 1, 2, 4, 5 and 6 for Fiscal Year 2023-2024, for the Power & Light Department.
14. Council action is requested to issue a purchase order for \$100,000 to Stella-Jones, for Wood Transmission & Distribution Poles, for the Power & Light Department.
15. Council action is requested to issue a purchase order for \$50,000.00 to Arkansas Electric, for Arrestors-Utility Hardware group 3, for the Power & Light Department.
16. Council action is requested to issue a purchase order for \$70,000.00 to Wesco, for Meter Sockets & Hubs Group 8, for the Power & Light Department.
17. Council action is requested to issue a purchase order for \$300,000.00 to Border-States, for Lamps, Luminaires & Photocells Group 10, for the Power & Light Department.
18. Council action is requested to issue a purchase order for \$400,000.00 to Graybar Electric, for Aluminum & Copper Cable/Wire, for the Power & Light Department.
19. Council action is requested to issue a purchase order for \$150,000.00 to Solomon Corporation, for Transformer Repair-Remanufacturing, for the Power & Light Department.
20. Council action is requested to authorize the City Manager to approve a design contract with, and issue a purchase order to, Veenstra & Kimm, Inc. for an amount not to exceed \$165,242 and authorizing future minor change orders not to exceed \$16,524.20 and/or time extensions, as part of the Independence Historic Trails Phase 1 Project (No.112406).
21. Council action is requested to issue a purchase order for \$240,000.00 to Wesco Distribution Inc., for Power Distribution Transformers, for the Power & Light Department.
22. Council action is requested to enter into a contract with Vance Brothers, Inc., for asphaltic concrete, emulsifiers, and tools for one year for all departments. The total amount of the contract will be \$155,000.00.
23. Council action is requested to issue a purchase order for \$240,000.00 to WEG Transformers USA LLC. (WEG), for Power Distribution Transformers, for the Power & Light Department.
24. Council action is requested to expend \$60,000.00 with Blue Springs Winwater for inventory purchases for the Stormwater Division of the Municipal Services Department.

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25. Council action is requested to expend \$250,000 to Baysinger Police Supply, Inc. for uniform expenses for the Police Department for FY24.
28. Council action is requested to issue a purchase order for \$77,253.89 to ConvergeOne for the renewal of Cybersecurity engineering support.

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:**

2. Council action is requested to issue a purchase order to Shawnee Mission Ford in the amount of \$1,280,625.00, for twenty-five (25) Model Year 2024 Ford Explorer Police Interceptors for the Police Department.

Councilmember Stewart made a Motion and Councilmember Hobart seconded to approve Item No. 2. Councilmember Stewart asked to speak with City Manager, Zachary Walker. Councilmember Stewart asked Mr. Walker to give a brief synopsis of why the purchase of vehicles from an out of state vendor and not one from Independence. Mr. Walker responded to Councilmember Stewart by explaining the process of the purchase of the vehicles by going in with other municipalities to purchase vehicles to get a better price to stretch the tax dollars further. Councilmember Stewart replied that he had three other questions. Councilmember Stewart, (1) how is it determined when a vehicle needs to be replaced, (2) what happens to the old vehicles, (3) wanted to know if a costs analysis of a Dodge Durango or something else was ever done. Mr. Walker responded to Councilmember Stewart's questions by explaining how it was determined to take a vehicle out of service, they happened to old vehicles and how they chose the make and model.

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.

10. Council action is requested to expend \$3,353,500.00 in purchase orders for fiscal year 2023-2024 to Asplundh for Line Clearing/Tree Trimming Vegetation Management for the Power & Light Department.

Councilmember McCandless made a Motion and Councilmember Hobart seconded to approve Item No. 10. Councilmember McCandless commented to the City Manager, Zack Walker, that this item is for \$3.3 million for tree trimming is an ongoing cost. Councilmember McCandless shared that the City needs to consider long-term sustainability of the utilities and burying lines at every opportunity. Mr. Walker responded to Councilmember McCandless by stating that preventive maintenance is important, and it is in the business plan for underground utilities whenever possible. Councilmember Steinmeyer shared that there have been buried lines that suddenly came up to the surface. He stated that when the decision is made to bury the lines, they stay buried and not have to pay to bring them above ground.

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.

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26. Council action is requested to enter into negotiation of a contract with DKMT Consulting LLC for a Cost-Benefit Analysis Report of the Power & Light Department.

Councilmember Stewart made a Motion and Councilmember Perkins seconded to approve Item No. 26. Councilmember Stewart stated that he was going to talk about Item No. 26 and 27 together. He asked Mr. Walker if the meaning of the first Resolution was to do a report on whether or not they sold Independence Power and Light and the other Resolution to keep and invest in it? Mr. Walker responded to Councilmember Stewart that that was correct. Councilmember Stewart stated that he had no interest in selling Kansas City Power & Light and stated he will not vote to spend money on these consultants. Mr. Steinmeyer stated that DKMT study had been addressed in 2020 and was an issue with some councilmembers' because DKMT was presenting it to be sold. Mr. Steinmeyer also stated that he shared Mr. Stewart's position. Mr. Walker stated that these were authorizing them to negotiate contracts based on the 6-1 vote the Council took on April 5 to allow these firms to come and study these issues. Councilmember Stewart responded by saying that things had changed from what he has heard from the people. Councilmember McCandless shared that IPL was the largest asset the City had and is enormous in its complexity. Councilmember Fears shared that he believed these two items were for information to be able to get a competent review of IPL. Councilmember Perkins shared he agreed with Councilmember Fears that it was information only. Councilmember Perkins also shared that the direction they may go is up in the air and needs to have the correct information and public input is needed. Councilmember Hobart stated that there will be a public vote and not the City Council making this decision.

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

27. Council action is requested to enter into negotiation of a contract with Sawvell and Associates for a Strategic Plan Report of the Power & Light Department.

Councilmember Stewart made a Motion and Councilmember McCandless seconded to approve Item No. 27. No discussion was had.

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

29. Council action is requested to approve an agreement with the Independence Square Association in the amount of \$25,000 for a Neighborhood Tourism Development Program.

Councilmember Hobart made a Motion and Councilmember Steinmeyer seconded to approve Item No. 29. Councilmember Hobart asked Mr. Walker to briefly describe what the money was for. Mr. Walker responded to Councilmember Hobart that the money was recommended and approved in the budget, adopted by Council in June, and came from the tourism fund. He also stated this was to help promote at a local level the events and activities and ongoing efforts of the downtown business group to draw residents and visitors into that downtown district with an expectation for them to track data. Councilmember Hobart thanked Mr. Walker and noted he did not mention the Model Railroad Museum and Mr. Walker replied that it for events on the square.

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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.

Bill No. 23-77, entitled [Res. #6951]

**A RESOLUTION REVISING RATES FOR THE CITY'S SELF-INSURANCE HEALTH PLANS.**

Councilmember McCandless made a Motion and Councilmember Fears seconded to approve item 23-771. Councilmember McCandless shared that as a City they are self-insured which covers employees and some retirees, and it is an ever-changing goal on what the budget adjustment will be for insurance for third party administrator. Councilmember McCandless asked Mr. Walker to address this. Mr. Walker thanked the Stay Well Committee and Special Health Review Committee. Mr. Walker shared what steps taken in this process and how to contain costs.

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 public hearing on the application by Benjamin Kasey requesting a rezoning from C-2, General Commercial, to R-6, Single Family Residential, for the property located at 140 E. Farmer Street. New Information Only.

Bill No. 23-071, entitled [Ord. #19471]

**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.**

Rick Arroyo, Assistant Community Development Director, stated that the Zoning and Planning Commission voted in favor of this rezoning on June 27 of this year. Councilmember Perkins stated that he had spoken to some of the residents, and they have no opposition.

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 public for the application by RW Bolger Square, LLC requesting a rezoning from C-2, General Commercial, to R-30/PUD, High Density Residential/Planned Unit Development, and approving a preliminary development plan, for the property located at 17610 E. 39th Street. New Information Only.

Bill No. 23-072, entitled [Ord. #19472]

**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.**

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Rick Arroyo, Assistant Community Development Director, stated that the Zoning and Planning Commission voted in favor of this rezoning on June 27 of this year. Mr. Arroyo stated that this project plans for 349 multifamily apartments. Mike Huff spoke in opposition to this project. Councilmember Steinmeyer wanted to give background on this project. Councilmember Steinmeyer stated he was contacted by Developer and was told it would be for 55 and older community, which he supported and if they wanted to change anything to let him know, but he did not hear back. Councilman Steinmeyer asked questions of Mr. Arroyo, including how it went from a 55 and older to 349 multifamily unit structure and the number of parking spaces. Mr. Arroyo responded that it was dependent on each unit, but the overall average was 1.2. Councilmember Steinmeyer asked Mr. Arroyo additional questions and Mr. Arroyo stated that the applicant was present and asked if it would be okay for him to speak. Mayor Rowland stated that would be okay. Tim Homburg of NSPJ Architects spoke and briefly answered some of the questions of the Council and went on to discuss the project. More discussion was had on this project regarding whether the contractor and workers being local. Councilmember McCandless asked Mr. Arroyo what the price range on these apartments. Denise Yates of Yates & Yates Co., the management company for these apartments, raised her hand and Mayor Rowland asked her to come forward. Ms. Yates explained that the price range for studio, one-, two- and three-bedroom apartments and went on to explain how the developer wanted this to be a part of the community. Councilmember Steinmeyer shared his opposition of this project. Councilmember Fears asked Mr. Walker about the housing study that was performed before and wanted to know if this project fit into that housing study. Mr. Walker and Mr. Arroyo responded to Councilmember Fears, with Mr. Arroyo sharing this project did fit into that housing study. Councilmember Fears stated that he was appreciative of an opportunity for the developer to bring this to Independence and to bring that kind of money to the community.

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

Mayor Rowland opened a public hearing regarding the application by Jarod Tolley requesting a Special Use Permit to operate a Bed and Breakfast at 11913 E. Mar-Bec Trail. New Information Only.

23-073 - 2R. An ordinance approving a special use permit to operate a bed and breakfast at 11913 E. Mar Bec Trail, in Independence, Missouri.

Rick Arroyo, Assistant Community Development Director, stated that the Zoning and Planning Commission voted in favor of the special use permit on June 27, 2023. He stated this was a home in a Manor Oaks subdivision and is a single-family home. The applicant wants to use it as a bed and breakfast. This property has been used as a bed and breakfast since 2020 and is correcting a code violation. Councilmember Hobart addressed Mr. Walker and shared that he understood that the applicant was caught illegally operating an Airbnb in Manor Oaks, which Mr. Walker agreed with. Councilmember Hobart also stated that this Airbnb was operated without consideration of what the City has to go through to help maintain businesses. Councilmember Fears asked if this was the item that they had received information stating that the subdivision had decided and voted to not allow bed and breakfasts in their subdivision and was against the HOA rules. Jeremy Cover, City Counselor, responded to Councilmember Fears that what he said was correct and was addressed at public hearing with the Zoning and Planning Commission. He also stated that the Planning Commission was not privy to HOA rules and guidelines. Councilmember Steinmeyer asked if the Declarations of an HOA is approved by the City. Mr. Arroyo responded to Councilmember Steinmeyer and stated that with newer subdivisions provide an HOA Covenants. He also shared that in this situation they were updating their declarations and the City is not privy to updates.

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

Mayor Rowland opened a public hearing for the application by Johnny Wheeler requesting a rezoning from I-1, Industrial, to R-6, Single Family Residential, for the property located at 1700 S. M-291 Highway. New Information Only.

Bill No. 23-074, entitled [Ord. #19473]  
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.

Rick Arroyo, Assistant Community Development Director, stated that the Zoning and Planning Commission voted in favor of this rezoning on July 11, 2023. It had once been a single-family residence and had been changed to an industrial. The applicant wants to rezone it back to a single-family residence.

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**

Bill No. 23-772 - A resolution directing the City Manager to review the City Code of Ordinances and any other policies or procedures currently in effect regarding tow service and to provide recommendations for further action related to these items by December 11th, 2023. *Requested by Councilmember Brice Stewart.*

Councilmember Fears made a Motion to refer this to go to a study session to hear more about it. Councilmember McCandless seconded the motion. Councilmember Stewart shared that he did not think it needed a study session, but he would not object to it.

Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Hobart and Mayor Rowland. Noes – Steinmeyer. Absent – None. The Mayor declared the item approved to move it into a study session.

Bill No. 23-773, entitle [Res. #6952]  
A RESOLUTION DIRECTING THE CITY MANAGER TO RESEARCH OPPORTUNITIES FOR  
HOUSING PRISONERS AT THE NEW JACKSON COUNTY DETENTION FACILITY AND TO  
PROVIDE RECOMMENDATIONS FOR FURTHER ACTION RELATED TO THESE ITEMS BY  
DECEMBER 11TH, 2023. *Requested by Councilmember Brice Stewart.*

Councilmember Stewart shared that Jackson County is building a new detention center and had heard that Kansas City was going to house some prisoners there. Councilmember Stewart stated that Independence needed this housing and asked that the City Manager enter into talks with Jackson County to see if something could be worked out. Councilmember Hobart asked Councilmember Stewart if his intention was to get into line in case it is opened to those outside of Jackson County. Councilmember Stewart responded to Councilmember Hobart that that was his intent. Councilmember Perkins shared that

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Johnson County has reopened their male dorm and was receiving Independence's individuals that need more stay time. He also shared that they are looking for different opportunities to shelter inmates.

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. 23-774, entitled [Res. #6953]

A RESOLUTION TO MAKE AN AMENDMENT TO CITY COUNCIL RULES OF PROCEDURE.

Councilmember Fears moved to amend the proposal as it is printed and amend Section 16.4 to delete the words “At the Study Session, three members must vote to move that action item to a Regular Meeting Agenda” and replace with “One member of the Council can add an item to the Study Session Agenda. Following a Study Session, one member of the Council may request the item be added to a Regular Meeting agenda.” Councilmember McCandless seconded the motion. Councilmember Fears stated he did not have issue with the way it was originally proposed and shared his thoughts on the amendment he proposed. Councilmember Steinmeyer asked for clarification on Councilmember Fears amendment and questioned if it meant that it if goes to study session any councilmember can recommend that it goes forward without a vote. Mayor Rowland agreed that was the way he understood it. Councilmember Steinmeyer shared his opposition of this amendment and the proposed resolution in general. Councilmember McCandless shared that she liked the idea of being able to discuss matters and ask questions in less formal manner and be able to get opinions and input from colleagues and make any modifications, if necessary. Councilmember Fears responded to Councilmember McCandless by stating that was his intent. Councilmember Hobart shared that he agreed with most of this amendment by Councilmember Fears, but he believes it to be valuable to have citizen input. He stated that he would vote for this in principal but shared that Councilmember Stewart had also prepared an amendment that included citizen input. He stated he would support Councilmember Stewart's amendment. Councilmember Perkins stated that he agreed with Councilmember Hobart and would support Councilmember Stewart's amendment. Mayor Rowland asked for any additional comments. Since there were none, Mayor Rowland asked for a vote on Councilmember Fears' amendment.

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

Councilmember Stewart made a motion that he had two amendments he would like to present, one at a time. The first amendment to the proposed resolution is “All Council requested action items must first be presented at a Study Session prior to being added to a Regular Meeting agenda. One member of the Council can add an item to the Study Session agenda. Public comment will be allowed on any Council requested action items that appear on a study session agenda with the same rules as a regular meeting.” Councilmember Hobart seconded the motion. Councilmember Fears asked for clarification on whether public comment would be before or after the discussion item. Councilmember Fears responded that it would be same rules as regular Council meeting before meeting. Councilmember Steinmeyer shared that if it is going to be opened to the public to speak then it might as well be a Town Hall. Councilmember Steinmeyer stated his opposition and his reasons for his opposition of this amendment no. Councilmember McCandless asked Councilmember Stewart if would accept if the public would be limited to the topic of the study session and not on any issue in the City. Councilmember Stewart stated that was what the amendment said, to be allowed on any Council requested action item. Councilmember Perkins shared his thoughts on

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meetings where public asked the Council questions. Councilmember Fears asked Mr. Cover if he believed there was any conflict in this language and that the idea that it would only apply to items that were Council requested. Mr. Cover asked Councilmember Fears if he was referring to Councilmember Stewart's amendment. Councilmember Fears responded yes. Mr. Cover shared his interpretation of Councilmember's Stewart Amendment in that public comment would be limited to Council requested items, so to be able to speak, it would have to be on only Council requested items. The Councilmembers discussed this in more detail. Councilmember Perkins shared that this does not restrict the citizens from bringing an item to the Council or Councilmember. He also stated that if there is any emergency item, there is still the ability to request for the item to be put on for consideration and even call an emergency meeting. Councilmember Steinmeyer stated that he wanted to be clear and that if it passes there will have to be additional rule changes for the study sessions to accommodate these new rules. Mr. Cover responded to Councilmember Steinmeyer that whatever changes the Council makes, there will be a review of all applicable sections to see if any additional changes are needed. Mayor Rowland commented that this discussion made the point that all of this should have gone to a study session first in order to have it clarified before bringing it to this body and having it adjusted. Councilmember Steinmeyer asked if this vote was just for this amendment and not the final rule change and it was established it was for the amendment.

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

Councilmember Stewart stated that he had one other amendment. He asked Mayor Rowland if he was the one that requested this amendment originally. Mayor Rowland stated that was correct. Councilmember Stewart made a motion for an amendment that stated it this original amendment was requested by Rory Rowland. Councilmember Perkins seconded the motion.

Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, Stewart, McCandless, Steinmeyer, Hobart and Mayor Rowland. Noes – none. Absent – None. The Mayor declared Councilmember Stewart's second amendment approved.

Councilmember Hobart made a motion to approve item number 23-774, with amendments. Councilmember McCandless seconded. Councilmember Steinmeyer shared his frustration with this resolution. He also shared the City Manager's findings on the items the last council and this council brought forward. Councilmember Steinmeyer stated that he would vote no on this item. Mayor Rowland shared how he looked at the current process. Mayor Rowland then asked a question to the City retirees, representative. Councilmember Steinmeyer stated that this was inappropriate, and Mayor Rowland withdrew his question. Mayor Rowland then stated that this allows the Council to take a careful analysis of the items brought to the Study Session and whether it is in the best interest of everyone in the City. Councilmember Steinmeyer shared that before the new election 16 months ago, they had a vetting process and discussed the process.

Upon roll call, the vote was: Ayes – Councilmembers: Fears, Perkins, McCandless, Hobart and Mayor Rowland. Noes – Stewart and Steinmeyer. Absent – None. The Mayor declared item 23-774 approved.

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**ORDINANCES**  
**SECOND READING(S)**

Bill 23-068, entitled, [Ord. #19466].

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

Councilmember Hobart stated to Mr. Walker that the way he understood the vicious dog amendment is it is taking away the judge’s discretion so that if a dog is deemed vicious it will be destroyed. Mr. Walker asked Christina Heinen, Director of Health and Animal Services, to respond. Ms. Heinen responded to Councilmember Hobart that he was correct. Councilmember McCandless wanted people to understand that this is the highest level of aggression of a dog and has already attacked someone. Ms. Heinen agreed. Mayor Rowland asked Ms. Heinen that this must go through due process, hearings, etc. before this decision is made. Mr. Heinen agreed and advised that being termed vicious is determined by a judge. Councilmember Fears stated and wanted the people to know that he is continuing to work on a responsible owner piece to this discussion. Councilmember Steinmeyer shared at the Health Advisory Board’s last meeting there were 16 dog bites reported. Ms. Heinen responded yes to Councilmember Steinmeyer. There was more discussion between the Councilmember Stein and Ms. Heinen on the breeds of these dogs. Ms. Heinen stated that they do not track attacks by breed. Councilmember Steinmeyer then asked Ms. Heinen about a pit bull that attacked twice within 12 hours. Ms. Heinen stated she was not aware. Councilmember Steinmeyer went on to discuss this attack and asked Ms. Heinen requested she find out and advise him of her findings.

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. 23-069, entitled, [Ord. #19467]

“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 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. 23-070, entitled, [Ord. #19468]

“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.”

Councilmember McCandless asked Mr. Cover for clarity on whether she had a conflict of interest on this matter being her husband is a contractor who works for a contract company that has Northpoint as a client. Mr. Cover responded that there was no conflict.

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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.

**FIRST READINGS:**

“23-075 - 1R. An ordinance authorizing the City Manager to accept a grant from Mid-America Regional Council in the amount of \$89,417 for the City’s Senior Adult Nutrition Site Program for Fiscal Year 2023-2024, and execute the Community Center Services Agreement; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and, authorizing certain future appropriations.”

was given its first reading by title.

“23-076 - 1R. An ordinance amending Article 3 of Chapter 5 of the City Code by enacting new sections to add requirements for extended stay hotels.”

was given its first reading by title.

“23-077 - 1R. An ordinance amending Chapter 5 of the City Code, "Business and Occupation Licenses".”

was given its first reading by title.

“23-078 - 1R. An ordinance amending the Unified Development Ordinance, Chapter 14, of the Independence City Code pertaining to office and commercial districts uses for adult business.”

was given its first reading by title.

“23-079 - 1R. An ordinance approving a rezoning from district C-2 (General Commercial) to district R-6 (Single-Family Residential) for the properties at 923, 924, 925 and 926 N. Main Street in Independence, Missouri.”

was given its first reading by title.

“23-080 - 1R. An ordinance approving a budget amendment for an additional \$300,000 to the Fiscal Year 2023-2024 budget for Power & Light.”

was given its first reading by title.

**INFORMATION ONLY**

1. Purchase orders 24000178, 24000202 and 24000266 for \$83,397.54, \$86,425.52, and \$93,727.94 were issued to Frazier Oil Company for Substation Fuel Oil for the Power & Light Department.
2. Case 23-125-05, a request from Karla Ramos to rezone the property at 15621 E. US 24 Highway from C-2, General Commercial, and R-6, Single Family Residential, to C-2/PUD, General Commercial/Planned Unit Development, and approving a preliminary development plan, was advertised for a new information only public hearing at the August 21, 2023 City Council meeting. The case is currently on hold and the new information only public hearing has tentatively been continued to the September 18, 2023 City Council meeting.

REGULAR MEETING  
August 21, 2023

3. Municipal Division monthly case report July 2023
4. **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 shared he and his daughter went to the Mayor's trash pickup, and his daughter asked him why they were picking up the trash and not the people who threw it out. He then asked Mr. Walker if it was ever considered using community service to pick up trash. Mr. Walker responded that it had been a long time since it was reviewed. Councilmember Stewart asked to have it looked into. Mr. Walker said he would. He also asked if like the zoo, who sends out passes thanking for supporting the tax for the zoo, for Adventure Oasis to do the same for the park's sales tax. Mr. Walker responded that he would look into it.

Councilmember Perkins asked Mr. Walker about the utility boxes, not IPL but other companies, around town that were in disrepair and if there was a way to explore a policy that if they are going to keep infrastructure in the City those boxes need to be well maintained, not be dangerous, and remove it if they need to be removed. Mr. Walker advised Councilmember Perkins that he would investigate it and see the extent of the City's authority. Councilmember Perkins then inquired about the mowing cycles on right of ways and asked for them to be reassessed.

Councilmember Fears wanted to remind everyone that today was first day of school for Independence and to be aware of the children.

Councilmember McCandless wanted to remind everyone that the Charter Commission has met about 15 times, and they are spending a lot of time reviewing and deliberating is very appreciative of the work and time they are spending. Secondly, she requested the Mr. Walker to address the Copaken Brooks as Downtown Master Developer and give a brief update. Mr. Walker responded that the role of the master developer will look at where the City can make some investments in such a way to invite and attract additional private investment in the City. Councilmember McCandless also stated that Truman Library is working with its own grounds development team and will invest monies in the grounds of the Truman Library.

Councilmember Steinmeyer shared it is a privilege to be elected and represent the 3<sup>rd</sup> District in the City and believes the people are its City's greatest assets. He also shared he was disappointed their comments went unnoticed with the Council. He hopes in the next Study Session all the rules that need to be changed will be covered to accommodate the new rule change and he hopes the Council does a better job of listening to the people who oppose something that is not popular. He thanked everyone for coming out and hoped they do not get discouraged and continue to come and voice their opinions.

REGULAR MEETING  
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Councilmember Hobart responded to Councilmember Stewart's comments about community service. He shared that he had spoken to the prosecutor and others about this and was informed that the liability was expensive and the time to manage it is extensive. He also shared information on rental ready landlord and business license. He then shared that if you are a landlord, you are running a business and have a responsibility to yourself, the City and neighbors to treat it as such. He commented that they are coming for those who have not followed through on rental ready and keep property in disrepair. He also thanked Councilmember Steinmeyer and former councilmember Huff for raising funds to purchase a new K-9.

Mayor Rowland thanked Councilmember Stewart and his daughter for being at the Mayor's trash pickup.

At 8:52 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., August 21, 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