



City Council Regular Meeting Minutes

July 1, 2024 6:00 PM

Council Chambers - 111 E. Maple Ave.

INVOCATION

The Invocation will be given by Laurie Dean Wiley, Chair of God at Center Committee at Truman Habitat for Humanity

THE PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Pro Tem John Perkins, called the meeting to order. Upon roll call, the following members were present: Jared Fears, John Perkins, Brice Stewart, Bridget McCandless, Jennie Vaught, and Heather Wiley.

Absent – Mayor Rory Rowland.

The meeting began at 6:02 p.m.

The Invocation was given by Laurie Dean Wiley.

CITIZEN REQUESTS

Leigh Phillips spoke about her appointment to the Planning Commission.

Bobbi Bryant spoke about our government and encouraged everyone to vote.

Troy Baldwin spoke about the damage being done to the streets due to large construction trucks and 24-045 which is a vacation of property.

David Titus spoke about Google Fiber and asked when it would be ready. He also spoke about the condition of Little Blue Parkway and Truman Road.

Elisa Breitenbach spoke about why she will be voting no on the Charter changes.

Marion Breitenbach spoke about the amount of changes to the Charter and the things he believes the community would be losing by passing the Charter changes.

Jeff Rogers, Executive Director of the Independence Square Association, gave some updates regarding activities around the Square. The Hallmark Channel will be filming a movie this

summer on the square. Independence Animal Services have been coming to PopFest and Moonlight Movies with adoptable animals. They have also been working with Mid-Continent Library to bring the mobile library to the square.

PRESENTATION RESOLUTIONS

1. 24-736 A Resolution recognizing Heather Benker, Staff Assistant for the City Manager's Office, as the I-STAR Award Recipient for July, 2024. **Res. No. 7017**

The vote was held without a motion to pass the Resolution nominating Heather Benker for the ISTAR Award

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

PROCLAMATIONS

There were no proclamations this evening

CONSENT AGENDA

Councilmember Fears moved to approve the Consent Agenda. Motion seconded by Councilmember McCandless. Motion Passed.

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

Reports and Recommendations of the City Manager

1. Approval of minutes for the Regular Meetings on June 3rd and June 17th, 2024.
APPROVED
2. Council action is requested on the change in ownership for a Retail Selling of Intoxicating Liquor by the Drink license for Nirvana Coffee, Bar, and Game Lounge located at 10707 E. Winner Rd. **APPROVED**
3. Council action is requested to approve a contract with the Independence Chamber of Commerce for the license of the Independence Square public area for the Santa-Cali-Gon Festival. **APPROVED**
4. Council action is requested on the application received from Earth First Waste Solutions, LLC for a Certificate of Public Convenience and Necessity as a refuse and trash collector/hauler. **FAILED 0-6**

Pulled by Councilmember Stewart for discussion.

Councilmember Stewart made a Motion for approval of the item. Motion seconded by Councilmember Wiley.

There are currently eight trash haulers in the City. Councilmember Stewart said he would be voting no on this item due to the amount of trash haulers the City currently has and the damage being done to the streets by these trucks. This company also started practicing business within the city without first obtaining a business license which is in violation of the City Code.

Councilmember Stewart also asked that the City Manager prepare a resolution capping the number of trash haulers within the City of Independence.

Staff has recommended not to approve this. Primary concerns of the staff are what Councilmember Stewart stated. Common practice is to have one trash hauler for every 1500 residents. Currently, based on those who are licensed within the city, they have one for every 500. So there is a substantially higher number of trash haulers than needed.

The item was presented, and discussion followed.

Motion Failed.

AYES (0): None

NAYS (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

ABSENT (1): Mayor Rowland

5. Approval of 2024-25 utility property insurance renewal, with an estimated annual premium of \$787,903 for utility property which reflects an overall 4% premium increase. The premium includes the carrier's mutual participation share in the form of a Conventional Property credit in the amount of \$20,290. **APPROVED**
6. Approval of 2024-25 non-utility property insurance renewal with Midwest Public Risk, which includes the Auto Physical Damage and Contractors Equipment programs, for an annual premium of \$817,290. **APPROVED**
7. Approval of 2024-25 Excess Workers' Compensation insurance renewal with Safety National, to supplement the City's self-funded program, for an annual premium of \$460,436. **APPROVED**
8. Approval is requested to issue a purchase order to PAR Electrical Contractors LLC, in the amount of \$61,050.96, for the replacement of two structures as part of the Transmission Pole H-Frame Replacement project for the Power & Light Department. **APPROVED**
9. Approval is requested for Change Order #4 to PO 23000680 to PGAV Architects for \$85,090 to design a Concept Plan and Site Development Plan for a future community center. **APPROVED**
10. Council action is requested to issue a purchase order to Northstar Technologies, LLC

for an amount not to exceed \$90,000, authorizing future change orders for an amount not to exceed \$9,000, for a Stormwater Management and Engineering Services Contract. **APPROVED**

11. Council action is requested to expend \$87,900 in purchase orders for fiscal year 2024-2025 to ESRI, for software licensing. **APPROVED**
12. Council action is requested to expend \$164,306.89 in purchase orders for fiscal year 2024-2025 to Azteca Systems LLC, for Cityworks software licensing. **APPROVED**
13. Council action is requested to expend \$112,800 in purchase orders for fiscal year 2024-2025 to Riverside Technologies, for managed IT services. **APPROVED**
14. Council action is requested to expend \$101,931 on kitchen and dining room furniture and equipment for the Palmer Center from Stafford-Smith, Inc. **APPROVED**

RESOLUTIONS

1. 24-737 A Resolution reappointing Councilmember Perkins and Councilmember Fears and appointing Councilmember Wiley to the Audit and Finance Committee **Res. No. 7018**
2. 24-738 A Resolution appointing Leigh Phillips to the Planning Commission **Failed 3-3**

Pulled by Councilmember Stewart for discussion.

Stewart stated that the nominee has been vocal on issues. She has a right to do that. The outgoing member of this commission was able to abstain on items of conflict and he feels this nominee should be able to do that as well.

2nd District City Council Stewart moved to Motion to approve item the item as presented. Motion seconded by City Council At Large McCandless. Motion Failed.

AYES (3): Stewart, Vaught, Wiley

NAYS (3): Fears, McCandless, Perkins

ABSENT (1): Mayor Rowland

3. 24-739 A Resolution establishing standards for the recruitment and selection of board members, amending Resolution 6975 **Postponed to 7/8 Study Session**

Pulled by Councilmember Stewart for further discussion.

Councilmember Stewart made a motion to postpone item for a study session. Seconded by Councilmember McCandless.

There are items in the resolution that Councilmember Stewart does not like.

Councilmember Fears was going to suggest an amendment to this. He will distribute this

proposed amendment so it can be discussed at the study session on July 8th.

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

REGULAR AGENDA

PUBLIC HEARINGS(S)

1. A public hearing for the application to rezone the property at 304 S. Liberty Street from C-2, General Commercial, to R-30/PUD, High-Density Residential/Planned Unit Development. ***New Information Only.***

Rick Arroyo, Assistant Director for Community Development, spoke on this item. The Planning Commission voted in favor of this rezoning. The property is vacant and vandalized. The purchaser's intent is to rehab the building and turn it into a 3-family residential structure.

- A. 24-044 **2R** 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 property located at 304 S. Liberty Street. **2R Ord. No. 19563**

The item was presented, and discussion followed.

Councilmember Perkins stated this is in his district and he has not received any communications with regard to this building.

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

ORDINANCES

1. 24-045 **2R** An ordinance vacating all that part of Blue Ridge Terrace, an existing unimproved 40' right-of-way located within the bounds of Blue Ridge Orchard, a subdivision in Independence, Jackson County, Missouri. **2R Ord. No. 19564**

The vacating of this property will not change its use or increase the potential for further development. Its use will continue to be the same. Any construction would have to follow the city's building requirements.

Item Passed

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

2. 24-046 **2R** An ordinance vacating an existing unimproved right-of-way of all that part of South Main Street as dedicated in Martha's Vineyard, a subdivision in Independence, Jackson County, Missouri, also vacating an existing utility easement of

all that part of a vacated alley in Martha's Vineyard, a subdivision in Independence, Jackson County, Missouri. **2R Ord. No. 19565**

No discussion was had on this item.

Item Passed

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

3. 24-047 **2R** An ordinance adopting amendments to the Fiscal Year 2023-2024 budget, which was approved by Ordinance No. 19453 **2R Ord. No. 19566**

No discussion on this item.

Item Passed

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

4. 24-048 **2R** An ordinance amending Article 22 of Chapter 1 of the City Code by deleting Section 1.22.004 and enacting in lieu thereof a new Section 1.22.004 changing the required age of the Municipal Judge **2R Ord. No. 19567**

The update for this ordinance is required by State Law.

Item Passed.

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

5. 24-043 **2R** An ordinance amending Article 3 of Chapter 5 of the City Code by enacting new sections to revise and clarify the requirements for extended stay hotels. **2R Postponed for 60 days to 9/3/2024 agenda**

Councilmembers Fears and McCandless met with hotel owners in the area and asked City Staff to make some minor revisions to this ordinance to encourage hotels to upkeep their property better.

Councilmember McCandless motioned to postpone this item for 60 days. Seconded by Councilmember Wiley.

Motion passed to postpone for 60 days.

AYES (6): Fears, Stewart, McCandless, Vaught, Perkins, Wiley

NAYS (0): None

ABSENT (1): Mayor Rowland

FIRST READING(S)

1. 24-049 **1R** An ordinance authorizing acceptance of a grant in the amount of \$1,021,000.00 from the Missouri Department of Transportation for reimbursement for DRE Conference Fees and overtime programs for the Police Department for Impaired Driving Enforcement and Youth Alcohol Liquor Compliance Checks from October 1, 2024, to September 30, 2025; authorizing future change orders and/or

time extensions for the same project and making the necessary appropriations. **1R READ**

2. 24-050 **1R** An ordinance authorizing acceptance of a grant in the amount of \$485,250.00 from the Missouri Department of Transportation for reimbursement for LETSAC Conference Fees and Overtime Program for Hazardous Moving Violations Enforcement from October 1, 2024, to September 30, 2025; authorizing future change orders, extensions, amendments, or addendums for additional funding for the same project and making the necessary appropriations. **1R READ**
3. 24-051 **1R** An ordinance finding, determining, and declaring the necessity of acquiring right of way and temporary construction easements for the Truman Connected Phase 1 Project (Project No. 112102); authorizing the negotiation and eminent domain proceedings if necessary; approving the plans and specifications for the project; authorizing the use of experts as needed; authorizing and directing the execution of documents and the payment of funds to property owners or others holding property rights, in conjunction with the project. **1R READ**
4. 24-052 **1R** 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, 2024, through June 30, 2025; accepting funds for the period in the amount of \$125,685; authorizing future change orders for additional funding and/or time extensions for the same project; and authorizing certain future appropriations. **1R READ**
5. 24-053 **1R** An ordinance authorizing the acceptance of funding from the U.S. Department of Justice, Bureau of Justice Assistance, Office of Justice Programs, FY 2023 Byrne Justice Assistance Grant (JAG) program, through a Memorandum of Understanding with Jackson County, Missouri, which allocates \$62,360.00 to the City of Independence, Missouri, for the Police Department's use; appropriating the necessary funds; and authorizing future change orders and appropriations for the same project. **1R READ**
6. 24-054 **1R** An ordinance authorizing acceptance of a grant in the amount of \$76,250.00 from the Missouri Department of Transportation for reimbursement of overtime for Occupant Protection Enforcement Programs from October 1, 2024, to September 30, 2025; authorizing future change orders, extensions, amendments, or addendums for additional funding for the same project and making the necessary appropriations. **1R READ**
7. 24-055 **1R** An ordinance finding, determining, and declaring the necessity of acquiring general utility easements and temporary construction easements for the 24 HWY Improvement Steel Pole Installation Project (Project No. 500000835); authorizing the

negotiation and eminent domain proceedings if necessary; approving the plans and specifications for the project; authorizing the use of experts as needed; authorizing and directing the execution of documents and the payment of funds to property owners or others holding property rights, in conjunction with the project. **1R READ**

8. 24-056 **1R** An ordinance authorizing the City Manager to execute a certain grant agreement with the Missouri Highways and Transportation Commission for the Truman Connected Phase II Project (City Project No. 112102 / Federal Project No. CMAQ-3379(441) & CRP 3379 (446)). **1R READ**
9. 24-057 **1R** An ordinance authorizing the execution of a change order to the construction contract (C#500000804) and design contract (PO#24000282) for the Truman Depot and Pacific Trail Project (No. 511702) and making necessary appropriations. **1R READ**
10. 24-058 **1R** An ordinance finding, determining, and declaring the necessity of acquiring right-of-way, general utility easements, and temporary construction easements for the Truman Depot Renovations and Pacific Ave Trail Project (Project No. 511702); authorizing the negotiation and eminent domain proceedings if necessary; approving the plans and specifications for the project; authorizing the use of experts as needed; authorizing and directing the execution of documents and the payment of funds to property owners or others holding property rights, in conjunction with the project. **1R READ**
11. 24-059 **1R** An ordinance vacating an existing right-of-way of all that part of the southeast 1/4 of Section 3 Township 49 North Range 32 West located in Independence, Jackson County, Missouri. **1R READ**
12. 24-060 **1R** An ordinance authorizing final disposition of certain city records that have met all requirements to be eligible for such disposition. **1R READ**
13. 24-061 **1R** An ordinance amending Article 6 of Chapter 8 of the City Code changing the procurement policy to align with Revised Statutes of Missouri (RSMo Chapter 34) **1R READ**
14. 24-062 **1R** An ordinance amending the Fiscal Year 2024-25 Submitted Budget by reducing the Museum Fundraising account in the Tourism Fund by \$150,000. **1R READ**
15. 24-063 **1R** An ordinance amending the Fiscal Year 2024-25 Submitted Budget by increasing the Communications Department account in the General Fund by \$130,000. **1R READ**

INFORMATION ONLY

1. **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 spoke about Google Fiber. He believes they will start work in the 3rd quarter of 2024, with it being available later in 2024. There is no firm timeline on how long the project will take.

Councilmember Fears spoke about the proposed City Charter. There is detail available online and at City Hall regarding the changes. There will also be an open house regarding these changes prior to the Study Session on July 22nd at 4:00 p.m. He also encouraged everyone to look at Proposition PD as it is also a very important topic. He also encouraged everyone to look at the plans of the master developer for design proposals for Independence Square.

Councilmember Vaught stated she nominated Leigh Phillips for the Planning Commission due to her experience and ability to make good decisions. She did not see anything in the Charter that would hamper Ms. Phillips' appointment to the Commission. She feels there was a difference of opinion in the nomination.

Councilmember Wiley stated the pothole that a citizen spoke about earlier will be filled sometime next week. She spoke at two HOA meetings this week, Cardinal Woods and Canterbury Trails. She has been going door-to-door in support of Proposition PD.

Councilmember McCandless reminded everyone that voter registration is open until July 10th. Jackson County Prosecutor candidates will be available on July 8th from 6-8 p.m. at the Innovations Center in Lee's Summit. She also wanted to remind everyone that they cannot put signs of any kind on right-of-ways, public parks or public street spaces. Information was given about the Charter open house on 7/22 at 6:00 p.m. Citizens can also email questions to citycharter@indepmo.org. Fire Chief Walker has joined the City. Shout-out to those who organized the Fire Fest. Next one will be in June, 2025.

Councilmember Perkins thanked everyone for their patience while he acted as Mayor Pro-Tem this evening. Praised those who have done work throughout our City including Third Friday Artwalk in Englewood, Englewood sign placed at Englewood and Sterling assisted the Community Improvement District; Amy Jacobsen helped to fabricate the sign. CID Is working on traffic-calming and aesthetics; The Englewood Theatre has a new owner; A new grant has been awarded to the Englewood area to work on the streets in Englewood; The 24 Hwy Complete Streets Program.

City Manager Zach Walker spoke about the adjustment to the wage table for IPD. Since the approval of this, we have not lost any personnel to other police agencies and we have already attracted 4 certified officers and a detention officer.

ADJOURNMENT 7:21 p.m.

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

ATTEST:

City Clerk

ADJOURNMENT