



City Council Regular Meeting Minutes

September 16, 2024 6:00 PM

Council Chambers - 111 E. Maple Ave.

INVOCATION

1. Sergio Quintero will give the Invocation in Spanish

Laurie Dean-Wiley gave the Invocation. Sergio was not present.

THE PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Rory Rowland, Presiding Officer of the City Council, called the meeting to order. Upon roll call, the following members were present: Jared Fears, Brice Stewart, Bridget McCandless, Jennie Vaught, John Perkins, Heather Wiley, and Mayor Rory Rowland.

CITIZEN REQUESTS

Heather Knox talked about the rise of crime and criminal entities coming into our city.

Danielle Dupree invited everyone to the Ennovation Centers Taste of Ennovation Event and discussed the opportunities the Ennovation Center offers those who are wanting to start a small business in Independence.

Brent Schondelmeyer spoke about the Rental Ready program.

Rev. Sarah Wimberly spoke about Independence Towers, the poor condition that it is in and the Rental Ready program.

Gerald Winship spoke about the Noland Road CID.

Martain Breitenbach spoke about the increase in sales tax and personal property tax and spoke against the General Ordinance Bond.

Kevin Baird voiced his concerns with item #5 which is a Generation Option to Lease agreement with UET Venures, LLC.

Rosemary Hoover spoke about rezoning 2710 Westport Road.

GK Callahan spoke about the ReArts Festival in Englewood.

PRESENTATION

Councilmember Wiley made a motion to do presentations out of order, taking them before Citizen Requests.

Councilmember McCandless seconded.

All voted yes, no nays

Motion passes 7-0

1. The Susan P. Block Award will be presented to Michelle Sumstad by Kelly Freeland, Past President of the Junior Service League, 2022-2023, and Chair of the Susan P. Block Distinguished Public Service Award Committee.

This award was presented by Mary House, current President, to Deputy Chief Michelle Sumstad.

PROCLAMATIONS

1. A Proclamation for Sons of the Revolution, Constitution Week

Proclamations were presented to the Sons of the Revolution and Daughters of the Revolution.

There was also a proclamation presented to JobOne for National Employment Disability Month for the month of October.

CONSENT AGENDA

Reports and Recommendations of the City Manager

Councilmember Perkins moved to Approve the Reports and Recommendations of the Consent Agenda.

Motion was seconded by Councilmember Fears. Motion Passed.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

Items 3 and 4 were pulled by Councilmember McCandless for further discussion, item number 5 was pulled by Councilmember Stewart, items 6 and 7 were pulled by Councilmember Fears and items 24-767 and 24-768 by Councilmember Stewart.

1. Council action is requested to issue a purchase order for \$459,968.00 with Lenco Armored Vehicles for the Police Department. **Approved**
2. Council action is requested to expend \$800,000.00 with Davenport Construction for Street Cut Repairs for the Water Division of the Municipal Services Department for fiscal year 2024-2025. **Approved**

3. Council action is requested to authorize the City Manager to approve a construction contract with Hettinger Construction, Inc., for an amount not to exceed \$993,006 authorizing future minor change orders not to exceed \$99,300 and/or time extensions as part of the 24 Highway Main Replacement (Cysler Ave. to River Blvd.) Project (No. C24-191-409749). **Approved**

The item was presented, and discussion followed.

The City has been awarded over \$30M in federal funds for pedestrian and vehicular and safety improvements in the 24 Hwy corridor. This is the watermain replacement portion. They will also repair some of the infrastructure below the street. There should not be much of a disruption while this work is going on beyond some lane shifts. We do not anticipate any road closures.

Councilmember McCandless moved to Approve the item as presented. Motion seconded by Councilmember Wiley. Motion Passed.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

4. Council action is requested to authorize the City Manager to approve purchase order change order #1 to the construction contract with Wiedenmann Construction, Inc. for a new contract total not to exceed \$950,186.21, authorizing future minor change orders and/or time extensions not to exceed \$95,018.62 to complete emergency repairs to additional stormwater structures throughout the City as part of the Emergency Stormwater Project (No. 131802) and Emergency Transportation Project (No. 112203). **Approved**

The item was presented, and discussion followed.

This project will allow replacement of some storm water structures across town. The only road closure anticipated for this project is Bundschu which is already closed. We do not anticipate the need for other road closures during this project. The cooperative contracting portion is a bid mechanism in keeping with state statute and state laws on procurement policies. It helps us get the bidding out faster so we can have competitive bids and quality work. The number of complaints regarding storm water back up has gone down significantly since the city has invested in those areas.

Councilmember McCandless moved to Approve the item as presented. Motion seconded by Councilmember Perkins. Motion Passed.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

5. Council action is requested to authorize the City Manager to execute a Power Generation Option to Lease agreement with UET Ventures, LLC, substantially similar to the attached agreement, for the purposes of engineering, permitting, acquiring and installing power generation facilities and equipment at the retired Independence Power & Light Blue Valley Power Plant site. **Approved**

The item was presented, and discussion followed.

Last year we had a ribbon cutting for the first of a ten million square foot development in the Little Blue valley area. We are competing for a data center type development in this area.

These kinds of projects require a tremendous amount of support from the utilities, both electrical and water. This agreement would kick of a feasibility period of 120 days where a third party company called UET would come in and investigate what they would need to submit to the Regulatory Agencies to find out if they would be permitted to install the power production technologies on that site. We need to have this agreement in place by the end of the month. This is just to let them explore the idea and allows them to come onto the property to do their studies.

Councilmember Stewart moved to the item as presented. Motion seconded by Councilmember Perkins. Motion Passed.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

6. Council action is requested for approval to revise the premiums for the City's Self-Insured Cigna Health Plan. **Approved**

The item was presented, and discussion followed.

These are connected to the City's health insurance benefits. Item #6 is the City's annual premium increase. This was forecaster to be a double-digit increase but the City was able to get it down to just above a 7% increase.

Items 6 and 7 are connected to the City's health benefit plan.

Councilmember Fears moved to Approve the item as presented. Motion seconded by Councilmember Perkins. Motion Passed.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

7. Council action is requested to include the Cigna Omada Complete and Cigna Pathwell Bone/Joint as optional programs with the 2025 Cigna Healthcare plan. **Approved**

The item was presented, and discussion followed.

Aimed at helping members who suffer from high blood pressure through classes and education as well as therapy related to bone and joint issues.

Councilmember Fears moved to approve the item as presented. Motion seconded by Councilmember Perkins. Motion Passed.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

8. Council action is requested on the change in ownership for a Retail Selling of Intoxicating Liquor of all kinds in the original package for KC Quick 6 located at 15800 E. 23rd St. S. **Approved**

RESOLUTIONS

1. 24-765 A Resolution declaring the Council's intent to adopt the 2024 International Plumbing Code, the 2024 International Existing Building Code, the 2024 International Mechanical Code, the 2024 International Residential Code, the 2024 International Fire Code, the 2024 International Building Code, the 2024 International Fuel Gas Code and the 2020 National Electrical Code (NFPA 70). **Res. No. 7044**
2. 24-766 A Resolution amending Resolution 7020, appointing Councilmembers to certain Boards and Commissions as Councilmember Liaisons. **Res. No. 7045**

City staff does not recommend approval of this item. Councilmember Stewart moved to postpone this item to the October 21st Council meeting.

Motion seconded by Councilmember Perkins. Motion Passed. Item is postponed.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

3. 24-767 A Resolution for Directing the City Manager to Modify Provisions in the City's Design and Construction Manual Regarding Traffic Calming (*Requested by Councilmember Stewart*) **Postponed to October 21st**
4. 24-768 A Resolution rescinding City Council non-ordinance action item number three that was approved by the City Council at the April 5, 2023, regular meeting directing an evaluation of Independence Power and Light and calling for a public vote on the future ownership of Independence Power & Light no later than November 2025. (*Requested by Councilmembers Fears and Stewart*) **Res. No. 7046**

This was prepared in response to the Council's recent preview of the study from DKMT. The

Council has asked that the previous item be rescinded and the sale of IPL be taken off the table. That is what this resolution does.

Councilmember Stewart moved to Approve the item as presented. Motion seconded by Councilmember Perkins. Motion Passed.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

REGULAR AGENDA

PUBLIC HEARING(S)

1. A public hearing for the Taxable Industrial Development Revenue Bonds for the Arabella Apartment Project. **Full Public Hearing.**

David Martin with Gilmore Bell Law Firm serving as bond counsel on this transaction, spoke on this item. This is an apartment complex with 176 ranch style units to be located at the southwest corner of RD Mize Road and Jackson Drive. The total anticipated expenditures on this project is \$39.2M. They are requesting a sales tax exemption on the construction materials being used to develop this structure. This is a short-term transaction. Completion is anticipated for the end of 2027. This request is for a three-year short-term lease. At the end of that period, the property would be listed at 100% taxability.

Vince Cuezze, attorney with the Polsinelli Law firm spoke on behalf of the developer, Lombardo Homes. They are requesting this a way for the developer to be able to complete the project without any concerns of having to pause the project due to pricing. With this change they will be able to move forward with the project.

Steve Kellogg asked what the total loss in sales tax revenue would be. David Martin said the amount is estimated to be \$972,000 with a majority of that loss going to the State.

2. A public hearing for the amendment to the Noland Road Community Improvement District. **Full Public Hearing.**

David Martin with Gilmore Bell Law firm serving as economic development counsel, spoke on this item. They received two petitions from the Noland Road CID related to expansions. He offered an exhibit list for the record, which are attached to this agenda item.

No one else spoke on this item.

3. A public hearing on proposed property tax rates to be set by the City of Independence for the fiscal year beginning July 1, 2024, based on the current assessed valuation by Jackson and Clay Counties. **Full Public Hearing.**

Our Budget Manager, Melissa Cabrera gave a presentation on this two weeks ago as a public hearing. This was to have a second public hearing to follow the state statute.

Martian Breighthenbach spoke on this item, stating the State Tax Board is not conducive to what Jackson County did on the property taxes.

The Missouri State Tax Commission made a ruling that none of the properties in Jackson County were to exceed 15% increase in their tax valuation. The County has filed a suit challenging that ruling. The City is caught in the middle. The numbers we have been provided come from the County Assessor's Office. Because of the difference between the Assessor's office and the State Tax Commission, they do not reflect the 15% gap, but the Council has a statutory requirement to adopt this levy by October 1st each year, otherwise the City forgoes its entire levy for the coming year.

ORDINANCES

1. 24-089 **2R** An ordinance levying a tax on all real property subject to taxation on January 1, 2024, within the corporate limits of the City of Independence, Missouri, for general revenue and public health and recreation purposes, and for The Independence Square Special Benefit District; said levies and assessments being separate and distinct, all for the fiscal year commencing on the 1st day of July, 2024, and ending on the 30th day of June, 2025. **2R Ord. No. 19606**

Councilmember Perkins received an email from Melissa Cabrera, Budget Manager, requesting an amendment to this ordinance reflecting the adjustments to the levy.

Councilmember Perkins moved to Approve the item as presented. Motion seconded by Councilmember Fears. Motion Passed for the amendment

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

Passes as amended.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

2. 24-090 **2R** An Ordinance Amending Independence City Code Section 16-01-002 "License Tax" **2R Ord. No. 19607**

This is to keep us in accordance with the Missouri State Statutes. Item passes.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

FIRST READING(S)

1. 24-091 **1R** An ordinance approving a plan for an industrial development project for the Arabella Apartment Project; authorizing the City of Independence, Missouri to issue its Taxable Industrial Development Revenue bonds in a principal amount not to exceed \$39,200,000; and authorizing certain documents and actions in connection therewith. **1R Read**
2. 24-092 **1R** An ordinance approving petitions to add property to the Noland Road Community Improvement District. **1R Read**
3. 24-093 **1R** An ordinance vacating an existing general utility easement, electric easement, and sanitary sewer easement, all part of 18785 E 39th Street South lying in, on, and across tracts 4&5, of Independence Center a subdivision in Independence, Jackson County, Missouri. **1R Read**
4. 24-094 **1R** 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. **1R Read**
5. 24-095 **1R** An ordinance adopting amendments to the Fiscal Year 2023-2024 budget, which was approved by Ordinance No. 19453. **1R Read**

INFORMATION ONLY

1. Notification of an amendment to the MARC Nutrition Site Grant FY25 Funding
2. ***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).*

A motion was made by Councilmember McCandless to go into Executive Session at the conclusion of the meeting, for subsections 1 for legal actions and 13 for personnel records.

Motion seconded by Councilmember Perkins. Motion Passed. Council will go into Executive Session.

AYES (7): Mayor Rowland, Councilmember Fears, Councilmember Stewart, Councilmember McCandless, Councilmember Vaught, Councilmember Perkins, Councilmember Wiley

NAYS (0): None

ABSENT (0):

COUNCILMEMBER COMMENTS

Councilmember Fears stated he appreciated the comments from a citizen related to gang violence and asked that someone would contact her to let her know what is currently being done on this issue.

Long before the incident at Independence Towers, there was already work being done on the rental ready program. He hopes to have revisions to that program by the end of the year.

Councilmember Vaught recognized Sam Morris and staff for organizing the first FIFA World Cup Committee meeting. They have some great goals and objectives to work on. This is a great opportunity to bring visitors and revenue to the City.

Councilmember McCandless thanked the City Manager for going to the National City Manager's Association. Independence was recognized for its Independence Together Program. This will be on the National stage, addressing homelessness and cleaning up trash in the community. Also a reminder that the GO Bond Committee is meeting on Wednesday at 5:30 p.m. at IUC and is available on YouTube. This is also the three-year anniversary of the loss of PO Madrid Blaize. Police officers Ostendorf and Cochran received the Missouri Public Safety Medal of Valor from the Governor for pulling a passenger from a burning car. She also expressed how great the Enovation Center is and how they have helped numerous small organizations get their start to the point they are now viable businesses. The Missouri Department of Economic Development brought sixteen foreign officers to come explore our Enovation Center so they can explore opportunities for international commerce. Also, two of those businesses got to the HyVee pitch contest at Arrowhead and compete for additional investment.

ADJOURNMENT

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

ATTEST:

City Clerk