



CITY COUNCIL Regular Meeting

August 5, 2024

6:00 PM, Council Chambers - 111 E. Maple Ave.

To view a Council meeting agenda, visit <https://independencemo.portal.civicclerk.com/> and select 'Most Recent Council Agenda'.

INVOCATION

1. Tim Allison, Chaplain of the Visiting Nurse Association Hospice

THE PLEDGE OF ALLEGIANCE

ROLL CALL

CITIZEN REQUESTS

PRESENTATION RESOLUTIONS

1. 24-742 A Resolution recognizing Bretton Hilt, Treatment Plant Operator for the Municipal Services Department, as the ISTAR Award Recipient for August, 2024.

PROCLAMATIONS

CONSENT AGENDA

Reports and Recommendations of the City Manager

1. Approval of minutes for the Regular Meeting Minutes for July 1st and July 15th, 2024.
2. Council action is requested to expend \$155,000.00 in purchase orders for fiscal year 2024-2025 to Fletcher-Reinhardt and Anixter for Steel and Aluminum poles for the Power & Light Department.
3. Council action is requested to issue a purchase order for \$600,000 to Fletcher-

Reinhardt, for Utility Hardware Group 1, 2, 4, 5 and 6 for Fiscal Year 2024-2025, for the Power & Light Department.

4. Council action is requested to issue a purchase order for \$410,000.00 to Graybar Electric, for Aluminum & Copper Cable/Wire, for the Power & Light Department.
5. Council action is requested to issue a purchase order in the amount of \$500,000.00 to Arkansas Electric Cooperatives, for Distribution Transformers for the Power & Light Department.
6. 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.
7. Council action is requested to issue a purchase order for \$165,000.00 to Solomon Corporation, for Transformer Repair - Re-manufacturing, for the Power & Light Department.
8. Council action is requested to issue a purchase order for \$250,000 to Stella-Jones, for Wood Transmission & Distribution Poles, for the Power & Light Department.
9. Council action is requested to issue annual purchase orders to PVS DX, Inc for Liquid Chlorine in the amount of \$245,000 for the period of July 1, 2024, through June 30th, 2025. At the option of the City, purchase orders will be issued annually for four additional, one-year periods.
10. Council action is requested to issue annual purchase orders to Shannon Chemical Corporation for an amount of \$235,000 for sodium hexametaphosphate for the period of July 1, 2024, through June 30th, 2025. At the option of the City, purchase orders will be issued annually for four additional, one-year periods.
11. Council approval is requested for the purchase of a Smeal 100' Mid Mount Platform Demo Firetruck for one million eight hundred ninety-one thousand five hundred forty-five dollars and zero cents (\$1,891,545.00).
12. Council action is requested to enter into a contract with Truman Heritage Habitat for Humanity as a qualifying community housing development organization for the development of affordable housing, utilizing 2023-24 HOME program funds.
13. Council action is requested to expend \$567,500 to Enterprise FM Trust for 74 Vehicle Leases for the Fleet Division of the Municipal Services Department.
14. Council action is requested to issue blanket purchase orders to Monaco Property Services and DuPree Landscaping & Lawn Care in an amount of \$300,000 for the 2024-25 Abatement Services for the Community Development Department.

15. Council action is requested to issue a \$30,000 change order for 2023-24 transit services with KCATA, making the total contract amount \$295,423, for the Community Development Department.
16. Council action is requested to expend \$2,500,000 with Symmetry for natural gas and supply management services for the Power & Light Department for fiscal year 2025.
17. Council action is requested to issue a purchase order to Armor Equipment, in the amount of \$187,227.96, for the purchase of a trash truck for the Parks, Recreation and Tourism Department.
18. Council action is requested to expend \$3,753,750.00 for fuel and fuel oil purchases for fiscal year 2024-2025 to Frazier Oil & LP Gas Company, Inc. for the Municipal Services and Power & Light Departments.
19. Council action is requested to issue a \$1,300,000.00 purchase order for fiscal year 2024-2025 to John Moore Oil Company for fuel oil purchases for the Power & Light Department.
20. Council action is requested to expend \$3,882,000.00 in purchase orders for fiscal year 2024-2025 to Asplundh for Line Clearing/Tree Trimming Vegetation Management for the Power & Light Department.
21. Council action is requested to enter into a contract with Charlesworth Consulting for Risk Management Consulting Services and Workers Compensation Claims Processing for the Finance Department for one year with four, one-year renewal options.
22. Council action is requested to expend \$380,000.00 for fiscal year 2024-2025 to USIC Locating Services Inc. for Locating Services for the Municipal Services and Power & Light Departments.
23. Council action is recommended to enter into contracts with Cigna for Medical and Pharmacy Insurance Coverage for Active and Pre-65 Retirees; MetLife for Dental Insurance Coverage; EyeMed for Vision Insurance Coverage; MetLife for Flexible Spending Account Coverage and UMB for Health Savings Accounts.

RESOLUTIONS

1. 24-743 A Resolution reappointing Ron Bruch, James Conley, and John Szturo to the Tax Increment Financing Commission
2. 24-744 A Resolution reappointing Dan McGraw and Madalyn Osborn to the Sustainability Commission
3. 24-745 A Resolution reappointing Diane Keyser and Kay Douglas to the Park Commission

4. 24-746 A Resolution reappointing David Campbell to the Tree Commission
5. 24-747 A Resolution reappointing Joseph Flick to the Industrial Development Authority
6. 24-748 A Resolution reappointing Christine Hughes to the Board of Ethics
7. 24-749 A Resolution appointing Michael Young to the Planning Commission
8. 24-750 A Resolution reappointing Wesley Epperson to the Street Improvement Oversight Committee
9. 24-751 A Resolution appointing Angie Judy to the FIFA World Cup Advisory Committee
10. 24-752 A Resolution appointing members to the Independence General Obligation Bond Committee
11. 24-753 A Resolution Directing the City Manager to develop and present recommendations to establish the Independence Convention and Visitor's Bureau.
12. 24-754 A resolution approving a Preliminary Plat of Behavioral Health in Independence, Missouri.

REGULAR AGENDA

PUBLIC HEARINGS(S)

1. A public hearing for the application to rezone the property at 300, 306, & 315 W. Maple Ave from C-2, General Commercial, to C-2/PUD, General Commercial/Planned Unit Development, and approving a preliminary development plan. ***New Information Only.***

24-064 **2R** An ordinance approving a rezoning from district C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and a preliminary development plan for the properties located at 300 and 315 W. Maple Avenue. **2R**

ORDINANCES

1. 24-065 **2R** An ordinance finding, determining, and declaring the necessity of acquiring general utility easements for the E. Heidelberger Rd. Bridge Replacement Project (Project No. 112203); 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. **2R**

FIRST READING(S)

1. 24-066 **1R** An Ordinance approving an emergency purchase order to ShinYoung Electric Company, LTD in the amount of \$1,446,710 for Single-Phase and Three-Phase Pad Mounted Transformers for IPL; ***and declaring an emergency (five affirmative votes required to approve) 1R***
2. 24-067 **1R** An Ordinance finding, determining and declaring the necessity of acquiring general utility easements, temporary access easements, and temporary construction easements for the Rock Creek Watershed CMP Repair and Replacement CIP Project (Project No. 132402); 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, ***and declaring an emergency. (five affirmative votes required to approve) 1R***
3. 24-068 **1R** An ordinance authorizing acceptance of the 2024 Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Kansas City / Overland Park DEA Task Force Initiative, and related documents, with the Kansas Bureau of investigation, for a grant award in the amount of \$163,362.00; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and authorizing certain future appropriations. **1R**
4. 24-069 **1R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to police facilities. **1R**
5. 24-070 **1R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to home-based businesses. **1R**
6. 24-071 **1R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to small box discount, tobacco, convenience and liquor stores. **1R**
7. 24-072 **1R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to Recreational Vehicle Parks. **1R**
8. 24-073 **1R** An ordinance approving a rezoning from District C-2 (General Commercial) to R-6 (Single Family Residential) for the property at 1301 S. Noland Road. **1R**
9. 24-074 **1R** An ordinance approving a rezoning from District R-1 (Single Family Residential Estate) to R-6 (Single Family Residential) for a portion of the property at 19307 E. Holke Road. **1R**

10. 24-075 **1R** An ordinance approving a rezoning from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan for the property located at 1550 S. Noland Road. **1R**
11. 24-076 **1R** An ordinance approving a Special Use Permit to operate a group home for transitional housing at 801 W. 23rd Street, in Independence, Missouri. ***Valid legal protest filed - five affirmative votes required to approve. 1R***
12. 24-077 **1R** An ordinance approving a rezoning from District C-2 (General Commercial) and C-1 (Neighborhood Commercial) to C-2 (General Commercial) for the property at 13001 E. US Highway 40. **1R**
13. 24-078 **1R** An ordinance amending Article 5 of Chapter 19 of the City Code enacting a maximum number of refuse collection establishments operating in the City. **1R**
14. 24-079 **1R** An ordinance approving a final plat for Behavioral Health, in Independence, Jackson County, Missouri. **1R**
15. 24-080 **1R** An ordinance approving a final plat for Timber Creek Ranch – 3rd Plat, in Independence, Jackson County, Missouri. **1R**
16. 24-081 **1R** An ordinance approving a final plat for Timber Creek Ranch – 4th Plat, in Independence, Jackson County, Missouri. **1R**
17. 24-082 **1R** An ordinance vacating an existing unconstructed right-of-way being part of St Clair Park, on, and across lots 240-248, a subdivision in Independence, Jackson County, Missouri. **1R**
18. 24-083 **1R** An ordinance authorizing an agreement with the Missouri Highways and Transportation Commission for the Public Transit Operating Assistance Grant in the amount of \$141,300.64 for operating expenses associated with transit service for the period July 1, 2024, through June 30, 2025; and making the necessary appropriations. **1R**
19. 24-084 **1R** An ordinance authorizing the City Manager to accept a grant from Mid-America Regional Council in the amount of \$88,007 for the City's senior adult nutrition site program for fiscal year 2024-2025, and execute the amendment community center services agreement; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and, authorizing certain future appropriations. **1R**

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

ADJOURNMENT



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

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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



City Council REGULAR MEETING Minutes

July 15, 2024 6:00 PM

Council Chambers - 111 E. Maple Ave.

INVOCATION

Sergio Quintero gave the invocation in Spanish.

1. Sergio Quintero will give the Invocation in Spanish

Sergio Quintero gave the invocation

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: Brice Stewart, Bridget McCandless, Jared Fears, Jennie Vaught, John Perkins, Heather Wiley, and Mayor Rory Rowland. None were absent.

City Counselor Jeremy Cover asked for a moment of privilege. He apologized on behalf of his firm and co-worker, Attorney Todd Smith for inappropriate remarks made by Todd at the last study session meeting. A written letter from Todd was handed to each council member.

CITIZEN REQUESTS

A motion was made by Councilmember McCandless to suspend the rules and allow non-residents to speak. This was seconded by Councilmember Perkins. Motion Passed.

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

NAYS (0): None

ABSENT (0):

Lucy Young spoke against a proposed resolution allowing the City Council to appoint board

members.

Mike Talcott spoke about free speech and the 1st Amendment and the need for politicians to represent the beliefs of the people, not their own.

Bob Sorenson spoke about the approval of post 65 health insurance with CIGNA and expressed his thanks for the work the City did on this topic.

Marla Kimzey spoke in favor of consent agenda item number 8, the post 65 health insurance with CIGNA.

Leigh Phillips spoke against the Charter changes on the upcoming ballot.

Tony Sommer spoke in favor of the Truman Connected Plan and in favor of the Charter changes.

Mary Wilcox spoke against the Charter changes.

Elisa Breighenbach spoke about Todd Smith and his presentation at the last study session. She also spoke against the Charter changes.

Laura Dominick spoke about the Charter changes and clarified that the City Manager will not have the full say on items before the City/Council. She also spoke about the resolution on the agenda regarding rules and policies for members of boards and commissions.

Wes Epperson spoke about fireworks and the need to outlaw specific larger fireworks and also enforcing the timeframe fireworks are allowed to be shot.

PROCLAMATIONS

1. A Proclamation recognizing the 40th Anniversary of the Harry S. Truman Chapter of the Sons of the American Revolution **PRESENTED**

A proclamation was presented for the 40th Anniversary of the Harry S. Truman Chapter of the Sons of the American Revolution.

CONSENT AGENDA

Reports and Recommendations of the City Manager

The item was presented, and discussion followed.

City Council, District 1 Perkins moved to the item as presented. Motion seconded by City Council At Large Fears. Motion Passed.

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

NAYS (0): None

ABSENT (0):

Items pulled for further discussion were item #5 by Councilmember Vaught; #24-739 pulled by Councilmember Stewart

1. Council action is requested to expend \$106,159.44 in purchase orders for fiscal year 2024-2025 to AVI-SPL for the continuation of licensing and vendor support for the

utility customer service call center telephone system. **APPROVED**

2. Council action is requested to issue a purchase order to Olathe Ford in the amount of \$60,864.00 for a 4X4 Ford F-550 Chassis for the Water Construction Division of the Municipal Department. **APPROVED**
3. Council action is requested to award a purchase order to Power Engineers, Inc. in the amount of \$132,296.00 to cover Augmented Engineering Services for the Power & Light Department. **APPROVED**
4. Council action is requested to expend \$710,232.00 in purchase orders for fiscal year 2024-2025 to ConvergeOne for the renewal of Microsoft Office Licensing.
APPROVED
5. Council action is requested to authorize the City Manager to enter into a design contract with, and issue a purchase order to, Burns & McDonnell, in the amount of \$844,876, authorizing future minor change orders not to exceed \$84,487.60, for engineering and design services as part of the Truman Connected Phase II Project (No. 112401). **PP for 30 days to 8/19/24; Will go to Study Session 8/12/24**

A motion was made by Councilmember Vaught to postpone this item for 30 days so she has time to learn more about it.

Seconded by Councilmember Stewart. Councilmember Stewart stated he wanted it to go to a study session first.

Motion to PP for 30 days Passed

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

NAYS (0): None

ABSENT (0):

Councilmember Stewart stated he wanted it to go to a study session first. City Counselor Jeremy Cover stated a vote was not needed to place it on the study session since the motion to postpone for 30 days had already passed.

6. Council action is requested to issue purchase orders to Design Mechanical for an amount not to exceed \$338,650 for HVAC maintenance services, repairs and replacements. **APPROVED**
7. Council action is requested to issue a purchase order to TMS Inc. for an amount not to exceed \$53,762.00 for Filter Surface Wash System Piping Replacement at the Courtney Bend Water Treatment Plant for the Municipal Services Department.
APPROVED
8. Council action is recommended to enter a contract with Cigna for Post-65 Medical Insurance Coverage, for one year with four, one-year renewal options. **APPROVED**

9. Council action is requested to authorize a contract with the Kansas City Area Transportation Authority for the purpose of providing transit services for the period of July 1, 2024 through December 31, 2024, in the amount of \$492,299.00, and authorizing future minor change orders not to exceed \$49,229.00. **APPROVED**

Resolutions

1. 24-739 A Resolution establishing standards for the recruitment and selection of board members, amending Resolution 6975 **POSTPONED INDEFINITELY**

Councilmember Stewart made a motion to postpone the item indefinitely to send back to staff to clarify the changes that are being proposed. Seconded by Councilmember Wiley.

Motion passed 5-2

AYES (5): Mayor Rowland, Stewart, McCandless, Vaught, Wiley

NAYS (2): Fears, Perkins

ABSENT (0):

2. 24-740 A Resolution nominating Successor Directors to the Arrowhead CID **Res. No. 7019**
3. 24-741 A Resolution appointing Councilmembers to certain Boards and Commissions as Councilmember Liaisons **Res. No. 7020**

REGULAR AGENDA

Public Hearing(s)

Ordinances

1. 24-049 **2R** 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. **2R Ord. No. 19568**

This will cover the salary and all benefits for the staff including LAGERS.

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

2. 24-050 **2R** 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. **2R Ord. No. 19569**

No discussion on the item.

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

3. 24-051 **2R** 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. **2R Ord. No. 19570**

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

4. 24-052 **2R** 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. **2R Ord. No. 19571**

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

5. 24-053 **2R** 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. **2R Ord. No. 19572**

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

6. 24-054 **2R** 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. **2R Ord. No. 19573**

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

7. 24-055 **2R** 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. **2R Ord. No. 19574**

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

8. 24-056 **2R** 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)). **2R POSTPONED TO 8/19/24**

Motion made by Councilmember Vaught to postpone this item for 30 days to send to a study session. Seconded by Councilmember Perkins
Postponing this will not cause any issues with MODOT.

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

NAYS (0): None

ABSENT (0):

Motion to postpone for 30 days and send to study session passes 7-0

9. 24-057 **2R** 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. **2R Ord. No. 19575**

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

10. 24-058 **2R** 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.
2R Ord. No. 19576

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

11. 24-059 **2R** 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. **2R Ord. No. 19577**

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

12. 24-060 **2R** An ordinance authorizing final disposition of certain city records that have met all requirements to be eligible for such disposition. **2R Ord. No. 19578**

No discussion on this item

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

NAYS (0): None

ABSENT (0):

Item passes 7-0

13. 24-061 **2R** 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) **2R Ord. No. 19579**

A majority of what is being changed here are guidelines enacted by the General Assembly and are required by the Missouri Revised Statutes and also clarifies the spending authority for city department heads.

A motion was made by Councilmember Stewart to amend the City Manager's authority from \$150,000 back to \$100,000 (keep it as it is). This was seconded by Councilmember Vaught.

This item was brought to the Audit and Finance Committee who recommended approval. This will make the spending authority the same across the board. These would be budgeted items.

Doing this would eliminate the need to put these extra items on the consent agenda. This limit is also what our peer cities have required.

AYES (1): Stewart

NAYS (6): Mayor Rowland, Fears, McCandless, Vaught, Perkins, Wiley

ABSENT (0):

The amendment fails

This is to be in compliance with state law.

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

NAYS (0): None

ABSENT (0):

Item passes as is 7-0

14. 24-062 **2R** An ordinance amending the Fiscal Year 2024-25 Submitted Budget by reducing the Museum Fundraising account in the Tourism Fund by \$150,000. **2R POSTPONED INDEFINITELY**

Councilmember Stewart moved to postpone the item definitely as he feels it is not ready for approval at this time. There was no second.

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

NAYS (0): None

ABSENT (0):

Motion to table item indefinitely passes 7-0

15. 24-063 **2R** An ordinance amending the Fiscal Year 2024-25 Submitted Budget by increasing the Communications Department account in the General Fund by \$130,000. **2R Ord. No. 19580**

One of the recommendations in the budget was to reconfigure our communications division. The department was reconfigured from 6 to 4 people. The budget that was adopted by the Council only included 3 positions. The Public Information Office position was inadvertently left off. This change adds that position back into the budget. This covers salary and benefits.

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

NAYS (1): Mayor Rowland

ABSENT (0):

Item passes 6-1

First Reading(s)

1. 24-064 **1R** An ordinance approving a rezoning from district C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and a preliminary development plan for the properties located at 300 and 315 W. Maple Avenue. **1R READ**
2. 24-065 **1R** An ordinance finding, determining, and declaring the necessity of acquiring general utility easements for the E. Heidelberger Rd. Bridge Replacement Project (Project No. 112203); 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**

INFORMATION ONLY

1. Boards/Commissions Report **READ AND APPROVED**
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).

COUNCILMEMBER COMMENTS

Councilmember Stewart had Counselor Cover clarify the terms of attire of candidate/campaign shirts or hats. Unless it is causing some kind of problem or is offensive to someone, we will not address it as long as it is someone in the audience. The one caveat to this is that the City cannot utilize resources to promote a candidate or ballot issues. Once a person approaches the podium, it becomes a potential violation of state law. So we will ask them to either turn the shirt inside out or not speak.

Councilmember Wiley stated she had a conversation with HOA members of Cardinal Woods and walked around the neighborhood. She and Councilmember Vaught were given a tour of the Courtney-Bend Water Treatment Plant. It was very interesting and she is very proud of the work they do.

Councilmember McCandless reminded everyone of the extreme temperatures and that the Sermon Center is open as a cooling center Monday through Thursday, 8am - 8pm and Friday and Saturday from 8am to 5pm. Shoutout to traffic department for combined traffic enforcement with IPD, Sugar Creek and the Jackson County Sheriff's Dept. She has heard a lot of complaints from citizens regarding fireworks and the volume of high-powered fireworks. She asked the City Manager to schedule an item on the study session for fireworks ordinance discussion and the possibility of restricting the size of fireworks and times they can be lit. She also expressed her concern and sadness for the attempted assassination on former President Trump last weekend.

Councilmember Perkins stated there is a KCATA opportunity for the Blue Ridge Crossing area. This can have a very good financial and growth impact for this area. He also welcomed the new Assistant City Manager Charlie Dissell.

Mayor Rowland talked about the event at Bingham Wagoner that occurred last weekend. He also asked City Manager Zach Walker to give more information regarding the KCATA Blue Ridge Crossing item. Zach stated that we will be sharing information on several different media platforms for the City of where you can go to comment and promote this. This is an item that will rely heavily on public comment to determine funding. He also expressed his sadness

and concern for the attempted assassination on former President Trump. Political violence is not discourse, it is violence.

City Manager Walker also reminded everyone to send questions or comments about the City Charter changes to citycharter@indepmo.org. There will also be a second public open house next Monday at 4:00 pm to give the public the opportunity to come and discuss these changes with the Council. It is construction season. In 2002, the City began a new method of street repair called scrub sealing. This is when a sand/gravel/oil mixture is put down on streets that aren't necessarily ready for an overlay but will help to seal cracks. This will help preserve the roads for another 4-6 years until the roads are in a way more cost effective, at .30-.50 cents to the dollar in comparison to overlay. The Kentucky Ave. bridge is a step closer to having federal funds to replace this bridge. He also stated he is a credentialed member of the International City and County Manager's Association. Part of their code of ethics is a committed form of government. There are no changes in the proposed Charter that strip the Council of their duties or responsibilities. He is still hired and serves at the pleasure of the Council, and he takes direction from this group as a body and meets with everyone individually to understand their goals and policies. Nothing in the proposed changes to the Charter will change that.

ADJOURNMENT

ADJOURNMENT 7:53 p.m.

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

ATTEST:

City Clerk

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to expend \$155,000.00 in purchase orders for fiscal year 2024-2025 to Fletcher-Reinhardt and Anixter for Steel and Aluminum poles for the Power & Light Department.

Recommendations:

Council approval to issue purchase orders to Fletcher-Reinhardt and Anixter.

Background:

Power and Light (IPL) uses steel and aluminum poles for street lighting to illuminate the way for pedestrians, cyclists, and motorists.

Council approved contracts with Fletcher-Reinhardt and Wesco in 2021. Wesco has since been bought out by another firm named Anixter. The Power & Light Department has been continuously using these contracts. Power & Light anticipates spending \$150,000 with both Fletcher-Reinhardt and Anixter. Authorization is being requested for that level of spending for the current fiscal year.

Approval of this item authorizes change orders up to ten (10) percent of the authorized amount, providing appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$310,000.00. Funding for the Steel and Aluminum poles is included in the fiscal year 2024-2025 proposed budget, page 269, account number 0206122-5314, Warehouse Inventory, Warehouse & Stores, IPL fund 020.

Council Action:

Department / Contact	Power and Light /
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REVIEWERS

Khristina Irvine

Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a purchase order for \$600,000 to Fletcher-Reinhardt, for Utility Hardware Group 1, 2, 4, 5 and 6 for Fiscal Year 2024-2025, for the Power & Light Department.

Recommendations:

Council approval to issue a purchase order.

Background:

Utility hardware contracts are needed to assure the price and availability of safety stock and long lead items for the Independence Power & Light (IPL) warehouse. There are ten categories (groups) of items that are used extensively by the Transmission and Distribution Division. The categories covered by this request include:

Group 1 - Utility Hardware

Group 2 - Connectors

Group 4 - Cutouts and Fuses

Group 5 - PVC Conduit and Couplings

Group 6 - Underground Material

Contracts were awarded in 2019 to the lowest most responsive bidder by group. These contracts have been in place for several years and will be needed in years to come to ensure availability of utility hardware products for day-to-day operations and timely responses to power outages.

This request is for approval of expenditures of a select grouping of items supplied by one of IPL's suppliers, Fletcher-Reinhardt.

Approval of these items authorizes the Finance Director to issue change orders up to a total of ten (10) percent of the original authorized amount, so long as appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$600,000.00. Funding for Utility Hardware is included in the fiscal year 2024-2025 proposed budget, page 269, account number 0206122-5314, Warehouse Inventory, Warehouse & Stores, IPL fund 020.

Council Action:

**Department /
Contact**

Power and Light /

REVIEWERS

Khristina Irvine
Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a purchase order for \$410,000.00 to Graybar Electric, for Aluminum & Copper Cable/Wire, for the Power & Light Department.

Recommendations:

Council approval to issue a purchase order.

Background:

Power and Light (IPL) uses aluminum and copper cable for new construction, capital projects, outages, and other jobs to maintain efficient daily operations. The cable is an essential component in maintaining reliable service for IPL customers. Graybar Electric was awarded a contract as a result of an invitation to bid, which was approved by Council in 2021.

Approval of this item authorizes the Finance Director to issue change orders up to a total of ten (10) percent of the original authorized amount, so long as appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$410,000.00. Funding for Aluminum & Copper Cable/Wire is included in the fiscal year 2024-2025 proposed budget, page 269, account number 0206122-5314, Warehouse & Stores, Warehouse Inventory, IPL fund 020.

Council Action:

Department / Contact	Power and Light /
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REVIEWERS

Khristina Irvine
Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a purchase order in the amount of \$500,000.00 to Arkansas Electric Cooperatives, for Distribution Transformers for the Power & Light Department.

Recommendations:

Council approval to issue a purchase order to Arkansas Electric Cooperatives.

Background:

The Transmission and Distribution Division of Power and Light needs distribution transformers to maintain power distribution to customers. Arkansas Electric has a varied stock of pole-mount transformers that are unavailable without extended lead times (18–24 months) through IPL's contracted vendor. The City previously contracted with Arkansas Electric, and their inventory meets the City's transformer specifications. Their pricing is comparable to the current contracted vendors.

Approval of this item authorizes change orders up to ten (10) percent of the original authorized amount, providing appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City totals \$500,000.00. Funding for the Distribution Transformers is included in the fiscal year 2024-2025 adopted budget, page 269, account number 0206122-5314, Warehouse & Stores, Warehouse Inventory, IPL fund 020.

Council Action:

Department / Contact	Power and Light /
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REVIEWERS

Khristina Irvine
Meagan Borth
Jeremy Cover
Zachary Walker

Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

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.

Recommendations:

Council approval to issue a purchase order.

Background:

Power and Light (IPL) uses pole-mount and pad-mount transformers to convert the high 'primary' voltage of the overhead or underground distribution lines to the lower 'secondary' or 'utilization' voltage inside the building. The primary distribution wires use a three-phase system. The transformers are divided into three groups as follows: Group 1 – Pole Mount; Group II – Single Phase Pad Mount; and Group III – Three Phase Pad Mount. The transformers are used in establishing new electrical services and for the replacement of defective units.

IPL entered into a contract with WEG as a result of an invitation to bid which was approved by Council in 2021.

Approval of this item authorizes the Finance Director to issue change orders up to a total of ten (10) percent of the original authorized amount, so long as appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$240,000.00. Funding for Power Distribution Transformers is included in the fiscal year 2024-2025 proposed budget, page 269, account number 0206122-5314, Warehouse & Stores, Warehouse Inventory, IPL fund 020.

Council Action:

Department / Contact	Power and Light /
---------------------------------	-------------------

REVIEWERS

Khristina Irvine

Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a purchase order for \$165,000.00 to Solomon Corporation, for Transformer Repair - Re-manufacturing, for the Power & Light Department.

Recommendations:

Council approval to issue a purchase order.

Background:

Power and Light (IPL) needs a contractor capable of repairing electrical transformers and, if necessary, for scraping electrical transformers. In 2020, the Procurement Department, working with IPL, issued an invitation to bid (ITB) for this service. The result was the award of a contract to Solomon Corporation (Solomon).

Approval of this item authorizes the Finance Director to issue change orders up to a total of ten (10) percent of the original authorized amount, so long as appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$165,000.00. Funding for Transformer Repair - Re-manufacturing is included in the fiscal year 2024-2025 proposed budget, page 269, account number 0206122-5314, Warehouse & Stores, Warehouse Inventory, IPL fund 020.

Council Action:

Department / Contact	Power and Light /
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REVIEWERS

Khristina Irvine
Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a purchase order for \$250,000 to Stella-Jones, for Wood Transmission & Distribution Poles, for the Power & Light Department.

Recommendations:

Council approval to issue a purchase order.

Background:

Power and Light (IPL) uses wood transmission and distribution poles for transmission lines which carry higher voltage power between substations and distribution lines which distribute lower voltage power to customers.

Stella Jones is a supplier who was awarded a contract based on an invitation to bid in 2021, which was approved by Council.

Approval of these items authorizes the Finance Director to issue change orders up to a total of ten (10) percent of the original authorized amount, so long as appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$250,000.00. Funding for the Wood Transmission & Distribution Poles is included in the fiscal year 2024-2025 proposed budget, page 269, account number 0206122-5314, Warehouse & Stores, Warehouse Inventory, IPL fund 020.

Council Action:

Department / Contact	Power and Light /
---------------------------------	-------------------

REVIEWERS

Khristina Irvine
Meagan Borth
Jeremy Cover
Zachary Walker

Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue annual purchase orders to PVS DX, Inc for Liquid Chlorine in the amount of \$245,000 for the period of July 1, 2024, through June 30th, 2025. At the option of the City, purchase orders will be issued annually for four additional, one-year periods.

Recommendations:

Council approval to issue annual purchase orders.

Background:

Liquid chlorine is used to prevent contamination of the water supply and helps to kill salmonella, campylobacter, and norovirus in the water that is treated at the Courtney Bend Water Treatment Plant.

The supplier of anhydrous ammonia is PVS DX, Inc, which has cooperative contract 111 through the Mid-America Regional Council/Kansas City Regional Cooperative.

Per section 8.06.004, Paragraph 4 of the City Code states competitive bidding is not required when purchases are made through a cooperative contract established by a government purchasing entity or cooperative. The cooperative bids used have been established pursuant to RSMo. 70.220 or generally accepted governmental purchasing practices through the competitive bidding process.

Approval of this item shall authorize change orders up to a total of ten (10) percent of the authorized amount for each order, provided appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City totals \$245,000.00. Funding for liquid chlorine is included in the fiscal year 2024-25 budget, page 192, account number (0404830-5314, Inventory Purchases).

Council Action:

Department / Contact	Municipal Services /
---------------------------------	----------------------

REVIEWERS

Lisa Reynolds
Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. PVS DX MARC/KCRPC Bid No. 111 Cooperative Contract



**YEARLY CONTRACT for CHEMICALS (WATER & WASTE WATER)
MARC/KCRPC Bid NO. 111**

This CONTRACT, by and between Mid-America Regional Council/Kansas City Regional Purchasing Cooperative, hereinafter referred to as "MARC/KCRPC", and PVS DX, Inc., hereinafter referred to as "Contractor" is effective this 1st day of July, 2024.

WITNESSETH:

WHEREAS MARC/KCRPC does hereby accept, with modifications, if any, the bid of PVS DX, Inc. The bid document and submittal by Contractor is made a part of this contract. Awarded items are shown on attached Appendix A pricing.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. SCOPE OF SERVICES

Contractor shall provide awarded chemicals on an as-needed basis, for MARC/KCRPC Participants, as specified on attached price sheet. Contract pricing is not available to Non-Participants.

All sales will be made in accordance with the prices, terms and conditions of the invitation to bid and any subsequent term contract. All sales to Participants or Non-Participants will be made on purchase orders issued by that jurisdiction. All receiving, inspection, payments and other procurement administration will be the responsibility of the ordering Participant or Non-Participant.

The Contractor shall furnish to MARC/KCRPC:

- a) Payment of the 1.5 percent Administrative Fee to MARC/KCRPC, based on gross sales for each quarter. All payments shall be made payable to: Mid-America Regional Council (bid number and sales quarter must be referenced on each payment.) Mail payment to Attn: Finance Department, MARC, 600 Broadway Suite 200, Kansas City MO 64105-1659.
- b) A composite report of all contract purchases for Participants and any Non-Participants, against any and all purchase orders issued against this contract. The report shall be compiled and submitted to the Program Coordinator by electronic mail. Copies of invoices may be submitted electronically, in lieu of a composite report.

2. CONTRACT TIME

The contract is effective from July 1, 2024 to June 30, 2026 with the option to renew in writing for three (3) one-year renewal periods.

3. INVOICES

Invoices for orders placed by Participants shall be prepared and submitted in triplicate to the Participant, unless otherwise specified by the Participant. All invoices shall contain the following information: contract number, purchase order number, catalog number; description, quantities, unit prices and extended totals. Invoices for and inquiries regarding payment should be addressed to the ordering Participant. Payment terms are Net 30.

4. TERMINATION

This contract may be terminated by either party upon sixty (60) calendar days prior notice in writing to the other party. The MARC/KCRPC and Participants may terminate this contract immediately, under breach of contract, if the Contractor fails to perform in accordance with the terms and conditions of this contract. In the event of any termination of contract by the Contractor that is not due to the breach of this Contract by, or other fault of, MARC/KCRPC or any Participant, the Participants may purchase such supplies and/or services similar to those so terminated, and for the duration of the contract period the Contractor will be liable for all costs in excess of the established contract pricing.

5. CHANGES AND ADDITIONAL SERVICES

The MARC/KCRPC may at any time, by written order, make changes or additions, within the general scope of this contract in or to specifications, instructions for work, methods of shipment or packing or place of delivery. If any such change causes an increase or decrease in the cost of or in the time required for performance of this contract or purchase order, the Contractor shall notify MARC/KCRPC in writing immediately and an appropriate equitable adjustment will be made in the price or time of performance, or both, by written modification of the contract. Any claim by the Contractor for such adjustment must be asserted within 30 days, or such other period as may be agreed upon in writing by the parties, after the Contractor's receipt of notice of the change. Nothing herein contained shall excuse the Contractor from proceeding with the contract as changed.

6. CONFLICTS OF INTEREST

The Contractor, by acceptance of any purchase order resulting from this bid, certifies that to the best of their knowledge or belief, no elected or appointed official of any Participant is financially interested, directly or indirectly, in the purchase of the goods or services specified on this order.

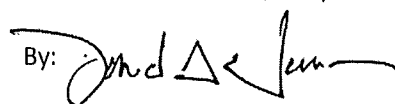
7. COMPLIANT WITH APPLICABLE LAWS

The Contractor warrants it has complied with all applicable laws, rules and ordinances of the United States, or any applicable state, municipality or any other Governmental authority or agency in the manufacture or sale of the items covered by this order, including but not limited to, all provisions of the Fair Labor Standards Act of 1938, as amended.

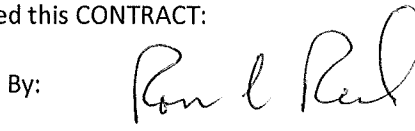
8. NOTICES

Any notice to any Contractor from MARC/KCRPC relative to any part of this contract will be in writing and considered delivered and the service thereof completed when said notice is posted, by certified or regular mail, to the said Contractor at his last given address or delivered in person to said Contractor or his authorized representative.

IN WITNESS WHEREOF, the parties hereto have signed this CONTRACT:

By: 

David Warm
Executive Director
Mid-America Regional Council
600 Broadway Suite 200
Kansas City, Mo., 64105-1659

By: 

Ron Rech
District Manager
PVS DX, Inc.
11202 S. 25th Street
Bellevue, Ne., 68123
P. 402-293-1185 F. 402-293-9647
Email: rrech@dxgroup.com

6/20/2024

Date:

6/21/2024

Date:

Distribution: Contractor
MARC/KCRPC Program Coordinator
MARC file
Public Contract Database

Staff Contact: Rita Parker, KCRPC Program Coordinator rita.parker@kcrpc.com

Attachment: Bid submittal and pricing

MARC/KCRPC BID 111

Effective 7/1/24 to 6/30/26



Effective 7/1/24 to 6/30/26				PVS DX					
Item #	Description	Agency	Department	Unit of Measure	Est. Qty	Unit Price:	Total Price:	MOQ	Percentage Bidding:
10	SODIUM HYPOCHLORITE Solution, 12.5% (by weight) technical grade.	INDEP and JOCO	INDEP Water & Pollution Control Plant (90,000) and JOCO (550,000 combined est.) Tomahawk (220,000), Nelson Complex (215,000), Middle Basin (50,000), Blue River (35,000), Belinder, Martway, 75th & Nall ---- FULL TRUCK LOAD (FTL)	GALLONS (bulk)	640,000	\$ 1.78	\$1,136,000.00	4500 GAL (3000 GAL or less, alternate \$ effective - call for price)	12.5% by Weight. This is the equivalent of 15% by volume
14	SODIUM HYPOCHLORITE 10-15% Solution,	JOCO	LESS THAN TRUCKLOAD (LTL).	GALLONS (bulk)		\$ 2.08		LTL	
15	SODIUM HYPOCHLORITE 10-15% Solution.	JOCO	JOCO Tomahawk and Nelson Complex	TOTES (330 Gal)	10	\$ 920.00	\$9,200.00	2	
17	ANHYDROUS AMMONIA, 150 lb. cylinders meeting ANSI/AWWA B305-15. Contractor shall fill cylinders and re-pack or replace stems on cylinders. Deliver to the Water Department Courtney Bend Plant.	JOCO	JOCO Tomahawk and Nelson Complex	TOTES (250 Gal)	10	\$ 740.00	\$7,400.00	2	
		INDEP	INDEP Water Dept.	CYLINDERS (150 LB)	240	\$ 358.00	\$85,920.00	20	
20	CHLORINE, LIQUID, per standard B301-18.	INDEP	INDEP Water Dept	CYLINDERS (1 ton)	144	\$ 1,948.00	\$280,512.00	6	
						ADJUSTED BID TOTAL:		\$1,519,032.00	

Payment terms / Discount offered-early payment?	Net 30, no discount
Government procurement cards accepted?	Yes
Processing charges added for p-cards?	No
Offer off-shelf discounts?	No
Addendum 1 Acknowledged	Yes
Addendum 2 Acknowledged	Yes
Appendix A – Pricing List (with Excel attachment)	Yes
Appendix B – Cooperative Purchasing	Declined
Appendix C – Ordering, Remittance Contacts	Yes
Appendix D – Bidder Warranties	Yes
Appendix E – Authorization-Collusion Affidavit	Yes
Appendix F – Missouri Service-Disabled Veteran	N/A
Appendix G – Missouri Products Preference	Yes



KANSAS CITY REGIONAL PURCHASING COOPERATIVE

A Partnership of:
Mo-Kan Council of Public PProcurement
and
Mid-America Regional Council
and
Local Governments
Acting as the lead agency, offers the following

INVITATION FOR BID

The Kansas City Regional Purchasing Cooperative (MARC/KCRPC) will accept separate sealed bids from qualified persons or firms interested in providing the following, in accordance with the attached specifications:

YEARLY CONTRACT FOR WATER & WASTE WATER CHEMICALS

BID NO. 111

Issued Mar. 15, 2024

BIDS MUST BE RECEIVED BY:	4/5/24 1:00 p.m. Local Time (Late bids will not be accepted for any reason)
BIDS WILL BE OPENED AT:	4/5/24 1:00 p.m. Local Time,
RETURN BIDS TO:	Program Coordinator by electronic mail only – rita.parker@kcrpc.com
SUBJECT LINE:	Bid 111 - Opens 4/5/24 – Bidder/Company Name
CLARIFICATIONS:	Requests for clarification will not be accepted after 3:00 p.m. on 3/25/24 Submit in writing to rita.parker@kcrpc.com
NOTICE OF AWARD:	Expect to announce by 4/30/24
CONTRACT PERIOD:	July 1, 2024 to June 30, 2026 (with option to renew for three (3) additional one-year periods and subject to adjustment based on award date)

MARC/KCRPC and Participants reserve the right to reject any, and all, bids, to waive technical defects in bids, and to select the bid(s) deemed most advantageous to the entities.

If Bidders receive this bid document from sources other than direct mailing or at DemandStar.com, you must contact the Program Coordinator to be added to the distribution list for any addendums, clarifications, or other bid notices.

It is the responsibility of each Bidder, before submitting a bid, to examine the documents thoroughly, and request written interpretation or clarifications after discovering any conflicts, ambiguities, errors, or omissions in the bidding documents.

Open Records Act and Proprietary Information - The Mid-America Regional Council (MARC) is a public organization and is subject to the Missouri Open Records Act (Chapter 610, RSMo). All records obtained or retained by MARC are considered public records and are open to the public or media upon request unless those records are specifically protected from disclosure by law or exempted under the Missouri Sunshine Law. All contents of a response to a Request for Bids, Qualifications, Proposals, or information issued by MARC are considered public records and subject to public release following decisions by MARC regarding the bid request. If a proposer has information that it considers proprietary, a bidder shall identify documents or portions of documents it considers containing descriptions of scientific and technological innovations in which it has a proprietary interest, or other information that is protected from public disclosure by law, which is contained in a Proposal. After either a contract is executed pursuant to the Request for Bids, RFQ or RFP, or all submittals are rejected, if a request is made to inspect information submitted and if documents are identified as "Proprietary Information" as provided above under Missouri Sunshine Law, MARC will notify the proposer of the request for access, and it shall be the burden of the proposer to establish that those documents are exempt from disclosure under the law."

TABLE OF CONTENTS:

Cover Page	1
Table of Contents	2
Legal Advertisement	2
1.0 Introduction	3 - 4
2.0 Specific Requirements	5-9
3.0 General Conditions (Award and Post-Award)	10-14
4.0 Specifications	15-19
5.0 Pricing and Submittals	20-22
Appendix A – Pricing List (with Excel attachment)	23-24
Appendix B – Cooperative Purchasing	25
Appendix C – Ordering, Remittance Contacts	26
Appendix D – Bidder Warranties	27
Appendix E – Authorization-Collusion Affidavit	28
Appendix F – Missouri Service-Disabled Veteran Preference	29
Appendix G – Missouri Products Preference	30

LEGAL ADVERTISEMENT

MARC/KCRPC is seeking bids for water and waste water chemicals on behalf of participating agencies. Bid #111 due by 4/5/24 1PM CST. Documents are available at www.marc.org or www.demandstar.com or contact rita.parker@kcrpc.com.

Published:	Kansas City Star	3/15/24
	The Call	3/15/24
	Kansas City Hispanic News	3/14/24
	www.marc.org	3/15/24
	demandstar.com	3/15/24

SCOPE: MARC/KCRPC will accept bids from qualified persons or firms interested in providing various water and waste water chemicals, as a yearly contract for area participating governmental entities (Participants) in the Greater Metropolitan area in Kansas and/or Missouri. Estimated quantities specified herein, and are based on annual usage, and will be for evaluation purposes only. No guarantee is made regarding specific quantities to be ordered under this contract. The contract will initially be for a two-year period, with the option to renew for three (3) additional one-year periods. The contract includes an "escalation/de-escalation clause" appropriate for the chemical industry. The quoted pricing shall be firm for first six (6) month period, based on F.O.B. destination, inside delivery and inclusion of the Administrative Fee. No fuel surcharges shall be allowed. Quoted pricing shall be based on "best available" pricing for this region.

Section 5.0, Excel pricing sheet and appendices MUST be completed and submitted by electronic mail to the Program Coordinator by date and time stated on cover page, including any addendums. The pricing sheet must be provided in Excel format and Section 5.0 provided in PDF format.

SECTION 1.0 INTRODUCTION

- 1.1 DEFINITIONS - Definitions of all relevant terms and entities are provided below. Defined terms or entities used in this Invitation for Bid start with a capital letter.
- 1.1.1 "MARC/KCRPC" refers to Kansas City Regional Purchasing Cooperative, a purchasing cooperative partnership of the MOKANCPP and MARC, and their members, and MARC/KCRPC is responsible for assembling and administering this Invitation for Bid and representing the Participants in the bid process.
 - 1.1.2 "Participants" or "Participating Members" refers to local government entities that are participating in the Invitation for Bid.
 - 1.1.3 "Non-Participant" means a Municipality, County, State, Governmental Public Utility, Non-Profit Hospital, Educational Institution, Special Governmental Agency, or Non-Profit corporation performing governmental functions, and located within the Greater Kansas City Metropolitan Trade Area, but that is not a listed Participant.
 - 1.1.4 "MoKanCPP" refers to the MoKan Council of Public Procurement.
 - 1.1.5 "MARC" refers to the Mid-America Regional Council
 - 1.1.6 "Program Coordinator" refers to the authorized representative of KCRPC designated to handle bid solicitation and award and modification of the contract.
 - 1.1.7 "Administrative Contracting Officer" refers to the authorized representative of each of the Participants authorized to issue purchase orders, receive required documentation, inspect, and receive goods, make payments, and handle disputes involving shipments to the jurisdiction.
 - 1.1.8 "Bidder" refers to any corporation, company, partnership, firm, or individual that responds to the Invitation for Bid.
 - 1.1.9 "Contractor" shall refer to the corporation, company, partnership, firm, or individual, named and designated in the contract agreement to perform the work or provide the materials covered thereby, and its duly authorized agents or other legal representatives.
 - 1.1.10 "Administrative Fee" refers to the one and one-half percent fee to be paid quarterly by the vendor, to MARC/KCRPC, based on gross sales to Participants under the contract. The Administrative fee shall be built into quoted pricing.
 - 1.1.11 The "specifications" include Section 4 and Appendix A.
 - 1.1.12 A "subcontractor" is a person, firm or corporation supplying labor or materials, or only labor for work at the site of the project for, and under separate contract or agreement with the contractor.
 - 1.1.13 The term "sample" as used herein includes natural materials, fabricated items, equipment, devices, appliances, or parts thereof as called for in the specifications and any other samples as may be required by the Program Coordinator to determine whether the kind, quality, construction, workmanship, finish, color and other characteristics of the materials, etc., proposed by the Contractor conform to the requirements of the contract documents. Samples approved by the Program Coordinator and Participants shall establish the kind, quality, and other required characteristics, and all work shall be in accordance with the approved samples. Samples, when requested, shall be supplied at no cost to the MARC/KCRPC or Participants.
 - 1.1.14 The term "estimated" represents quantities estimated for the period of time stated. Purchase orders shall be placed for actual requirements as needed.
 - 1.1.15 The term "minimum" means the Participants will order this quantity of supplies during the period of this contract at the price bid.

1.2 KANSAS CITY REGIONAL PURCHASING COOPERATIVE

The Mid-America Regional Council (MARC, Federal ID# 43-0976432), the regional council of governments and metropolitan planning organization, serving a nine-county region, and MoKan Council of Public Procurement (MoKanCPP), a regional organization of public sector purchasing professionals and a local chapter of The Institute of Governmental Procurement (NIGP), initiated the Kansas City Regional Purchasing Cooperative to enhance the current cooperative purchasing efforts in the region.

The Kansas City Regional Purchasing Cooperative (KCRPC) is a partnership between MARC, MoKanCPP, and local governments. The intent of the KCRPC is to increase the amount and effectiveness of local government cooperative purchasing in the metropolitan area and in the process, reduction of costs of goods and services by obtaining more responsive prices.

The Manager's Roundtable, a committee of city and county managers, provides general guidance and support toward the effort. The KCRPC established a standing Advisory Committee comprised of public sector purchasing professionals in the Kansas City metropolitan area. The MARC Board of Directors consists of 30 locally elected leaders representing the nine counties and 119 cities in the bi-state metropolitan Kansas City region.

MARC provided initial support for the first 2 years of the program. It is the intent of the initiative to ensure that KCRPC will remain self-supporting by charging a one and one-half percent Administrative Fee, based on gross sales on each contract, which is consistent with other national cooperative purchasing program administrative fees. **Bidders shall include the Administrative Fee in their unit bid pricing.**

The KCRPC is not a legal entity, but rather a program of MARC. All future references for KCRPC will be shown as MARC/KCRPC since MARC will be the legal entity coordinating and managing the bid/procurement activities.

1.3 PARTICIPANTS

This is a joint bid for a term supply and service contract for the below Participants. Additional Participants may be added under addendums, or by a contract modification with mutual agreement if the bidder allows for cooperative purchasing.

- 1 Johnson County, Kansas
- 2 City of Independence, Missouri

End of Section 1.0

SECTION 2.0 SPECIFIC REQUIREMENTS

- 2.1 PREPARATION OF BIDS.
 - 2.1.2 Bidders are expected to examine any specifications, schedules, and instructions. Failure to do so will be at the bidder's risk.
 - 2.1.3 Each bidder shall furnish the information required by the invitation. The bidder shall sign the invitation and print or type his or her name on each bid sheet thereof on which he or she makes an entry. The person signing the offer must make initial erasures or other changes. Bids signed by an agent are to be accompanied by evidence of his or her authority unless such evidence has been previously furnished.
 - 2.1.4 The unit price for each unit bid shall be shown and such price shall include packing unless otherwise specified. A total shall be entered in the total column for each item bid. In case of discrepancy between a unit price and extended price, the unit price will prevail.
 - 2.1.5 Alternate bids for supplies or services other than those specified will not be considered unless authorized by the invitation per section 4.0 Specifications.
 - 2.1.6 The bidder must state a definite time for delivery of supplies or services unless otherwise specified in the invitation.
 - 2.1.7 Time, if stated as a number of days, will include Saturdays, Sundays, and holidays.
 - 2.1.8 If the item has a trade name, brand and/or catalog number, such must be stated in the bid.
 - 2.1.9 The prices quoted are to be firm and final.
 - 2.1.10 In submitting bids, the bidder agrees that the Program Coordinator shall have 90 calendar days in which to accept or reject any of the bids submitted unless otherwise specified on the bid page.
- 2.2 CONTRACT PERIOD
 - 2.2.1 This invitation to bid is for a yearly contract for a two-year initial contract period, with the option to renew for three (3) additional one-year renewal periods.
 - 2.2.2 The contract includes an escalation/de-escalation clause appropriate to the chemical industry, as described in paragraph 2.17 Escalation/De-Escalation Clause. Pricing will be guaranteed **for six (6) months** thereafter on a quarterly basis, per the requirements of paragraph 2.17.
 - 2.2.3 The option to renew shall be at the discretion of the MARC/KCRPC and the Participants. MARC/KCRPC reserves the right to terminate the current contract without cause and solicit new bids. The Program Coordinator shall notify the Contractor in writing, of the intent to exercise the renewal option. However, failure to notify the Contractor does not waive MARC/KCRPC's right to exercise the renewal option. The Contractor shall be required to submit documentation to the Program Coordinator from the manufacturer or distributor, as proof of any requested price increase. Under no circumstances shall an increase be granted that is greater than the Federal Consumer Price Index (C.P.I.) and Producer Price Index (PPI) for the Kansas City area, without the approval of the Program Coordinator and the Participants.
- 2.3 SUBMISSION & ACCEPTANCE OF BIDS
 - 2.3.1 Failure to follow these procedures is cause for rejection of bid.
 - 2.3.2 **Section 5.0, Excel pricing sheet and appendices MUST be completed and submitted electronically by e-mail to Program Coordinator by date and time stated on cover page, including any addendums. The Appendix A pricing sheet must be provided in Excel format, and remaining Section 5.0 and appendices in PDF format.** Bidders shall retain a copy of their records. Bidders must confirm receipt of submittal with Program Coordinator, documents were received prior to bid date and time in the event spam programs block submissions.
 - 2.3.3 Telegraphic or faxed bids may not be considered unless authorized by the invitation.
 - 2.3.4 A bid that is in the possession of the Program Coordinator may be altered by telegram or letter bearing the signature of the person authorized for bidding, provided it is received prior to the time and date of opening. Telephone or verbal alterations of a bid will not be accepted.
 - 2.3.5 A bid that is in the possession of the Program Coordinator may be withdrawn by the bidder up to the time of the bid opening. All requests for bids to be withdrawn must be made in writing by telegram or letter bearing the signature of the person authorized for bidding, provided it is received prior to the time and date of opening. Bids may not be withdrawn after the bid opening.
 - 2.3.6 Samples of items, when required, must be submitted within the time specified unless otherwise specified in the Information for Bidders and at no expense to the Program Coordinator or any Participant. If not consumed by testing, samples will be returned at bidder's request and expense, unless otherwise specified by the invitation.
 - 2.3.7 Bids having any erasures or corrections must be initialed by the bidder in ink. Bids shall be signed in ink. All bid amounts shall be typewritten or filled in with ink.

- 2.4 EXPLANATION TO BIDDERS (CLARIFICATIONS)
Any explanation desired by a bidder regarding the meaning or interpretation of the invitation, any drawings, specifications, etc., must be requested in writing no less than seven calendar days before the deadline for submission of bids. An oral explanation or instruction given before the award of the contract will not be binding. Any information given to a prospective bidder concerning an invitation will be furnished to all prospective bidders as an addendum to the invitation if such information is necessary to bidders in submitting bids on the invitation or if the lack of such information would be prejudicial to uninformed bidders.
- 2.5 ACKNOWLEDGMENT OF ADDENDUM TO INVITATION
Receipt of an addendum to an invitation by a bidder must be acknowledged by signing and returning the addendum. Such acknowledgment must be received prior to the hour and date specified for receipt of bids or returned with the bid and received prior to closing time and date.
- 2.6 LATE BIDS & MODIFICATIONS
It is the responsibility of the bidder to deliver his bid or bid modifications on or before the date and time of the bid receipt deadline. Bids will NOT be accepted after the date and time of closing under any circumstances.
- 2.7 DISCOUNTS & BID EVALUATION
Discounts offered for prompt (early) payment will be considered in the bid evaluation. Prompt payments shall be defined as payment made with check or government procurement card (i.e. Visa, Mastercard, etc.).
- 2.8 TAX-EXEMPT
It is expected that each Participant will be exempt from payment of the Missouri or Kansas Sales Tax in accordance with Section 39 (10), Article 3, of the Missouri Constitution and Section 79-3606 (b) of the Kansas Statutes and will be exempt from payment of Federal Excise Taxes in accordance with Title 26, United States Code annotated. The Contractor is responsible for obtaining verification of exemption from payment of taxes from each Participant, and from any Non-Participant, and is responsible to bill taxes if required.
- 2.9 MATERIAL AVAILABILITY
Bidders must accept responsibility for verification of material availability, production schedules and other pertinent data prior to submission of bid and delivery time. It is the responsibility of the bidder to notify the Program Coordinator immediately if materials specified are discontinued, replaced, or not available for an extended period of time, Acceptance of such materials that at discretion of MARC/KCRPC and Participants and must be notified and approved in advance of discontinuation, replacement, or non-availability.
- 2.10 ALTERNATE BIDS
Bidders must submit complete specifications on all alternate bids. Alternate bids without complete specifications may be rejected. Alternate bids and exceptions may be rejected. Alternate bids and exceptions to bid clauses must be clearly noted on the bid form. Unless otherwise indicated, it will be assumed that the article proposed is exactly as specified.
- 2.11 QUALIFICATIONS OF BIDDERS
2.11.1 The Program Coordinator may make such investigations as are deemed necessary to determine the ability of the bidder to perform the work and the bidder shall furnish all such information and data for this purpose as the Program Coordinator may request. The Program Coordinator and Participants reserve the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the Program Coordinator and Participants that such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein.
2.11.2 Only those bids will be considered which are submitted by bidders who submit references with their bid and showing satisfactory completion of work of type and size comparable to the work required by these contract documents.
- 2.12 BID OPENING PROCESS – Not Applicable – Electronic submittal only

- 2.13 REQUEST FOR BID TABULATIONS
Requests for bid tabulations must be submitted in writing to the Program Coordinator, either by electronic mail. Bid tabulations will be available for distribution the next business day following the bid opening and posted on www.marc.org/kcrpc/ and www.demandstar.com.
- 2.14 SAMPLES - MANUFACTURER'S SPECIFICATION SHEETS – LITERATURE – CERTIFICATIONS – DO NOT SUBMIT WITH BID
Bidders will be notified by the Program Coordinator to provide documents within five business days of request.
- 2.14.1 Bidders must submit manufacturer's specification sheets, including material safety data sheets (MSD sheets), for each brand being bid to be considered for award. Failure to submit MSD sheets will result in rejection of your bid. It is mandatory for a manufacturer, supplier, or distributor to supply an MSD Sheet as required by 29CFR 1910.1200 with the first shipment of hazardous material. At any time, the content of an MSD Sheet is revised, the supplier is also required to provide new information relevant to the specific material.
- 2.14.2 Samples may be requested and examined as a part of the bid evaluation. Any requested samples shall be provided by the Bidder within five (5) business days from the requested date. Samples shall be returned to the Bidder by the Participants, upon request and the Bidder shall make the arrangements for return of the samples, at Bidder's expense.
- 2.14.3 Bidders must submit descriptive literature and supporting documentation for the chemicals bid. Any literature or supporting documents must be cross-referenced to the line-item number from pricing sheet.
- 2.14.4 Certifications: All chemicals, with the exception of ammonia, shall be listed by the National Sanitation Foundation (NSF) or Underwriters Laboratories (UL). Ammonia shall meet the National Research Council Codex for Ammonium Hydroxide. For bidders quoting on Sodium Hypochlorite, the solution must be approved and registered with Environmental Protection Agency (EPA) for use in potable water systems and shall be manufactured in the United States. Bidders must provide a copy of their current EPA registration. See Section 4.0 and Section 5.0 pricing list for further required certifications on other chemicals.
- 2.14.5 Bidders must submit a detailed specification, typical analysis, material certification and MSD sheets for each item bid, and cross-referenced to the line item shown in Section 5.0 Pricing.
- 2.14.6 Bidders must submit an affidavit of the product(s) being bid, complies with the latest applicable requirements of the AWWA standard specified. Failure to submit this information may result in rejection of bid.
- 2.15 QUANTITIES
Quantities listed herein are only yearly estimates and do not obligate any of the Participants to purchase listed quantities. Purchase orders will be issued by each Participant, on an as needed basis. Participants assume no obligation for articles or materials shipped in excess of the quantity ordered. Any unauthorized quantity is subject to Participant's rejection and return at Contractor's expense.
- 2.16 TRANSPORTATION CHARGES
All terms of delivery or conditions of this order are F.O.B. destination and inside delivery, and the Contractor shall pay all transportation charges. No fuel surcharges will be allowed. *Delivery drivers will not be responsible for transporting the product inside the facilities. Historically, the products are delivered next to a building or a dock.*
- 2.17 ESCALATION/DE-ESCALATION CLAUSE
In regard to the prices quoted by the Contractor, the Contractor may, on a quarterly basis, **with 30 days notice**, request an increase to quoted prices only when the increase applies to the General Public, is stated officially in writing to the Program Coordinator, and does not exceed the suggested list prices as stated officially by the manufacturer. No requests for increases will be allowed during the initial six-month period of the contract.
- 2.17.1 The Program Coordinator shall distribute the price increase request to the Participants for review.
- 2.17.2 A price increase shall not take effect until the Contractor has verified these conditions in writing to the reasonable satisfaction of the Program Coordinator and the Participants. The Program Coordinator reserves the right to terminate the Contract rather than accept the price increase and to rebid the Contract.
- 2.17.3 Additionally, it is expected of the Contractor to advise the Program Coordinator of any decreases in pricing, as issued by the manufacturers, and to pass on any price decreases to the Participants of the contract.
- 2.17.4 Under no circumstances shall an increase be granted that is greater than the Federal Consumer Price Index (C.P.I.) and Producer Price Index (PPI) for the Kansas City area, without the approval of the Program Coordinator and the Participants.
- 2.18 OCCUPATIONAL/BUSINESS LICENSE TAX REQUIREMENTS
Bidders must comply with all special requirements of the participating entities including any Occupational or Business License requirements. It is the bidder's responsibility to investigate and obtain any such requirements.

2.19 FORMS

Contractors and subcontractors participating in this contract shall fill out all appropriate forms as requested by Participants and any Non-Participants, including W-9's and the forms referenced in Section 2.22, in a timely manner, prior to issuance of Purchase Orders.

2.20 COMPLIANT WITH APPLICABLE LAWS

The Contractor warrants it has complied with all applicable laws, rules and ordinances of the United States, or any applicable state, municipality or any other Governmental authority or agency in the manufacture or sale of the items covered by this order, including but not limited to, all provisions of the Fair Labor Standards Act of 1938, as amended.

2.21 ANTI-TRUST

Submission of a bid constitutes an assignment by the Bidder of any and all anti-trust claims that Bidder may have under the Federal and/or State laws resulting from any contract associated with this bid.

2.22 EQUAL OPPORTUNITY CLAUSE

2.22.1 In connection with the furnishing of supplies or performance of work under this contract, the Contractor agrees to comply with the Fair Labor Standards Act, Fair Employment Practices, Equal Opportunity Employment Act, and all other applicable Federal and State Laws, and further agrees to insert the foregoing provision in all subcontracts awarded hereunder.

2.22.2 The bidder's attention is directed to all federal, state and Participants' laws, ordinances, and procedures requiring equal employment opportunity which, among other things, require that the contractor agree not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or sex. All bidders shall complete any reporting forms and certifications of any Participant with regards to their equal employment practices.

2.22.3 The bidders will be required to comply with all individual equal opportunity requirements, as delineated below, of each Participant if they plan to do business with that Participant under any agreement that results from this Invitation for Bid. If a bidder plans not to comply with any of the individual requirements of Participants as indicated below, they should so indicate in their response to this Invitation to Bid by marking "no offer" on Section 5.0.

Johnson County, Kansas

NON-DISCRIMINATION IN EMPLOYMENT - In connection with the furnishing of equipment, supplies, and/or services under the contract, the contractor and all subcontractors shall agree not to discriminate against recipients of services or employees or applicants for employment on the basis of race, color, religion, national origin, sex, disability, or age. If discrimination by a contractor is found to exist, the Office of Financial Management, Purchasing Division, shall take appropriate enforcement action which may include, but not necessarily be limited to, cancellation of the contract and/or removal from bidder's lists issued by the division until corrective action by the contract is made and ensured, and referral to the Attorney General's Office, whichever enforcement action may be deemed most appropriate.

AMERICANS WITH DISABILITIES ACT - In connection with the furnishing of equipment, supplies, and/or services under the contract, the contractor and all subcontractors shall comply with all applicable requirements and provisions of the Americans with Disabilities Act (ADA).

2.23 REGULATIONS PURSUANT TO SO-CALLED 'ANTI-KICKBACK ACT'

The Contractor shall comply with the applicable regulations of the Secretary of Labor, United States Department of Labor, made pursuant to the so-called "Anti-Kickback Act" of June 13, 1934 (48 Stat. 948; 62 Stat. 862; Title 18 U.S.C., Section 874 and Title 40 U.S.C.; Section 276c) and any amendments or modifications thereof, shall cause appropriate provisions to be inserted in sub-contracts to insure compliance therewith by all sub-contractors subject thereto, and shall be responsible for the submission of statements required of sub-contractors thereunder, except as said Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

2.24 PROVISIONS REQUIRED BY LAW DEEMED INSERTED

Each and every provision of law and clause required by law to be inserted in this contract will be deemed to be inserted herein and the contract will be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party the contract will forthwith be physically amended to make such insertion or correction.

- 2.25 UNIFORM COMMERCIAL CODE
This contract is subject to the Uniform Commercial Code and shall be deemed to contain all the provisions required by said Code that apply to said Contract.
- 2.26 CONFLICT OF INTEREST
The Contractor, by acceptance of any purchase order resulting from this bid, certifies that to the best of their knowledge or belief, no elected or appointed official of any Participant is financially interested, directly or indirectly, in the purchase of the goods or services specified on this order.
- 2.27 INDEMNIFICATION AND INSURANCE
The Contractor agrees to carry liability and workmen's compensation insurance, satisfactory to the Participants, and hold harmless and indemnify MARC/KCRPC and Participants against all liability, loss and damage arising out of any injuries to persons and property caused by Contractor, his sub-contractors, employees, or agents. A Certificate of Insurance shall be provided with the following coverage:
- 2.27.1 Comprehensive General Liability with minimum limit of \$1,000,000 combined single limit for bodily injury and property damage, per occurrence. Minimum \$2,000,000 aggregate.
 - 2.27.2 Comprehensive Automobile Liability with minimum limit of \$1,000,000 combined single limit. MCS-90 endorsement (for hazardous materials only) to meet financial responsibility requirements of Section 29 and 30 of the Motor Carrier Act of 1980. No pollution exclusion clause.
 - 2.27.3 Workers Compensation with minimum statutory requirements.
 - 2.27.4 Employers' Liability with minimum of \$500,000 each employee, \$500,000 each accident and \$500,000 policy limit.
 - 2.27.5 Cancellation notification within thirty (30) days. MARC and Participants to be named as additional insured on certificate.
 - 2.27.6 Certificate holder shall be shown as: MARC/KCRPC, 600 Broadway Suite 200, Kansas City, Missouri 64105.
- 2.28 SUB-CONTRACTS
- 2.28.1 The Contractor shall not make an agreement with any sub-contractor to perform any work until he has written to the Program Coordinator to determine any disapproval of the use of such sub-contractor.
 - 2.28.2 The Contractor shall be fully responsible to the MARC/KCRPC and Participants for the acts and omissions of his sub-contractors, and of persons either directly or indirectly employed by them, as he is for the acts and omissions of persons directly employed by him.
 - 2.28.3 The Contractor shall cause appropriate provisions to be inserted in all sub-contracts relative to the work to require compliance by each sub-contractor with the applicable provisions of the contract.
 - 2.28.4 Nothing contained in the Conditions shall create any contractual relationship between any subcontractor and MARC/KCRPC and Participants.
- 2.29 INDIVIDUAL REQUIREMENTS
The bidders will be required to comply with all individual requirements of each Participant, including but not limited to those individual requirements set forth in Sections 2.28, 3.8, 3.10, and any other individual requirements, if they plan to do business with that Participant under any agreement that results from this Invitation for Bid. If a bidder plans not to comply with any of the individual requirements of Participants as indicated herein, they should so indicate in their response to this Invitation to Bid by marking "no offer" on the pricing page, Section 5.0.

End of Section 2.0

3.0 GENERAL CONDITIONS (AWARD and POST AWARD)

3.1 AWARD OF CONTRACT

3.1.1 BASIS OF AWARD.

- a) Only firm bids will be considered. The bidder warrants that prices, terms and conditions quoted in their bid will be firm for acceptance for a period of not less than 90 days from the bid opening date unless otherwise specified in the Invitation to Bid. Such prices will remain firm for the period of performance of resulting purchase orders or contracts that are to be performed over a period of time.
- b) Bidders may be requested to submit financial statements subsequent to the bid opening. Such statements shall be submitted to the Program Coordinator within three (3) calendar days after being so requested.
- c) The Program Coordinator and Participants reserve the right to reject any and all bids, to waive any and all technical defects, irregularities, and informalities in bids, to disregard all non-conforming or conditional bids or counterproposals, and to select the bid(s) deemed most advantageous to the entities.
- d) The award of the Contract, if awarded, shall be awarded to that responsible and responsive bidder whose bid, conforming to the Invitation for Bids, will be most advantageous to the Participants, price and other factors considered.

3.1.2 EVALUATION OF BIDS

- a) The evaluation of bids will include consideration of price, quality, adherence to specifications, references, financial statements, if requested, subcontractors, suppliers, and manufacturers to be used in the work and manufacturers' data on the materials and equipment to be incorporated. Time of delivery will also be a factor in the award.
- b) "Or Approved Equal" Clause.
Whenever a material, article, or piece of equipment is identified on the plans or in the specifications by reference to manufacturer's or vender's names, trade names, catalog numbers, etc., it is intended merely to establish a standard; and, any material, article, or equipment of other manufacturers and vendors which will perform adequately the duties imposed by the general design will be considered equally acceptable provided the material, article, or equipment so proposed, is, in the opinion of the Program Coordinator and Participants, of equal substance and function. Substitute items may be rejected at the discretion of the Program Coordinator and Participants.
- c) Whenever the name of a manufacturer is mentioned on the face hereof and the words "or equal" do not follow, it shall be deemed that the words "or equal" shall follow such designations unless the face hereof specifies "no substitutes". The Program Coordinator may assume that items bid is equal or may request samples and proof thereof unless approved before shipment. The Participants reserves the right to return at bidders expense all items that are not acceptable as equals, said items to be replaced by bidder with satisfactory items at the original price.
- d) To the limit allowed by statutory authority, the Program Coordinator and Participants shall give preference to all commodities manufactured, mined, produced, or grown within the United States, the States of Missouri or Kansas, and to all firms, corporations or individuals headquartered in the United States, the States of Missouri or Kansas, when quality is equal or better and the delivered price is the same or less.

3.1.3 AWARD PROCESS

- a) The Program Coordinator and the Participants may accept any item or group of items of any bid on a split-order basis, lump-sum or individual-item basis, or such combination as shall best serve the interest of the Participants unless qualified by specific limitation of the bidder.
- b) Unless otherwise provided in the schedule, bids may be submitted for any quantities less than those specified; and the Program Coordinator and Participants reserve the right to make an award on any item for a quantity less than the quantity bid upon at the unit price offered unless the bidder specified otherwise in his bid.
- c) An award mailed (or otherwise furnished) to the successful bidder within the time for acceptance specified in the bid, results in a binding contract without further action by either party.
- d) In the event a Participant's procedures requires governing body approval of the bid said Participant will take the individual award recommendation to their governing body for approval and may issue a separate contract to the successful Bidder. All contract requirements in this Invitation for Bid including requirements related to administrative fees, and quarterly sales reports, will apply to individual Participant contracts generated under this Invitation for Bid.

3.1.4 NOTICE OF AWARD.

After considering the basis of award and evaluation of bids, the Program Coordinator will, within 90 calendar days after the date of opening bids, notify the successful bidder of acceptance of his or her bid. The Contractor will have

ten calendar days to return the signed notice of award and any requested submittals, such as certificate of insurance or proof of business licenses.

3.2 CONTRACT TERMS

The performance of this contract shall be governed solely by the terms and conditions as set forth in this contract and any specifications or bid documents notwithstanding any language contained on any invoice, shipping order, bill of lading or other document furnished the Contractor at any time and the acceptance by the Program Coordinator and Participants of any terms or conditions contained in such document which is inconsistent with the terms and conditions set forth in the contract. Any different or additional terms other than those herein contained in Contractor's acceptance are hereby objected to.

3.2 EXECUTION OF AGREEMENT

3.3.1 The Execution of the Agreement shall consist of a YEARLY AGREEMENT, signed by the Executive Director of MARC and countersigned by the Contractor, with a Notice of Award, and become the agreement and contract between the parties hereto. Notice of Award will evidence that both parties thereby accept and agree to the terms and conditions of said bid documents, and that the parties are bound thereby and the compensation to be paid the Contractor is as set forth in the Contractor's Bid. Items not awarded, if any, will be noted on the Notice of Award.

3.3.2 As stated in paragraph 3.1.3 (d) some Participants may execute individual contracts. Any individual contracts issued shall not conflict with the award made by MARC/KCRPC. If a Participant has an existing contract for the same commodity, that contract will either lapse at expiration date, or be cancelled by the Participant, before the MARC/KCRPC is utilized. The Participant will make the final determination on their existing contracts.

3.4 CHANGES

The Program Coordinator may at any time, by written order, make changes or additions, within the general scope of this contract in or to drawings, designs, specifications, instructions for work, methods of shipment or packing or place of delivery. If any such change causes an increase or decrease in the cost of or in the time required for performance of this contract or purchase order, the Contractor shall notify the Program Coordinator in writing immediately and an appropriate equitable adjustment will be made in the price or time of performance, or both, by written modification of the contract. Any claim by the Contractor for such adjustment must be asserted within 30 days or such other period as may be agreed upon in writing by the parties after the Contractor's receipt of notice of the change. Nothing contained herein shall excuse the Contractor from proceeding with the contract as changed.

3.5 ASSIGNMENTS

Neither MARC/KCRPC nor Contractor shall, without the prior written consent of the other, assign in whole or in part his interest under any of the Contract Documents and, specifically the Contractor shall not assign any moneys due or to become due without the prior written consent of MARC/KCRPC.

3.6 COOPERATIVE PROCUREMENT BY OTHER JURISDICTIONS/COMPOSITE REPORT

3.6.1 If the bidder agrees to provide products and/or services under this contract, the bidder must indicate on the appendix. If agreed, **the successful bidder shall rebate to MARC/KCRPC, the Administrative Fee, based on each Non-Participant's gross sales for each quarter.**

3.6.2 The successful bidder shall be required to notify Program Coordinator if any Non-Participants express desire to utilize this contract, prior to acceptance of any purchase order. The Program Coordinator will inform the non-participant of the requirements of the contract. Written or verbal approval by the Program Coordinator must be provided to the successful bidder and entity to allow purchases from the contract, by issuance of a contract modification.

3.6.3 Sales will be made in accordance with the prices, terms, and conditions of the invitation for bid and any subsequent term contract. All sales to Participants or Non-Participants will be made on purchase orders issued by that jurisdiction. All receiving, inspection, payments and other procurement administration will be the responsibility of the ordering Participant or Non-Participant.

3.6.4 There shall, however, be no obligation under the cooperative procurement agreement for any organization represented by MoKanCPP, NIGP Chapter affiliate or MARC to use the bid or contract unless they are specifically named in the invitation for bid as a Participant.

3.7 COMPOSITE REPORT AND PAYMENTS

3.7.1 The successful bidder(s) shall furnish to MARC/KCRPC:

- a) Payment of the Administrative Fee to MARC/KCRPC, based on gross sales for each quarter to Participants and Non-Participants. The Contractor shall have no claim or right to all or any portion of the Administrative Fee. All payments shall be payable to: Mid-America Regional Council, and reference KCRPC bid number on each

payment. All payments shall be mailed to MARC, Attn: Finance Department, 600 Broadway Suite 200, Kansas City MO 64105-1659.

- b) A composite report of all contract purchases against any and all orders issued against this contract shall be submitted by electronic mail to the Program Coordinator. The report shall include, at a minimum:
 - Ordering entity and designated Participant or Non-Participant, Entity's purchase order number, and date ordered, item descriptions, quantities ordered, units of measure, along with all unit and extended prices.
 - The report shall be totaled for the accumulated dollar amount spent within the particular quarter for each Participant or Non-Participant.
 - Copies of invoices to the ordering entity may be submitted, in lieu of a composite report.
- c) Failure of the Contractor to provide payment and reports in the manner described herein shall be regarded as a material breach of this contract and shall be deemed cause for termination of this contract at MARC/KCRPC's sole discretion. Fees not paid by the specified deadline shall bear interest at the rate of one and one-half percent per month until paid.
- d) Reports and payments of fees under this contract shall be due thirty calendar days after the end of each quarter.

3.7.2 Failure of the Contractor to provide payment and reports in the manner described herein shall be regarded as a material breach of this contract and shall be deemed cause for termination of this contract at MARC/KCRPC's sole discretion. Fees not paid by the specified deadline shall bear interest at the rate of 1.5 percent per month until paid.

3.7.3 Reports and payments of fees under this contract shall be due 30 calendar days after the end of each quarter.

3.7.4 RIGHT TO AUDIT

The Program Coordinator may compare records provided by Participants with reports submitted by the Contractor. Program Coordinator will provide written notification to Contractor of any discrepancies and allow vendor thirty calendar days to resolve discrepancies to Program Coordinator's satisfaction. In the event the Contractor does not resolve the discrepancy to the satisfaction of the Program Coordinator, MARC/KCRPC reserves the right to engage outside services to conduct an independent audit of Contractor's reports and Contractor shall reimburse MARC/KCRPC for costs and expenses to conduct such an audit.

3.8 PURCHASE ORDERS

The Participants and any Non-Participants will not be responsible for articles or services furnished without a purchase order unless otherwise set forth in the contract. Orders may be placed by phone, fax, or electronic mail to the Contractor using purchase order, blanket purchase order or procurement card issued by ordering Participant or Non-Participant. **Government procurement card purchases shall be processed at the time of the order and not be held up and batched with multiple orders. Bidders shall state in Section 5.0 if processing charges will be added to orders.**

3.9 FUND ALLOCATION

Continuance of any resulting Agreement, Contract, or issuance of Purchase Orders **is contingent upon the available funding and allocation of funds by the Participants.**

3.10 DELIVERY REQUIREMENTS – See Section 4.0

3.11 RESPONSIBILITY FOR SUPPLIES

The Contractor shall be responsible for supplies until they are delivered and accepted at the designated delivery point; and the Contractor shall bear all risks for rejected supplies after notice of rejection. Rejected materials or supplies shall be removed by and at the expense of the Contractor promptly after notification of rejection unless public health and safety require immediate destruction of other disposal of rejected materials or supplies. Upon failure to remove said materials within ten (10) days after date of notification, the Participant may return the rejected materials or supplies to the Contractor at Contractor's risk and expense or dispose of them as its' own property.

3.12 TIME OF DELIVERY

The Participants require that all materials ordered will be delivered when specified. Time is therefore of the essence of the purchase order. If deliveries are not made at the time agreed upon, the Program Coordinator and Participants **reserve the right to cancel or to purchase elsewhere and hold Contractor accountable for any damages** sustained as a result thereof.

- 3.13 **PACKAGING**
The Participants will not be liable for any charges for drayage, packing, cartage, boxing, crating, or storage in excess of the purchase price of this order unless stated otherwise herein.
- 3.14 **CONTRACTOR'S INVOICES**
Invoices shall be prepared and submitted in triplicate unless otherwise specified by the ordering entity. Invoices shall contain the following information: MARC/KCRPC Bid/Contract Number, Participant's Purchase Order number, Item Number; contract description of supplies or services, sizes, quantities, unit prices and extended totals. All invoices must reflect the same unit of measure and pricing as stated in the pricing section (i.e. 1000/M, case, box, each). Any invoices received with incorrect units of measure may be corrected and noted on the invoice "not per contract" and totals will be adjusted accordingly, at the discretion of the Participants. Invoices for and inquiries regarding payment shall be addressed to the ordering agency. Any delay in receiving invoices, or errors and omissions, on statement or invoices, will be considered just cause for withholding settlement without losing discount privileges. Payment terms under this contract shall be Net 30, after receipt of invoice, unless an early payment discount is offered for less than 30 days.
- 3.15 **ACTS OF GOD**
Neither party shall be liable for delays, or defaults in the performance of this contract due to Acts of God or the public enemy, riots, strikes, fires, explosions, accidents, Governmental action of any kind or any other causes of a similar character beyond its control and without its fault or negligence.
- 3.16 **BANKRUPTCY OR INSOLVENCY**
In the event of any proceedings by or against either party, voluntary or involuntary, in bankruptcy or insolvency, or for the appointment of a receiver or trustee or an assignee for the benefit of creditors, of the property of Contractor, or in the event of breach of any of the terms hereof including the warranties of the Contractor, MARC/KCRPC and Participating Entities may cancel this contract or affirm the contract and hold Contractor responsible in damages.
- 3.17 **GENERAL GUARANTY AND WARRANTY**
3.17.1 The Contractor warrants that all materials, fixtures, and equipment furnished by the Contractor and his subcontractors shall be new, of good quality, and of good title, and that the work will be done in a neat and workmanlike manner. The Contractor also guarantees the workmanship and materials for a period of one year from the date of final acceptance of all the work required by the Contract. Furthermore, the Contractor shall furnish the Program Coordinator and Participants with all manufacturers' and suppliers' written guarantees and warranties covering materials and equipment furnished under the Contract.
3.17.2 All customary guarantees for workmanship, quality and performance provided by the Manufacturer for any or all items shall apply to the items offered under this proposal.
- 3.18 **PATENTS**
Contractor warrants that the articles described herein and the sale or use of them will not infringe upon any U.S. or foreign patent and Contractor covenants that he will at his own expense, defend every suit which may be brought against the MARC/KCRPC and Participants, or those selling or using Participants' product (provided Contractor is promptly notified of such suit and all papers therein are delivered to Contractor) for any alleged infringement of any patent by reason of the sale or use of such articles and Contractor agrees that he will pay all cost, damages and profits recoverable in any such suit.
- 3.19 **INSPECTION AND ACCEPTANCE**
3.19.1 No material received by the Participants pursuant to a purchase order issued under the terms and conditions of this bid document shall be deemed accepted until the Participants have had a reasonable opportunity to inspect said material. All material which is discovered to be defective, or which does not conform to any warranty of the Contractor herein, upon initial inspection, or at any later time if the defects contained in the material were not reasonably ascertainable upon the initial inspection, may be returned at the Contractor's expense, for full credit or replacement within 24 hours of notification.
3.19.2 No goods returned as defective shall be replaced without written authorization of the purchasing entity. Such return shall in no way affect the Participants' discount privileges. Such right to return, offered to the MARC/KCRPC and Participants arising from the Participant's receipt of defective goods, shall not exclude any other legal, equitable or contractual remedies MARC/KCRPC and Participants may have available.
- 3.20 **INTERPRETATION OF CONTRACTS AND ASSIGNMENTS**
This contract shall be construed according to the laws of the State of Missouri. This contract, or any rights, obligations, or

duties hereunder, may not be assigned by the Contractor without the written consent of the MARC/KCRPC and any attempted assignment without such consent shall be void.

3.21 NOTICE AND SERVICE THEREOF

Any notice to any Contractor from the Program Coordinator relative to any part of this contract will be in writing and considered delivered and the service thereof completed when said notice is posted, by certified or regular mail, to the said Contractor at his last given address or delivered in person to said Contractor or his authorized representative.

3.22 TERMINATION OF CONTRACT

3.22.1 This contract may be terminated by either party upon sixty (60) calendar days prior notice in writing to the other party.

3.22.2 MARC/KCRPC may terminate this contract immediately, under breach of contract, if the Contractor fails to perform in accordance with the terms and conditions.

3.22.3 In the event of any termination of contract by the Contractor, the Participants may purchase such supplies and/or services similar to those so terminated, and for the duration of the contract period the Contractor will be liable for all costs in excess of the established contract pricing.

3.23 LAW GOVERNING: All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Missouri. For any dispute that may arise out of this Contract, the parties agree that the proper jurisdiction and venue shall be the Circuit Court of the County where the ordering agency is located.

End of Section 3.0

4.0 SPECIFICATIONS -

4.1 General Requirements

Clean-Up and Restoration (applies to all Participants):

The contractor shall be responsible for the removal of all surplus material and debris occurring from this work. Contractors shall take precautions against damage to public and private property during the course of this work. Should damage occur, by omission or commission, the Contractor shall at its' own expense, restore damaged property to a condition similar to or equal to that existing before damage was done.

Technical Assistance (applies to all Participants):

The Contractor and/or Manufacturer of chemicals shall furnish technical assistance in establishing optimum dosage rates, if requested by Participants, throughout the duration of the contract.

Deliveries – (applies to all Participants):

- a. All packaging and shipping must conform to current federal, state, and local regulations.
- b. Delivery tickets/statements shall be provided at the time of delivery to each location.
- c. No substitutions allowed on the specified packaging sizes.
- d. Delivery vehicles of Contractor must be equipped to facilitate unloading of items at various dock heights.
- e. Trucks must have lift gates and be equipped with pallet jacks for the delivery of chemicals in bags.
- f. Delivery times and specific instructions are listed below for each Participants' facility.
- g. All deliveries to each Participant must include the appropriate material safety data sheets for the chemical being delivered.
- h. All deliveries to each Participant may be subject to being weighed on the Participants' scale, or approved public scale, prior to and after deliveries, as may be required by receiving Participant.
- i. Deliveries may include multiple unloading stops per order. No stop charge shall be levied against the Participant for such service. Multiple stops, if any, will be noted at time of order.
- j. Delivery locations are current as of 2024. Additional locations may be added or changed, if needed, under a contract modification issued by MARC/KCRPC.

4.2 Deliveries – City of Independence, MO

Deliveries must be made in trucks equipped with Pneumatick Blower, minimum 7 PSI and a maximum of 14 PSI. Trucks must also be equipped with a minimum of fifty feet (50') of hose. Deliveries will be accepted only during the regular business hours of Monday through Friday, 8:00 a.m. to 3:00 p.m., CST. Contractors must contact water plant personnel prior to each delivery and provide the identity of the driver and truck number. Failure to provide this information prior to any delivery may result in cancellation of the delivery at no cost or penalty to the City. Delivery drivers must follow posted unloading instructions at each delivery site. Deliveries of phosphate must be equipped with a lift gate and a pallet jack for unloading. Lead (washers) gaskets must be supplied at no charge for each cylinder delivered.

Water Pollution Control	9600 E Norledge	Independence, Mo. 64053
Water Department	M-291 Highway & Cement City Rd.	Sugar Creek, Mo. 64058

4.3 Deliveries – Johnson County, KS

Deliveries shall be made within three (3) working days on orders for stock, and within twenty-four (24) hours for emergency orders. Emergency orders will be designated at the time of ordering. Deliveries shall be made between 8:00 a.m. and 4:00 p.m., Monday through Friday, unless otherwise mutually agreed upon by the County and Contractor. No deliveries will be accepted on Saturday, Sunday, or County holidays. There may be other stations added as needed, with mutual agreement, issued under a contract modification. The County may require more than one unloading stop per order. No stop charge shall be levied against the County for such service.

Cylinders: Damage to County owned equipment, attributable to Contractor supplied contaminated chemicals and cylinders shall be immediately repaired by County personnel. The County shall then bill the Contractor for such repairs and the Contractor agrees to pay said bills.

Facility:	Address:	Storage Capabilities:
Belinder Pump Station	5700 Belinder, Fairway, KS 66208	- One (1) 4,100-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 2,300-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 3,000-gallon tank Bioxide
Blue River Plant	2523 W. 151 st Street, Overland Park, KS	- Two (2) 1,750-gallon tanks - Sodium hypochlorite (bulk deliveries)
Dykes Branch	3535 Somerset, Prairie Village, KS	- Two (2) 2,500-gallon tanks - Sodium hypochlorite (bulk deliveries)
55 th Street	14500 W 55 th Street, Shawnee KS 66216	One (1) 4,000-gallon tank Bioxide
55 th Street Pumping Station	5425 Alden, Shawnee KS	Ferrous Chloride (55-gallon drum deliveries)
Holding Station	75 th Street and Nall Ave.; Overland Park, KS	- Four (4) 2,500-gallon tanks Sodium hypochlorite (bulk deliveries) - Sodium Bisulfite (bulk liquid deliveries)
Middle Basin Plant	10001 College Blvd; Overland Park, KS, 66210	- One (1) 6,000-gallon tank Sodium hypochlorite (bulk deliveries) - Seven (7) 3,400-gallon tanks Sodium hypochlorite (bulk deliveries)
Martway Holding Station	5395 Martway; Mission, KS	- Four (4) 2,400-gallon tanks Sodium hypochlorite (bulk deliveries) - Two (2) 1,100-gallon tanks Bioxide - Sodium Bisulfite (bulk liquid deliveries)
Mission Main Plant	4800 Nall, Mission, KS 66202	Sodium hypochlorite (55-Gallon Drum Containers)
Nelson Complex	4800 Nall Ave, Mission, KS 66202	- One (1) 3,000-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 2,500-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 400-gallon tank Sodium hypochlorite (bulk deliveries) - Two (2) 1,650-gallon tanks Sodium hypochlorite (bulk deliveries) - Sodium hypochlorite totes (250-gallon and 350- gallon) - Ferrous Chloride (bulk liquid deliveries) - Caustic Soda (bulk liquid deliveries) - Caustic Soda (55-gallon drums) - Caustic Soda totes (250-gallon and 350-gallon) - Sodium Bisulfite totes (250-gallon and 350-gallon)
New Century Air Center	50 Leawood Drive; Gardner, KS	- Sodium hypochlorite (55-Gallon Drum Containers) - Phosphoric Acid (700 LB/55-Gallon Drum Containers) - Sodium Nitrate (50 LB bags) - Aluminum sulfate solution (Bulk liquid deliveries/gallons) *approximately 1600 gallons/18,000 lbs per delivery*
Shawnee Mission Park (Theater)	79 th & Renner, Shawnee, KS 66216	One (1) 4,000-gallon tank Bioxide

Facility:	Address:	Storage Capabilities:
Tooley Creek Pump Station	5425 Alden; Kansas City, KS	One (1) 2,000-gallon tank Sodium hypochlorite (bulk deliveries)
Tomahawk Creek Plant	10801 Mission Rd., Leawood KS	- Sodium Metabisulfite 50 LB bags - Caustic Soda (bulk liquid deliveries) - Caustic Soda totes (250-gallon and 350-gallon) - One (1) 1,500-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 4,500-gallon tank Sodium hypochlorite (bulk deliveries) - Two (2) 2,500-gallon tanks Sodium hypochlorite (bulk deliveries) - Sodium hypochlorite totes (250-gallon and 350-gallon)
Turkey Creek Plant	4800 Nall, Mission, KS	Sodium hypochlorite (55-gallon drum)
Turkey Creek Pump Station	6700 Foxridge, Mission, KS	- One (1) 4,000-gallon tank Sodium hypochlorite (bulk deliveries) - Ferrous Chloride (bulk liquid deliveries)

4.4 SPECIFICATIONS FOR BIOXIDE- Odor Control

- 4.4.1 The material required under this specification shall be used to remove hydrogen sulfide, thereby preventing odor and corrosion within wastewater collection and treatment systems. The material shall utilize and enhance naturally occurring biochemical processes to accomplish hydrogen sulfide removal. The material shall be a liquid phase product. It shall be delivered, stored, and fed into the wastewater via standard liquid-phase chemical handling procedures. The material shall be fully compatible with storage and feed equipment constructed of any of the following:
- High Density Crosslinked Polyethylene
 - PVC
 - Polypropylene
 - FRP
 - Stainless Steel (316)
- 4.4.2 Process Description - The material supplied shall utilize the inherent ability of the facultative bacteria normally present in wastewater to metabolize hydrogen sulfide and other odor-causing, reduced sulfur containing compounds. The material shall provide nitrate-oxygen to the wastewater to support this biochemical mechanism. This nitrate-oxygen shall be applied via a calcium nitrate salt solution. The material shall be chemically stable, allowing continuous removal of sulfide contributed by side streams downstream of the application point. As a result of the biochemical process, the material shall provide the additional benefit of biochemical oxygen demand (BOD) reduction in the wastewater.
- 4.4.3 The supplier shall:
- provide feed rate optimization services and feed system troubleshooting services upon the County's request. The supplier shall have the capability of providing and programming PLC based advanced dosing feed systems. The supplier shall also be able to provide a Web site for monitoring and control of the feed sites. Provide documentation and/or cut sheets documenting supplier's availability of this technology.
 - have at least three distribution centers from which product can be shipped. The addresses of these facilities must be provided with the bid. One of the distribution centers must be within 125 miles of the County's systems.
 - be capable of manufacturing and providing complete storage and feed systems for the material. These systems shall include storage tanks, feed pumps, and control panels. The supplier shall be an Underwriters Laboratories Listed manufacturer of Enclosed Industrial Control Panels. If during the course of this contract, the County requires additional feed locations, the supplier shall provide survey services to identify the problem and shall provide recommendations for correcting the problem.
 - indemnify and hold harmless the Owner (Purchaser) and its Officers, agents, employees, or any other interested party from any and all liability, including costs and expenses, associated with any product license or patent infringement resulting from the supply and application of the supplier's material.

4.4.4 Substitutions - The material shall be provided in strict compliance with these specifications. Any bid for a material with deviations from these specifications shall be considered non-responsive and shall not be considered.

4.4.5 Technical Requirements:

- a) The material supplied shall be an aqueous solution of calcium nitrate double salt containing a minimum of 3.5 pounds of nitrate-oxygen per gallon and having a minimum specific gravity of 1.42.
- b) The material shall be capable of reducing the dissolved hydrogen sulfide concentration in wastewater to less than 0.1 mg/l.
- c) The material shall be free of any objectionable odor-producing compounds.
- d) The pH of the material shall not be less than 4.0 nor greater than 9.0.
- e) The Crystallization point of the material shall be less than – 20 degrees F. A crystallization chart shall be provided with the bid. This chart shall be on the letterhead of the manufacturer of the product.
- f) Product shall be manufactured in a facility that complies with the following:
 - ISO 9001 – Quality Management System
 - ISO 14001 – Environmental Management System
 - ISO 18001 – Health and Safety Management SystemProof of compliance with the above standards shall be provided with the bid

4.4.6 Safety Requirements:

- a) The material shall contain no hazardous substances as defined by both the Federal EPA's and State CERCLA lists.
- b) The material shall be exempt from Federal DOT placard requirements.
- c) Recommended handling procedures for the material shall require protective gloves and safety glasses only. Any material recommending more sophisticated equipment (i.e., face shield, body suit, etc.) during routine handling shall not be considered.

4.4.7 Delivery:

The material shall be delivered by tanker trucks. The supplier must also be able to make deliveries in smaller straight trucks. Access to some sites may be limited and deliveries via tractor-trailer type trucks may not be possible. The supplier shall be responsible for the safe, clean delivery of the material into the Owner's storage tanks. The supplier shall be responsible for any damage to the Owner's storage tank and feed system that is directly attributable to product quality or improper delivery practices. The supplier shall provide prompt clean-up of any spills made during delivery. The supplier shall be responsible for the proper labeling of storage tanks in compliance with local, state, and federal requirements. The supplier shall not deliver the material into any tank or vessel which is not properly labeled.

4.4.8 Pricing

The supplier shall provide pricing in terms of price per gallon of solution delivered. The minimum nitrate-oxygen content and specific gravity of the solution must be provided and must be expressed as pounds nitrate-oxygen per gallon of solution. All charges, including freight, optimization services, etc. shall be included in the per gallon bid price. The price shall be valid for delivery quantities of 2,400 gallons or more per shipment. In some cases, it will be necessary to split deliveries between two or more locations. The vendor will provide this service at no additional cost to the County. Any charge for multiple stops shall be included in the per-gallon bid price.

4.4.9 Johnson County Waste Water Odor Control Feed Sites

The contractor is required to **provide the storage tanks and feed equipment** at each location where it is designated “yes” for “Supplier Provided Equipment”. The equipment must also be included in Section 5.4 as “Available Equipment”. It is not necessary to list equipment per location in Section 5.4.

The site delivery access designated as “straight” require the use of a single platform straight tanker truck. The site delivery access designated as “tanker” allows for semi tractor-trailer deliveries.

Feed Site Name	Storage Tank(s)	Feed Equipment	Supplier Provided Equipment	Delivery Access
Belinder Pump Station	2 – 1650-gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
Martway Pump Station	2 – 1650-gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	No	Tanker (3700 Gallons)
75th & Nall Feed Station	2 – 3300-gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
Dykes Branch Feed Station	1 – 1650 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
Cedar Creek #3 Pump Station	1 – 4400-gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
Mill Creek #3 Pump Station	1 - 1650 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Straight (1500 Gallons)
Hayes Creek #3 Pump Station	1 - 4400 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Straight (1500 Gallons)
Shawnee Mission Theater	1 - 1650 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Straight (1500 Gallons)
Lone Elm Pump Station	1 - 4400 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
East Gardner Feed Station	1 - 3000 Gallon Double Wall Underground	PLC based, Internet access controllable system with 2 Peristaltic pumps	No	Straight (1500 Gallons)
West Gardner Feed Station	1- 3000 Gallon Double Wall Underground	PLC based, Internet access controllable system with 2 Peristaltic pumps	No	Straight (1500 Gallons)
Blue River 14 Pump Station	1 - 1650 Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Straight (1500 Gallons)

END OF SECTION 4.0

5.0 PRICING and SUBMITTAL SECTION -

Bidders must complete this section, and appendices, in their entirety and return as instructed on the cover page. All pricing quoted shall include delivery and administrative fees. Quantities listed are estimated and based on the first-year usage only. In case of discrepancy between a unit price and extended price, the unit price will prevail.

• Total bid (carried over from Excel Price List)		\$ 1,519,032.00
• Payment terms are Net 30. Does bidder offer discount for prompt (early) payment for payment made earlier than 30 days?	Yes or No If yes, state terms	State <u>0</u> % Net <u>30</u> days
• Do you accept government procurement cards (Visa, Mastercard) for payment?		Yes
• Are processing charges added to government procurement cards?	No	State _____%
• Appendices and addendums (if issued) completed, signed & included with bid?		Yes
• Do you offer an "off shelf" discount for similar products/services within scope of work, or a standard price list for other chemicals you provide?	Yes	State discount <u>0</u> % and attach price sheet.
• Delivery time: F.O.B. Destination and Inside Delivery Requirement - (will be used for evaluation) Johnson County KS – 3 Days requirement Independence MO – 2 days requirement (liquid caustic soda, 42-degree Baume Nitric acid carboys. All other chemicals within 3 days.		
• Delivery time: Emergency orders Johnson County – 24 hours required Independence – 24 hours required		
• State ability to meet all delivery requirements of Participants (attach separate sheet if necessary) Can meet delivery requirements.		
• State schedule of alternate delivery days for holidays: If delivery needed on holiday, \$500.00 charge to apply. Otherwise, meet holiday deliveries day prior or day		
• Are there any exceptions or additions to the specifications? If "yes", attach a separate sheet detailing the exceptions or additions. Any details provided must be cross referenced to the appropriate line-item number of pricing list.	No	

5.1 REFERENCES:

Contact Name	Company	City/State	Telephone Number
a. Dave Sykora	City of Omaha-WW	Omaha, NE	402.505.0099
b. Scott Holtmeyer	Aqua-Chem	Bellevue, NE	402.292.0242
c. Eric Lee	City of Lincoln Water	Lincoln, NE	402.441.1629

5.2 KEY PERSONNEL: List staff members that will be responsible for all work (contract management) performed under this contract: (attach separate sheet if necessary).

Name	Job Title:	Responsibility:	Experience
a. Ron Rech	District Sales Manager	Oversee Pricing/Quality	14 years
b. Steve Smith	Regional Operating Manager	Oversee Production/Delivery	22 years
c. Jessica Evans	District Clerk	Oversee Orders	4 years

5.3 SUBCONTRACTORS: Bidders must include information and references for any subcontractors to be used for this work, if applicable.

Company Name/Address:	Work to be performed:	References: Company name	Name & Phone No.
a. Whitelines-Omaha	Sodium Hypo Deliveries	Frank or Alex Lopez	720.448.4026
b. Barto/OFC Schmidt LBT Sodium Hypo Deliveries		Mike Beins	800.755.4582
c. (These contractors are used in addition to PVS delivery drivers-most deliveries with PVS drivers.)			

5.4 AVAILABLE EQUIPMENT: Available equipment means equipment to be used for work specified in bid (that is in possession of the contractor or subcontractor, either by purchase, lease, or existing equipment).

a. 5 Semi-Tractor Units		d.
b. 7 dedicated Sodium Hypo Tankers		e.
c. 3 Flatbeds with Chlorine Cranes		f.

5.5 STATEMENT OF OFFER: Bidder to check (a) or (b), and (c) and (d) if Bidder agrees to statement, and sign.

a. ☐ Bidder does not make an offer in response to this invitation.

or

b. ☒ Statement Of Firm Offer –

Bidder's offer will be held open and is not revocable within ninety (90) calendar days after response deadline. We have read the Specifications, all Special Conditions, Information for Bidders and General Conditions, completed the necessary bid information, and agree to provide samples, as requested. Bid pricing includes inside delivery, as specified in the bid invitation.

5.6 BIDDER'S CHECKLIST: DO NOT FAX BID OR ANY ADDENDUMS – SUBMIT by ELECTRONIC MAIL ONLY

Acknowledge Addendums, if any, by signing and returning with bid.	☒
Complete Section 5.0, and appendices in their entirety and complete section below. Per paragraph 2.1.3 "The bidder shall sign the invitation and print or type his or her name on each bid sheet thereof on which he or she makes an entry. The person signing the offer must make initial erasures or other changes. Bids signed by an agent are to be accompanied by evidence of his or her authority unless such evidence has been previously furnished."	☒
Confirm if any additional addendums have been issued, by either contacting the Program Coordinator, or checking the web sites at www.marc.org or www.demandstar.com .	☒
The bidder acknowledges and agrees to the administrative fee reporting requirements of this bid.	☒

By: PVS DX Inc

Bidder's (Company) Name
Ron Rech

Print name of Authorized Agent

93-3292784

402.293.1185

Phone No
April 10, 2024

Date
rrech@dxgroup.com

E-Mail Address

Water and Waste Water Chemicals - Appendix A



BIDDER:

Item #	Description	Agency	Department	Unit of Measure	Est. Qty	Unit Price:	Total Price:	MOQ	Percentage Bidding:
1	ALUMINUM SULFATE (Alum) 45 - 55% solution. .	JOCO	JOCO New Century Airport WWTP - takes approximately 1,600 gallons per delivery (18,000 LB per delivery)	GALLONS (bulk)	10,000		\$0.00		____%
2	BIOXIDE Odor control	JOCO	JOCO JCW (Deliveries of 2400 gallons or more, per shipment and delivered may include two or more locations).	GALLONS (bulk)	330,000		\$0.00		
3	CAUSTIC SODA, 25% Solution	JOCO	JOCO Tomahawk	GALLONS (bulk)	10,000		\$0.00		____%
4	CAUSTIC SODA, 45-50% solution, 55 gallon drums	JOCO	JOCO Blue River, Nelson Complex	DRUMS (55 gal)	60		\$0.00		____%
5	CAUSTIC SODA, 45-50% Solution, bulk liquid	JOCO	JOCO Middle Basin	GALLONS (bulk)	15,000		\$0.00		____%
6	FERRIC CHLORIDE 37% (37-47%)	JOCO	Tomahawk (165,000), Middle Basin (250,000), Nelson Complex (400,000)	GALLONS (bulk)	815,000		\$0.00		____%
7	FERROUS CHLORIDE - (FeCl2), 18-26% Solution, bulk liquid.	JOCO	JOCO New Century and Blue River WWTP	GALLONS (bulk)	60,000		\$0.00		____%
8	MICRO-C 2000, glycerin based, non-hazardous for denitrification	JOCO	Blue River (112,000), Tomahawk (117,000)	Gallons	230,000		\$0.00		
9	PHOSPHORIC ACID - Percent (%) equivalent H3PO4, minimum 75% Specific gravity @ 6 F/15.5 C minimum 1.574. 55 gallon drum.	JOCO	JOCO New Century WWTP	DRUMS (700 LB)	200		\$0.00		____%
10	SODIUM HYPOCHLORITE Solution, 12.5% (by weight) technical grade.	INDEP and JOCO	INDEP Water & Pollution Control Plant (90,000) and JOCO (550,000 combined est.) Tomahawk (220,000), Nelson Complex (215,000), Middle Basin (50,000), Blue River (35,000), Belinder, Martway, 75th & Nail --- FULL TRUCK LOAD (FTL)	GALLONS (bulk)	640,000		\$0.00		____%
11	SODIUM BISULFITE 35-45% Solution	JOCO	LESS THAN TRUCKLOAD (LTL).	GALLONS (bulk)					
12	SODIUM BISULFITE (NaHSO3), Bulk liquid, 38% - 40% as NaHSO3, by weight. Each shipment to be assayed with assay results delivered with shipment. Johnson County - Delivery to be in 4,000 gallon amounts.	JOCO	JOCO Tomahawk, Middle Basin, Blue River, Nelson	TOTES (330 Gal)	30		\$0.00		____%
13	SODIUM HYDROXIDE, 50% Membrane NSF, Bulk	JOCO	JOCO Tomahawk (130,000) and Nelson (70,000)	LB/NaHSO3 (Bulk)	200,000		\$0.00		____%
14	SODIUM HYPOCHLORITE 10-15% Solution,	JOCO	JOCO Middle Basin	LBS	25,000		\$0.00		
		JOCO	JOCO Tomahawk and Nelson Complex	TOTES (330 Gal)	10		\$0.00		____%



Water and Waste Water Chemicals - Appendix A

BIDDER:

Item #	Description	Agency	Department	Unit of Measure	Est. Qty	Unit Price:	Total Price:	MOQ	Percentage Bidding:
15	SODIUM HYPOCHLORITE 10-15% Solution.	JOCO	JOCO Tomahawk and Nelson Complex	Totes (250 Gal)	10		\$0.00		_____ %
16	UREA AMMONIUM NITRATE (UAN), 100% Solution	JOCO	JOCO New Century WWTP (3,000 gallons delivery)	Gallons/Bulk	10,000		\$0.00		_____ %
17	ANHYDROUS AMMONIA, 150 lb. cylinders meeting ANSI/AWWA B305-15. Contractor shall fill cylinders and re-pack or replace stems on cylinders. Deliver to the Water Department Courtney Bend Plant.	INDEP	INDEP Water Dept.	CYLINDERS (150 LB)	240		\$0.00		
18	CALCIUM HYPOCHLORITE INDUCLOR, 100-lb. fiber drum, granular, 65% available chlorine.	INDEP	INDEP Water & Pollution Control	DRUMS (100 LB)	14		\$0.00		
19	CAUSTIC SODA Beads, 500-lb in 55-gallon drum	INDEP	INDEP Water & Pollution Control	DRUMS (55 gal)	6		\$0.00		
20	CHLORINE, LIQUID, per standard B301-18.	INDEP	INDEP Water Dept	CYLINDERS (1 ton)	144		\$0.00		
21	HYDROCHLORIC ACID, 20 BE. Must meet ANSI/NSF standard #60 for drinking water.	INDEP	INDEP Water Dept.	CARBOYS - 140 LB each	25		\$0.00		
22	LIQUID CAUSTIC SODA, 50% rayon grade.	INDEP	INDEP Water & Pollution Control (bi-annual ordering)	DRUMS (680 LB)	3		\$0.00		
23	SODIUM BISULFITE (NaHSO3), Bulk liquid, 38% - 40% as NaHSO3, by weight. Each shipment to be assayed with assay results delivered with shipment. *Requires minimum 1,000 gallon delivery.	INDEP	INDEP Water & Pollution Control	LB/NaHSO3 (Bulk)	64,000		\$0.00		_____ %
24	SODIUM HEXAMETAPHOSPHATE, 50 lbs granular bag, meeting ANSI/AWWA standard #60 for drinking water. Per specification B502-17 and ANSI/NSF.	INDEP	INDEP Water Dept.	LBS (50 LB bags)	72,000		\$0.00		
25	SODIUM HYPOCHLORITE Solution 10% grade. Must meet ANSI/NSF standard #60 for drinking water	INDEP	INDEP Water Dept.	DRUMS (55 gal)	16		\$0.00		
BID TOTAL:							\$0.00		

Appendix B
MARC/KCRPC Bid # 111

COOPERATIVE PROCUREMENT BY OTHER JURISDICTIONS (NON-PARTICIPANTS)

The successful respondent agrees to provide products and/or services under this contract by checking the appropriate response box in the bid/RFP. Eligible entities will be located within the Greater Kansas City Metropolitan region, and may include:

- Municipalities
- Counties
- State
- Governmental Public Utility
- Non-Profit Hospital, Non-Profit Clinic (medical/dental)
- Educational Institute (school, university, college)
- Special Governmental Agency
- Member of a chapter affiliate of The Institute for Public Procurement (nigp.org) in the region

MARC reserves the right to authorize extending the contract to for-profit partners of MARC, when justification is made the purchase will serve the public interest, in support of MARC's regional work. When approved by MARC, any for-profit partner will be expected to be responsible for any applicable sales tax.

MARC reserves the right to authorize eligible entities outside of the metropolitan region and allow entities to negotiate appropriate delivery charges.

There shall be no obligation under the contract for any listed entity above, to purchase from the contract, unless they are specifically named as a Participant.

Agree: _____ Decline: X _____

Authorized Representative:	<u>Ron Rech</u>
Title:	<u>District Sales Manager</u>
Signature:	<u><i>Ron Rech</i></u>
Date:	<u>April 10, 2024</u>

**Appendix C – Ordering, Remittance Contacts
MARC/KCRPC Bid #111**

Ordering:	
Contact Person:	Jessica Evans
Phone:	402.293.1185
Fax:	402.293.9647
Email:	jevans@dxgroup.com
Street:	11202 S 25th ST
City, State, Zip	Bellevue, NE 68123
Payment terms:	Net 30 Days
Remittance:	
Contact Person:	Michelle Graham
Phone:	402.293.1185
Fax:	402.293.9647
Email:	mgraham@dxgroup.com
Street:	11202 S 25th ST
City, State, Zip	Bellevue, NE 68123
Customer service:	
Contact Person:	Steve Smith
Phone:	402.293.1185
Fax:	402.293.9647
Email:	sesmith@dxgroup.com
Company principal contact:	
Contact Person:	Ron Rech
Phone:	402.293.1185
Fax:	402.293.9647
Email:	rech@dxgroup.com

APPENDIX D
MARC/KCRPC
Bid #111

BIDDER WARRANTIES

- A. Bidder warrants that it is willing and able to comply with State of Missouri laws with respect to foreign (non-state of Missouri) corporations.
- B. Bidder warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees, or agents thereof.
- C. Bidder warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the MARC.
- D. Bidder warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: Ron Rech

Name (Printed): Ron Rech

Title: District Sales Manager

Date: April 10, 2024

APPENDIX E
MARC/KCRPC Bid # 111

AUTHORIZATION AND CERTIFICATION OF NON-COLLUSION AFFIDAVIT

STATE OF Nebraska)
COUNTY OF Sarpy) SS.

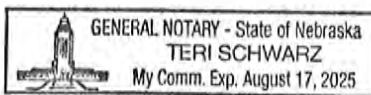
Ron Rech of the City of Belleue,
(Name of Individual)
County of Sarpy State of Nebraska

being duly sworn on her or his oath, deposes and says;

1. That I am the District Sales Manager (Title) of PVS DX Inc (Firm Name) and have been authorized by said firm to make this affidavit on its behalf;
2. No officer, agent or employee of MARC/KCRPC or PARTICIPANTS is financially interested, directly or indirectly in what Bidder is offering to sell to the PARTICIPANTS pursuant to this Invitation;
3. If Bidder were awarded any contract, job work or service for MARC/KCRPC OR PARTICIPANTS, no officer, agent or employee of the city would be financially interested in or receive any benefit from the profit or payments of such;
4. Bidder has not participated in collusion or committed any act in restraint of trade, directly or indirectly, which bears upon anyone's response or lack of response to this Invitation.

By: PVS DX Inc (Firm Name)
Ron Rech (Signature)
Ron Rech (Printed Name)
District Sales Manager (Title)
Mailing Address 11202 S. 25th ST, Bellevue NE 68123
Phone 402 293 1185 FAX 402 293 9647
E-mail Address: rrech@dxgroup.com

Subscribed and sworn to before me this 9 day of April, 2024, 2008.



Teri Schwarz
NOTARY PUBLIC in and for the County of Sarpy
State of Nebr

(SEAL)

My commission expires: Aug 17, 2025

APPENDIX F
MARC/KCRPC Bid # 111
MISSOURI SERVICE-DISABLED VETERAN BUSINESS PREFERENCE
(Applies to non-Federal funded projects)

By virtue of statutory authority, RSMo 34.074, a preference will be given all contracts for the performance of any job or service to service-disabled veteran business either doing business as Missouri firms, corporations, or individuals; or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quoted is the same or less or whenever competing bids, in their entirety, are comparable.

Definitions:

Service-Disabled Veteran is defined as any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans' affairs.

Service-Disabled Veteran Business is defined as a business concern:

- a. Not less than fifty-one (51) percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one (51) percent of the stock of which is owned by one or more service-disabled veterans; and
- b. The management and daily business operations of which are controlled by one or more service-disabled veterans.

If an offeror meets the definitions of a service-disabled veteran and a service-disabled veteran business as defined in 34.074 RSMo and is either doing business as a Missouri firm, corporation, or individual; or maintains a Missouri office or place of business, the offeror must provide the following with the proposal in order to receive the Missouri service-disabled veteran business preference over a non-Missouri service disabled veteran business when the quality of performance promised is equal or better and the price quoted is the same or less or whenever competing proposals, in their entirety, are comparable:

- a. A copy of a letter from the Department of Veterans Affairs (VA), or a copy of the offeror's discharge paper (DD Form 214, Certificate of Release or Discharge from Active Duty) from the branch of service the offeror was in, stating that the offeror has a service-connected disability rating ranging from 0 to 100% disability; and
- b. A completed copy of this exhibit.

(NOTE: For ease of evaluation, please attach copy of the above-referenced letter from the VA or a copy of the offeror's discharge paper to this Exhibit.)

By signing below, I certify that I meet the definitions of a service-disabled veteran and a service-disabled veteran business as defined in 34.074 RSMo and that I am either doing business as a Missouri firm, corporation, or individual; or maintain Missouri offices or places of business at the location(s) listed below.

Veteran Information

Business Information

Print Name of Service-Disabled Veteran

Service-Disabled Veteran Business Name

Service-Disabled Veteran's Signature

Street Address

City, State and Zip

5/27/10

APPENDIX G
MARC/KCRPC Bid # 111
MISSOURI DOMESTIC PRODUCTS PROCUREMENT ACT
 (Applies to bids/contracts with \$25,000 value or more on non-Federal funded purchases)

DATE: 4-11-24

The bidders' attention is directed to Section 34.076 RSMo 2000 which gives preference to Missouri corporations, firms, and individuals when letting contracts or purchasing products. Bids/Quotations received will be evaluated on the basis of this legislation.

By virtue of statutory authority, RSMo. 34.076 and 34.350 to 34.359, a preference will be given to materials, products, supplies, provisions, and all other articles produced, manufactured, made, or grown within the State of Missouri. Such preference shall be given when quality is equal or better and the delivered price is the same or less.

All bidder's submitting a bid/quotation must furnish ALL information requested below.

FOR CORPORATIONS	
State in which incorporated:	Michigan
FOR OTHERS:	
State of domicile:	
FOR ALL BIDDERS: List address of Missouri offices or places of business:	

THIS SECTION MUST BE COMPLETED, SIGNED AND SUBMITTED WITH BID:

COMPANY/FIRM NAME:	PVS DX Inc
ADDRESS:	11202 S 25th ST
CITY, STATE, ZIP:	Bellevue, NE 68123
BY (SIGNATURE):	<i>Ron Rech</i>
BY (PRINT NAME):	Ron Rech
FEDERAL TAX I.D. NUMBER, or use Social Security number:	93-3292784

5/27/10



MID-AMERICA REGIONAL COUNCIL/KANSAS CITY REGIONAL PURCHASING COOPERATIVE
600 BROADWAY SUITE 200, KANSAS CITY MO 64105-1659
www.marc.org

ADDENDUM: 1

BID NO./TITLE: Bid No. 111 - Yearly Contract for Water & Waste Water Chemicals

ISSUE DATE: March 26, 2024

BIDS DUE: April 12, 2024 1:00 p.m.

- The bid opening date is changed from April 5 to April 12, 2024 1:00 p.m. CST.
- Appendix A pricing list will be revised.
- Clarification requests received by March 25 and responses will be provided under Addendum 2.
- Addendum 2 will be issued March 29, 2024.
- The clarification deadline of March 25, 2024 has not changed. No further clarification requests will be allowed.

Receipt of an addendum to an invitation by a bidder must be acknowledged by signing and returning the addendum. Such acknowledgment must be received prior to the hour and date specified for receipt of bids or returned with the bid and received prior to closing time and date.

PVS DX Inc

April 10, 2024

Bidder's (Company) Name

Date

By:

Ron Reck

Signature of Authorized Agent



MID-AMERICA REGIONAL COUNCIL/KANSAS CITY REGIONAL PURCHASING COOPERATIVE
600 BROADWAY SUITE 200, KANSAS CITY MO 64105-1659
www.marc.org

ADDENDUM: 2

BID NO./TITLE: Bid No. 111 - Yearly Contract for Water & Waste Water Chemicals

ISSUE DATE: March 29, 2024

BIDS DUE: April 12, 2024 1:00 p.m. (Changed under Addendum 1 issued March 26)

Clarification requests received as of March 25, 2024, with response as follows

1. Holding Station, Overland Park, Kansas mentions bulk deliveries for sodium bisulfite (SBS) on page 16:
 - Q. How many gallons for estimated usage?
 - A. 1,000 gallons a year
 - Q. How many tanks and at what volume?
 - A. Two (2) – 550 gallons each (1,100 total)
 - Q. On Appendix A which part of the pricing table is this chemical associated?
 - A. Appendix A, line items 11 and 12 do not include the Holding Station, Overland Park as this is usually paid/shared delivery out of the Nelson Complex.
2. Martway Holding Station, Mission, Kansas- mentions bulk deliveries for sodium bisulfite (SBS) on page 16.
 - Q. How many gallons for estimated usage?
 - A. 1,000 gallons a year
 - Q. How many tanks and at what volume?
 - A. Two (2) – 755 gallons (1,600 total)
 - Q. Which part of the pricing table is this chemical listed on Appendix A?
 - A. This is usually paid/shared delivery out of Nelson Complex and not listed separately as a line item.
3. Nelson Complex, Mission Kansas
 - Q. Page 16 lists SBS totes only, however there is a requirement on Appendix A, page 23 for 70,000 gallons in bulk delivery.
 - A. The requirement on Appendix A, page 23 is correct. Nelson Complex needs both bulk and totes of SBS.
 - Q. If there is a bulk delivery requirement, what size tank is on premises and full truck load deliveries?
 - A. One (1) – 6,500 gallons tank
4. Tomahawk Creek Plant, Leawood, Kansas
 - Q. On page 17 there are no storage capabilities shown for 130,000 gallons of sodium bisulfite (SBS), only mention of sodium metabisulfite in 50 LB. bags.
 - A. **DELETE** reference to sodium metabisulfite. Tomahawk Creek Plant uses sodium bisulfite (SBS) for dechlorination.
 - Q. What is the estimated gallons usage for sodium bisulfite (SBS)?
 - A. Listed volume is correct (130,000 gallons).

- Q. How many SBS storage tanks and at what volume?
A. Two (2) – 6,500 gallons each
-

Revisions March 29:

5. Turkey Creek (Foxridge) Pump Station, Johnson County Wastewater
- **ITEM 12 ADDED** Sodium Bisulfite - 1,000 gallons per year. The tank size is 5,400 gallons.
 - **DELETED** Ferrous Chloride (bulk liquid deliveries)
6. **REMOVE AND REPLACE** Section 4.0 Johnson County, Kansas facilities, pages 16 and 17 with enclosed updated facilities and storage capabilities.
7. **REMOVE AND REPLACE** Appendix A Pricing with enclosed revised pricing list. Bidders must submit pricing using enclosed Addendum 2 – Appendix A Pricing.

Receipt of an addendum to an invitation by a bidder must be acknowledged by signing and returning the addendum. Such acknowledgment must be received prior to the hour and date specified for receipt of bids or returned with the bid and received prior to closing time and date.

PVS DX Inc

April 10,2024

Bidder's (Company) Name

Date

By:

Ron Rech

Signature of Authorized Agent

Section 4.0 - Revised pages 16 and 17 – Johnson County, Kansas Facilities

Facility	Address	Storage Capabilities
Blue River Main Plant	2523 W. 151 st Street Overland Park, KS 66224	1 – 6,500 gallon Sodium Hypochlorite bulk 1 – 6,500 gallon Ferrous Chloride bulk 6 – 8,700 gallon MicroC 55 gallon drums Sodium Hydroxide/Caustic Soda 200 to 350 gallon totes Sodium Bisulfite
Blue River #14 Pump Station	16073 Metcalf Overland Park, KS 66085	1 – 1,550 gallon Bioxide
New Century Air Center Plant	50 Leawood Drive Gardner, KS 66031	2 – 2,500 gallon Urea Ammonium Nitrate (UAN) 2 – 1,000 gallon Aluminum Sulfate short load bulk 1 – 2,300 gallon Ferrous Chloride split bulk 55 gallon drums Phosphoric Acid
Lone Elm Pump Station	21460 W. 183 rd Street Spring Hill, KS 66083	1 – 4,400 gallon Bioxide
East Gardner		1 – 3,000 gallon Bioxide
West Gardner		1 – 3,000 gallon Bioxide
Tomahawk Creek Plant	10701 Lee Boulevard Leawood, KS 66211	4 – 8,700 gallon Sodium Hypochlorite bulk 2 – 6,500 Sodium Bisulfite bulk 4 – 8,700 gallon Ferric Chloride bulk 2 – 8,700 gallon MicroC 1 – 7,600 gallon Sodium Hydroxide/Caustic Soda (25%) bulk 200 to 350 gallon totes Sodium Hypochlorite 200 to 350 gallon totes Sodium Bisulfite
Pump Station-under design	90 th & Stateline	TBD Bioxide
Pump Station-under design	104 th & Stateline	TBD Bioxide
Middle Basin Plant	10001 College Boulevard Overland Park, KS 66210	5 – 3,100 gallon Sodium Hypochlorite bulk 1 – 5,500 gallon Sodium Hypochlorite bulk 2 – 10,000 gallon Ferric Chloride bulk 1 – 6,000 gallon Sodium Hydroxide/Caustic Soda bulk 200 to 350 gallon totes Sodium Bisulfite
Nelson Complex Plant	5901 Foxridge Drive Mission, KS 66202	2 – 1,800 gallon Sodium Hypochlorite split bulk 1 – 6,500 gallon Sodium Hypochlorite split bulk 1 – 6,500 gallon Sodium Hypochlorite split bulk 1 – 2,000 gallon Sodium Hypochlorite split bulk 1 – 400 gallon Sodium Hypochlorite split bulk 1 – 6,500 gallon Sodium Bisulfite split bulk 2 – 8,700 gallon Ferric Chloride 1 – 6,500 gallon Ferric Chloride 200 to 350 gallon totes Sodium Hypochlorite 200 to 350 gallon totes Sodium Bisulfite
Turkey Creek Foxridge Pump Station & PEFTF	6700 Foxridge Drive Mission, KS 66202	2 – 6,500 gallon Sodium Hypochlorite split bulk 1 – 5,400 Sodium Bisulfite split bulk
Belinder Pump Station & PEFTF	5700 Belinder Fairway, KS 66208	2 – 4,000 gallon Sodium Hypochlorite split bulk 2 – 1,550 gallon Bioxide
Martway PEFTF	5395 Martway Mission, KS 66202	4 – 2,400 gallon Sodium Hypochlorite split bulk 2 – 755 gallon Sodium Bisulfite split bulk 1 – 5,400 gallon Bioxide

75 th & Nall PEFTF	5500 W. 75 th Street Overland Park, KS 66204	4 – 2,500 gallon Sodium Hypochlorite split bulk 2 – 550 gallon Sodium Bisulfite split bulk 2 – 3,150 gallon Bioxide
Mill Creek Regional Plant	20001 W. 47 th Street Shawnee, KS 66218	N/A
Cedar Creek #3 Pump Station	9695 S. Cedar Creek Road Olathe, KS 66061	1 – 4,400 gallon Bioxide
Hayes Creek Pump Station	17491 Johnson Drive Shawnee, KS 66216	1 – 4,400 gallon Bioxide
Mill Creek #3 Pump Station	17355 Barkley Drive Lenexa, KS 66227	1 – 1,550 gallon Bioxide
Shawnee Mission Theatre in the Park	79 th & Renner Road Shawnee, KS 66216	1 – 1,550 gallon Bioxide



Item #	Description	Agency	Department	Unit of Measure	Est. Qty	Unit Price:	Total Price:	MOQ	Percentage Bidding:
1	ALUMINUM SULFATE (Alum) 45 - 55% solution. .	JOCO	JOCO New Century Airport WWTP - takes approximately 1,600 gallons per delivery (18,000 LB per delivery)	GALLONS (bulk)	10,000		\$0.00		____%
2	BIOXIDE Odor control	JOCO	JOCO JCW (Deliveries of 2400 gallons or more, per shipment and delivered may include two or more locations).	GALLONS (bulk)	330,000		\$0.00		
3	CAUSTIC SODA, 25% Solution	JOCO	JOCO Tomahawk	GALLONS (bulk)	10,000		\$0.00		____%
4	CAUSTIC SODA, 45-50% solution, 55 gallon drums	JOCO	JOCO Blue River, Nelson Complex	DRUMS (55 gal)	60		\$0.00		____%
5	CAUSTIC SODA, 45-50% Solution, bulk liquid	JOCO	JOCO Middle Basin	GALLONS (bulk)	15,000		\$0.00		____%
6	FERRIC CHLORIDE 37% (37-47%)	JOCO	Tomahawk (165,000), Middle Basin (250,000), Nelson Complex (400,000)	GALLONS (bulk)	815,000		\$0.00		____%
7	FERROUS CHLORIDE - (FeCl2), 18-26% Solution, bulk liquid.	JOCO	JOCO New Century and Blue River WWTP	GALLONS (bulk)	60,000		\$0.00		____%
8	MICRO-C 2000, glycerin based, non-hazardous for denitrification	JOCO	Blue River (112,000), Tomahawk (117,000)	GALLONS (bulk)	230,000		\$0.00		
9	PHOSPHORIC ACID - Percent (%) equivalent H3PO4, minimum 75%. Specific gravity @ 6 F/15.5 C minimum 1.574. 55 gallon drum.	JOCO	JOCO New Century WWTP	DRUMS (700 LB)	200		\$0.00		____%
10	SODIUM HYPOCHLORITE Solution, 12.5% (by weight) technical grade.	INDEP and JOCO	INDEP Water & Pollution Control Plant (90,000) and JOCO (550,000 combined est.) Tomahawk (220,000), Nelson Complex (215,000), Middle Basin (50,000), Blue River (35,000), Belinder, Martway, 75th & Nail --- FULL TRUCK LOAD (FTL)	GALLONS (bulk)	640,000	\$ 1.78	\$1,136,000.00	4500	100
			LESS THAN TRUCKLOAD (LTL).			\$ 2.08			
11	SODIUM BISULFITE 35-45% Solution	JOCO	JOCO Tomahawk, Middle Basin, Blue River, Nelson	TOTES (330 Gal)	30		\$0.00		____%
12	SODIUM BISULFITE (NaHSO3), Bulk liquid, 38% - 40% as NaHSO3, by weight. Each shipment to be assayed with assay results delivered with shipment. Johnson County - Delivery to be in 4,000 gallon amounts.	JOCO	JOCO Tomahawk (130,000) and Nelson (70,000), Turkey Creek Pump Station (1,000)	GALLONS (bulk)	201,000		\$0.00		____%
13	SODIUM HYDROXIDE, 50% Membrane NSF, Bulk	JOCO	JOCO Middle Basin	LBS	25,000		\$0.00		
14	SODIUM HYPOCHLORITE 10-15% Solution,	JOCO	JOCO Tomahawk and Nelson Complex	TOTES (330 Gal)	10	\$ 920.00	\$9,200.00	2	100
15	SODIUM HYPOCHLORITE 10-15% Solution.	JOCO	JOCO Tomahawk and Nelson Complex	TOTES (250 Gal)	10	\$ 740.00	\$7,400.00	\$ 2.00	100



Item #	Description	Agency	Department	Unit of Measure	Est. Qty	Unit Price:	Total Price:	MOQ	Percentage Bidding:
16	UREA AMMONIUM NITRATE (UAN), 100% Solution	JOCO	JOCO New Century WWTP (3,000 gallons delivery)	GALLONS (bulk)	10,000		\$0.00		____%
17	ANHYDROUS AMMONIA, 150 lb. cylinders meeting ANSI/AWWA B305-15. Contractor shall fill cylinders and re-pack or replace stems on cylinders. Deliver to the Water Department Courtney Bend Plant.	INDEP	INDEP Water Dept.	CYLINDERS (150 LB)	240	\$ 358.00	\$85,920.00	20	100
18	CALCIUM HYPOCHLORITE INDUCLHOR, 100-lb. fiber drum, granular, 65% available chlorine. Must meet	INDEP	INDEP Water & Pollution Control	DRUMS (100 LB)	14		\$0.00		
19	CAUSTIC SODA Beads, 500-lb in 55-gallon drum	INDEP	INDEP Water & Pollution Control	DRUMS (55 gal)	6		\$0.00		
20	CHLORINE, LIQUID, per standard B301-18.	INDEP	INDEP Water Dept	CYLINDERS (1 ton)	144	\$ 1,948.00	\$280,512.00	6	100
21	HYDROCHLORIC ACID, 20 BE. Must meet ANSI/NSF standard #60 for drinking water.	INDEP	INDEP Water Dept.	CARBOYS - 140 LB each	25		\$0.00		
22	LIQUID CAUSTIC SODA, 50% rayon grade.	INDEP	INDEP Water & Pollution Control (Bi-annual ordering)	DRUMS (680 LB)	3		\$0.00		
23	SODIUM BISULFITE (NaHSO3), Bulk liquid, 38% - 40% as NaHSO3, by weight. Each shipment to be assayed with assay results delivered with shipment. *Requires minimum 1,000 gallon delivery.	INDEP	INDEP Water & Pollution Control	GALLONS (bulk)	64,000		\$0.00		____%
24	SODIUM HEXAMETAPHOSPHATE, 50 lbs granular bag, meeting ANSI/AWWA standard #60 for drinking water. Per specification B502-17 and ANSI/NSF.	INDEP	INDEP Water Dept.	BAGS (50 LB)	1,440		\$0.00		
25	SODIUM HYPOCHLORITE Solution 10% grade. Must meet ANSI/NSF standard #60 for drinking water	INDEP	INDEP Water Dept.	DRUMS (55 gal)	16		\$0.00		
BID TOTAL:							\$1,519,032.00		

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue annual purchase orders to Shannon Chemical Corporation for an amount of \$235,000 for sodium hexametaphosphate for the period of July 1, 2024, through June 30th, 2025. At the option of the City, purchase orders will be issued annually for four additional, one-year periods.

Recommendations:

Council approval to issue annual purchase orders.

Background:

Sodium hexametaphosphate is crucial in the treatment process to not only help with corrosion control but helps keep filter performance at a level that sustains safe drinking water for the water that is treated at the Courtney Bend Water Treatment Plant.

The supplier of sodium hexametaphosphate is Shannon Chemical Corporation, which has cooperative contract 111 through the Mid-America Regional Council/Kansas City Regional Cooperative.

Per section 8.06.004, Paragraph 4 of the City Code states competitive bidding is not required when purchases are made through a cooperative contract established by a government purchasing entity or cooperative. The cooperative bids used have been established pursuant to RSMo. 70.220 or generally accepted governmental purchasing practices through the competitive bidding process.

Approval of this item shall authorize change orders up to a total of ten (10) percent of the authorized amount for each order, provided appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City totals \$235,000.00. Funding for sodium hexametaphosphate is included in the fiscal year 2024-25 proposed budget, page 192, account number (0404830-5314, Inventory Purchases).

Council Action:

REVIEWERS

Lisa Reynolds
Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Shannon Chemical MARC/KCRPC Bid No. 111 Cooperative Contract



**YEARLY CONTRACT for CHEMICALS (WATER & WASTE WATER)
MARC/KCRPC Bid NO. 111**

This CONTRACT, by and between Mid-America Regional Council/Kansas City Regional Purchasing Cooperative, hereinafter referred to as "MARC/KCRPC", and Shannon Chemical Corporation, hereinafter referred to as "Contractor" is effective this 1st day of July, 2024.

WITNESSETH:

WHEREAS MARC/KCRPC does hereby accept, with modifications, if any, the bid of Shannon Chemical Corporation. The bid document and submittal by Contractor is made a part of this contract. Awarded items are shown on attached Appendix A pricing.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. SCOPE OF SERVICES

Contractor shall provide awarded chemicals on an as-needed basis, for MARC/KCRPC Participants, as specified on attached price sheet. Contract pricing is not available to Non-Participants.

All sales will be made in accordance with the prices, terms and conditions of the invitation to bid and any subsequent term contract. All sales to Participants or Non-Participants will be made on purchase orders issued by that jurisdiction. All receiving, inspection, payments and other procurement administration will be the responsibility of the ordering Participant or Non-Participant.

The Contractor shall furnish to MARC/KCRPC:

- a) Payment of the 1.5 percent Administrative Fee to MARC/KCRPC, based on gross sales for each quarter. All payments shall be made payable to: Mid-America Regional Council (bid number and sales quarter must be referenced on each payment.) Mail payment to Attn: Finance Department, MARC, 600 Broadway Suite 200, Kansas City MO 64105-1659.
- b) A composite report of all contract purchases for Participants and any Non-Participants, against any and all purchase orders issued against this contract. The report shall be compiled and submitted to the Program Coordinator by electronic mail. Copies of invoices may be submitted electronically, in lieu of a composite report.

2. CONTRACT TIME

The contract is effective from July 1, 2024 to June 30, 2026 with the option to renew in writing for three (3) one-year renewal periods.

3. INVOICES

Invoices for orders placed by Participants shall be prepared and submitted in triplicate to the Participant, unless otherwise specified by the Participant. All invoices shall contain the following information: contract number, purchase order number, catalog number; description, quantities, unit prices and extended totals. Invoices for and inquiries regarding payment should be addressed to the ordering Participant. Payment terms are Net 30.

4. TERMINATION

This contract may be terminated by either party upon sixty (60) calendar days prior notice in writing to the other party. The MARC/KCRPC and Participants may terminate this contract immediately, under breach of contract, if the Contractor fails to perform in accordance with the terms and conditions of this contract. In the event of any termination of contract by the Contractor that is not due to the breach of this Contract by, or other fault of, MARC/KCRPC or any Participant, the Participants may purchase such supplies and/or services similar to those so terminated, and for the duration of the contract period the Contractor will be liable for all costs in excess of the established contract pricing.

5. CHANGES AND ADDITIONAL SERVICES

The MARC/KCRPC may at any time, by written order, make changes or additions, within the general scope of this contract in or to specifications, instructions for work, methods of shipment or packing or place of delivery. If any such change causes an increase or decrease in the cost of or in the time required for performance of this contract or purchase order, the Contractor shall notify MARC/KCRPC in writing immediately and an appropriate equitable adjustment will be made in the price or time of performance, or both, by written modification of the contract. Any claim by the Contractor for such adjustment must be asserted within 30 days, or such other period as may be agreed upon in writing by the parties, after the Contractor's receipt of notice of the change. Nothing herein contained shall excuse the Contractor from proceeding with the contract as changed.

6. CONFLICTS OF INTEREST

The Contractor, by acceptance of any purchase order resulting from this bid, certifies that to the best of their knowledge or belief, no elected or appointed official of any Participant is financially interested, directly or indirectly, in the purchase of the goods or services specified on this order.

7. COMPLIANT WITH APPLICABLE LAWS

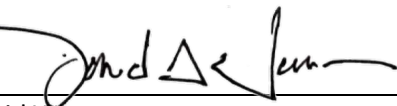
The Contractor warrants it has complied with all applicable laws, rules and ordinances of the United States, or any applicable state, municipality or any other Governmental authority or agency in the manufacture or sale of the items covered by this order, including but not limited to, all provisions of the Fair Labor Standards Act of 1938, as amended.

8. NOTICES

Any notice to any Contractor from MARC/KCRPC relative to any part of this contract will be in writing and considered delivered and the service thereof completed when said notice is posted, by certified or regular mail, to the said Contractor at his last given address or delivered in person to said Contractor or his authorized representative.

IN WITNESS WHEREOF, the parties hereto have signed this CONTRACT:

By:



David Warm
Executive Director
Mid-America Regional Council
600 Broadway Suite 200
Kansas City, Mo., 64105-1659

By:



Daniel C. Flynn
V.P. Operations
Shannon Chemical Corporation
P. O. Box 376, Malvern, Pa., 19356
602 Jeffers Circle Suite 116, Exton, Pa., 19341
P. 610-363-9090 F. 610-524-6050
Email: dcflynn@shannonchem.com

6/20/2024

Date:

06/21/24

Date:

Distribution:

Contractor
MARC/KCRPC Program Coordinator
MARC file
Public Contract Database

Staff Contact:

Rita Parker, KCRPC Program Coordinator rita.parker@kcrpc.com

Attachment:

Bid submittal and pricing



MARC/KCRPC BID 111

Effective 7/1/24 to 6/30/26

 Kansas City Regional Purchasing Cooperative						SHANNON CHEMICALS			
Item #	Description	Agency	Department	Unit of Measure	Est. Qty	Unit Price:	Total Price:	MOQ	Percentage Bidding:
9	PHOSPHORIC ACID - Percent (%) equivalent H3PO4, minimum 75%. Specific gravity @ 6 F/15.5 C minimum 1.574. 55 gallon drum.	JOCO	JOCO New Century WWTP	DRUMS (700 LB)	200	\$ 687.77	\$137,554.00	3-55 gallon drums	75%
24	SODIUM HEXAMETAPHOSPHATE, 50 lbs granular bag, meeting ANSI/AWWA standard #60 for drinking water. Per specification B502-17 and ANSI/NSF.	INDEP	INDEP Water Dept.	BAGS (50 LB)	1,440	\$83.50	\$120,240.00	42 Bags (50 #)	
ADJUSTED BID TOTAL:							\$257,794.00		

Payment terms / Discount offered-early payment?	Net 30, no discount
Government procurement cards accepted?	Yes
Processing charges added for p-cards?	No
Offer off-shelf discounts?	No
Addendum 1 Acknowledged	Yes
Addendum 2 Acknowledged	Yes
Appendix A – Pricing List (with Excel attachment)	Yes
Appendix B – Cooperative Purchasing	Declined
Appendix C – Ordering, Remittance Contacts	Yes
Appendix D – Bidder Warranties	Yes
Appendix E – Authorization-Collusion Affidavit	Yes
Appendix F – Missouri Service-Disabled Veteran	Yes - N/A
Appendix G – Missouri Products Preference	Yes



KANSAS CITY REGIONAL PURCHASING COOPERATIVE

A Partnership of:
Mo-Kan Council of Public PProcurement
and
Mid-America Regional Council
and
Local Governments
Acting as the lead agency, offers the following

INVITATION FOR BID

The Kansas City Regional Purchasing Cooperative (MARC/KCRPC) will accept separate sealed bids from qualified persons or firms interested in providing the following, in accordance with the attached specifications:

YEARLY CONTRACT FOR WATER & WASTE WATER CHEMICALS

BID NO. 111

Issued Mar. 15, 2024

BIDS MUST BE RECEIVED BY:	4/5/24 1:00 p.m. Local Time (Late bids will not be accepted for any reason)
BIDS WILL BE OPENED AT:	4/5/24 1:00 p.m. Local Time,
RETURN BIDS TO:	Program Coordinator by electronic mail only – rita.parker@kcrpc.com
SUBJECT LINE:	Bid 111 - Opens 4/5/24 – Bidder/Company Name
CLARIFICATIONS:	Requests for clarification will not be accepted after 3:00 p.m. on 3/25/24 Submit in writing to rita.parker@kcrpc.com
NOTICE OF AWARD:	Expect to announce by 4/30/24
CONTRACT PERIOD:	July 1, 2024 to June 30, 2026 (with option to renew for three (3) additional one-year periods and subject to adjustment based on award date)

MARC/KCRPC and Participants reserve the right to reject any, and all, bids, to waive technical defects in bids, and to select the bid(s) deemed most advantageous to the entities.

If Bidders receive this bid document from sources other than direct mailing or at DemandStar.com, you must contact the Program Coordinator to be added to the distribution list for any addendums, clarifications, or other bid notices.

It is the responsibility of each Bidder, before submitting a bid, to examine the documents thoroughly, and request written interpretation or clarifications after discovering any conflicts, ambiguities, errors, or omissions in the bidding documents.

Open Records Act and Proprietary Information - The Mid-America Regional Council (MARC) is a public organization and is subject to the Missouri Open Records Act (Chapter 610, RSMo). All records obtained or retained by MARC are considered public records and are open to the public or media upon request unless those records are specifically protected from disclosure by law or exempted under the Missouri Sunshine Law. All contents of a response to a Request for Bids, Qualifications, Proposals, or information issued by MARC are considered public records and subject to public release following decisions by MARC regarding the bid request. If a proposer has information that it considers proprietary, a bidder shall identify documents or portions of documents it considers containing descriptions of scientific and technological innovations in which it has a proprietary interest, or other information that is protected from public disclosure by law, which is contained in a Proposal. After either a contract is executed pursuant to the Request for Bids, RFQ or RFP, or all submittals are rejected, if a request is made to inspect information submitted and if documents are identified as "Proprietary Information" as provided above under Missouri Sunshine Law, MARC will notify the proposer of the request for access, and it shall be the burden of the proposer to establish that those documents are exempt from disclosure under the law."

TABLE OF CONTENTS:

Cover Page	1
Table of Contents	2
Legal Advertisement	2
1.0 Introduction	3 - 4
2.0 Specific Requirements	5-9
3.0 General Conditions (Award and Post-Award)	10-14
4.0 Specifications	15-19
5.0 Pricing and Submittals	20-22
Appendix A – Pricing List (with Excel attachment)	23-24
Appendix B – Cooperative Purchasing	25
Appendix C – Ordering, Remittance Contacts	26
Appendix D – Bidder Warranties	27
Appendix E – Authorization-Collusion Affidavit	28
Appendix F – Missouri Service-Disabled Veteran Preference	29
Appendix G – Missouri Products Preference	30

LEGAL ADVERTISEMENT

MARC/KCRPC is seeking bids for water and waste water chemicals on behalf of participating agencies. Bid #111 due by 4/5/24 1PM CST. Documents are available at www.marc.org or www.demandstar.com or contact rita.parker@kcrpc.com.

Published:	Kansas City Star	3/15/24
	The Call	3/15/24
	Kansas City Hispanic News	3/14/24
	www.marc.org	3/15/24
	demandstar.com	3/15/24

SCOPE: MARC/KCRPC will accept bids from qualified persons or firms interested in providing various water and waste water chemicals, as a yearly contract for area participating governmental entities (Participants) in the Greater Metropolitan area in Kansas and/or Missouri. Estimated quantities specified herein, and are based on annual usage, and will be for evaluation purposes only. No guarantee is made regarding specific quantities to be ordered under this contract. The contract will initially be for a two-year period, with the option to renew for three (3) additional one-year periods. The contract includes an "escalation/de-escalation clause" appropriate for the chemical industry. The quoted pricing shall be firm for first six (6) month period, based on F.O.B. destination, inside delivery and inclusion of the Administrative Fee. No fuel surcharges shall be allowed. Quoted pricing shall be based on "best available" pricing for this region.

Section 5.0, Excel pricing sheet and appendices MUST be completed and submitted by electronic mail to the Program Coordinator by date and time stated on cover page, including any addendums. The pricing sheet must be provided in Excel format and Section 5.0 provided in PDF format.

SECTION 1.0 INTRODUCTION

- 1.1 DEFINITIONS - Definitions of all relevant terms and entities are provided below. Defined terms or entities used in this Invitation for Bid start with a capital letter.
- 1.1.1 "MARC/KCRPC" refers to Kansas City Regional Purchasing Cooperative, a purchasing cooperative partnership of the MOKANCPP and MARC, and their members, and MARC/KCRPC is responsible for assembling and administering this Invitation for Bid and representing the Participants in the bid process.
 - 1.1.2 "Participants" or "Participating Members" refers to local government entities that are participating in the Invitation for Bid.
 - 1.1.3 "Non-Participant" means a Municipality, County, State, Governmental Public Utility, Non-Profit Hospital, Educational Institution, Special Governmental Agency, or Non-Profit corporation performing governmental functions, and located within the Greater Kansas City Metropolitan Trade Area, but that is not a listed Participant.
 - 1.1.4 "MoKanCPP" refers to the MoKan Council of Public Procurement.
 - 1.1.5 "MARC" refers to the Mid-America Regional Council
 - 1.1.6 "Program Coordinator" refers to the authorized representative of KCRPC designated to handle bid solicitation and award and modification of the contract.
 - 1.1.7 "Administrative Contracting Officer" refers to the authorized representative of each of the Participants authorized to issue purchase orders, receive required documentation, inspect, and receive goods, make payments, and handle disputes involving shipments to the jurisdiction.
 - 1.1.8 "Bidder" refers to any corporation, company, partnership, firm, or individual that responds to the Invitation for Bid.
 - 1.1.9 "Contractor" shall refer to the corporation, company, partnership, firm, or individual, named and designated in the contract agreement to perform the work or provide the materials covered thereby, and its duly authorized agents or other legal representatives.
 - 1.1.10 "Administrative Fee" refers to the one and one-half percent fee to be paid quarterly by the vendor, to MARC/KCRPC, based on gross sales to Participants under the contract. The Administrative fee shall be built into quoted pricing.
 - 1.1.11 The "specifications" include Section 4 and Appendix A.
 - 1.1.12 A "subcontractor" is a person, firm or corporation supplying labor or materials, or only labor for work at the site of the project for, and under separate contract or agreement with the contractor.
 - 1.1.13 The term "sample" as used herein includes natural materials, fabricated items, equipment, devices, appliances, or parts thereof as called for in the specifications and any other samples as may be required by the Program Coordinator to determine whether the kind, quality, construction, workmanship, finish, color and other characteristics of the materials, etc., proposed by the Contractor conform to the requirements of the contract documents. Samples approved by the Program Coordinator and Participants shall establish the kind, quality, and other required characteristics, and all work shall be in accordance with the approved samples. Samples, when requested, shall be supplied at no cost to the MARC/KCRPC or Participants.
 - 1.1.14 The term "estimated" represents quantities estimated for the period of time stated. Purchase orders shall be placed for actual requirements as needed.
 - 1.1.15 The term "minimum" means the Participants will order this quantity of supplies during the period of this contract at the price bid.

1.2 KANSAS CITY REGIONAL PURCHASING COOPERATIVE

The Mid-America Regional Council (MARC, Federal ID# 43-0976432), the regional council of governments and metropolitan planning organization, serving a nine-county region, and MoKan Council of Public Procurement (MoKanCPP), a regional organization of public sector purchasing professionals and a local chapter of The Institute of Governmental Procurement (NIGP), initiated the Kansas City Regional Purchasing Cooperative to enhance the current cooperative purchasing efforts in the region.

The Kansas City Regional Purchasing Cooperative (KCRPC) is a partnership between MARC, MoKanCPP, and local governments. The intent of the KCRPC is to increase the amount and effectiveness of local government cooperative purchasing in the metropolitan area and in the process, reduction of costs of goods and services by obtaining more responsive prices.

The Manager's Roundtable, a committee of city and county managers, provides general guidance and support toward the effort. The KCRPC established a standing Advisory Committee comprised of public sector purchasing professionals in the Kansas City metropolitan area. The MARC Board of Directors consists of 30 locally elected leaders representing the nine counties and 119 cities in the bi-state metropolitan Kansas City region.

MARC provided initial support for the first 2 years of the program. It is the intent of the initiative to ensure that KCRPC will remain self-supporting by charging a one and one-half percent Administrative Fee, based on gross sales on each contract, which is consistent with other national cooperative purchasing program administrative fees. **Bidders shall include the Administrative Fee in their unit bid pricing.**

The KCRPC is not a legal entity, but rather a program of MARC. All future references for KCRPC will be shown as MARC/KCRPC since MARC will be the legal entity coordinating and managing the bid/procurement activities.

1.3 PARTICIPANTS

This is a joint bid for a term supply and service contract for the below Participants. Additional Participants may be added under addendums, or by a contract modification with mutual agreement if the bidder allows for cooperative purchasing.

- 1 Johnson County, Kansas
- 2 City of Independence, Missouri

End of Section 1.0

SECTION 2.0 SPECIFIC REQUIREMENTS

- 2.1 PREPARATION OF BIDS.
 - 2.1.2 Bidders are expected to examine any specifications, schedules, and instructions. Failure to do so will be at the bidder's risk.
 - 2.1.3 Each bidder shall furnish the information required by the invitation. The bidder shall sign the invitation and print or type his or her name on each bid sheet thereof on which he or she makes an entry. The person signing the offer must make initial erasures or other changes. Bids signed by an agent are to be accompanied by evidence of his or her authority unless such evidence has been previously furnished.
 - 2.1.4 The unit price for each unit bid shall be shown and such price shall include packing unless otherwise specified. A total shall be entered in the total column for each item bid. In case of discrepancy between a unit price and extended price, the unit price will prevail.
 - 2.1.5 Alternate bids for supplies or services other than those specified will not be considered unless authorized by the invitation per section 4.0 Specifications.
 - 2.1.6 The bidder must state a definite time for delivery of supplies or services unless otherwise specified in the invitation.
 - 2.1.7 Time, if stated as a number of days, will include Saturdays, Sundays, and holidays.
 - 2.1.8 If the item has a trade name, brand and/or catalog number, such must be stated in the bid.
 - 2.1.9 The prices quoted are to be firm and final.
 - 2.1.10 In submitting bids, the bidder agrees that the Program Coordinator shall have 90 calendar days in which to accept or reject any of the bids submitted unless otherwise specified on the bid page.
- 2.2 CONTRACT PERIOD
 - 2.2.1 This invitation to bid is for a yearly contract for a two-year initial contract period, with the option to renew for three (3) additional one-year renewal periods.
 - 2.2.2 The contract includes an escalation/de-escalation clause appropriate to the chemical industry, as described in paragraph 2.17 Escalation/De-Escalation Clause. Pricing will be guaranteed **for six (6) months** thereafter on a quarterly basis, per the requirements of paragraph 2.17.
 - 2.2.3 The option to renew shall be at the discretion of the MARC/KCRPC and the Participants. MARC/KCRPC reserves the right to terminate the current contract without cause and solicit new bids. The Program Coordinator shall notify the Contractor in writing, of the intent to exercise the renewal option. However, failure to notify the Contractor does not waive MARC/KCRPC's right to exercise the renewal option. The Contractor shall be required to submit documentation to the Program Coordinator from the manufacturer or distributor, as proof of any requested price increase. Under no circumstances shall an increase be granted that is greater than the Federal Consumer Price Index (C.P.I.) and Producer Price Index (PPI) for the Kansas City area, without the approval of the Program Coordinator and the Participants.
- 2.3 SUBMISSION & ACCEPTANCE OF BIDS
 - 2.3.1 Failure to follow these procedures is cause for rejection of bid.
 - 2.3.2 **Section 5.0, Excel pricing sheet and appendices MUST be completed and submitted electronically by e-mail to Program Coordinator by date and time stated on cover page, including any addendums. The Appendix A pricing sheet must be provided in Excel format, and remaining Section 5.0 and appendices in PDF format.** Bidders shall retain a copy of their records. Bidders must confirm receipt of submittal with Program Coordinator, documents were received prior to bid date and time in the event spam programs block submissions.
 - 2.3.3 Telegraphic or faxed bids may not be considered unless authorized by the invitation.
 - 2.3.4 A bid that is in the possession of the Program Coordinator may be altered by telegram or letter bearing the signature of the person authorized for bidding, provided it is received prior to the time and date of opening. Telephone or verbal alterations of a bid will not be accepted.
 - 2.3.5 A bid that is in the possession of the Program Coordinator may be withdrawn by the bidder up to the time of the bid opening. All requests for bids to be withdrawn must be made in writing by telegram or letter bearing the signature of the person authorized for bidding, provided it is received prior to the time and date of opening. Bids may not be withdrawn after the bid opening.
 - 2.3.6 Samples of items, when required, must be submitted within the time specified unless otherwise specified in the Information for Bidders and at no expense to the Program Coordinator or any Participant. If not consumed by testing, samples will be returned at bidder's request and expense, unless otherwise specified by the invitation.
 - 2.3.7 Bids having any erasures or corrections must be initialed by the bidder in ink. Bids shall be signed in ink. All bid amounts shall be typewritten or filled in with ink.

- 2.4 EXPLANATION TO BIDDERS (CLARIFICATIONS)
Any explanation desired by a bidder regarding the meaning or interpretation of the invitation, any drawings, specifications, etc., must be requested in writing no less than seven calendar days before the deadline for submission of bids. An oral explanation or instruction given before the award of the contract will not be binding. Any information given to a prospective bidder concerning an invitation will be furnished to all prospective bidders as an addendum to the invitation if such information is necessary to bidders in submitting bids on the invitation or if the lack of such information would be prejudicial to uninformed bidders.
- 2.5 ACKNOWLEDGMENT OF ADDENDUM TO INVITATION
Receipt of an addendum to an invitation by a bidder must be acknowledged by signing and returning the addendum. Such acknowledgment must be received prior to the hour and date specified for receipt of bids or returned with the bid and received prior to closing time and date.
- 2.6 LATE BIDS & MODIFICATIONS
It is the responsibility of the bidder to deliver his bid or bid modifications on or before the date and time of the bid receipt deadline. Bids will NOT be accepted after the date and time of closing under any circumstances.
- 2.7 DISCOUNTS & BID EVALUATION
Discounts offered for prompt (early) payment will be considered in the bid evaluation. Prompt payments shall be defined as payment made with check or government procurement card (i.e. Visa, Mastercard, etc.).
- 2.8 TAX-EXEMPT
It is expected that each Participant will be exempt from payment of the Missouri or Kansas Sales Tax in accordance with Section 39 (10), Article 3, of the Missouri Constitution and Section 79-3606 (b) of the Kansas Statutes and will be exempt from payment of Federal Excise Taxes in accordance with Title 26, United States Code annotated. The Contractor is responsible for obtaining verification of exemption from payment of taxes from each Participant, and from any Non-Participant, and is responsible to bill taxes if required.
- 2.9 MATERIAL AVAILABILITY
Bidders must accept responsibility for verification of material availability, production schedules and other pertinent data prior to submission of bid and delivery time. It is the responsibility of the bidder to notify the Program Coordinator immediately if materials specified are discontinued, replaced, or not available for an extended period of time, Acceptance of such materials that at discretion of MARC/KCRPC and Participants and must be notified and approved in advance of discontinuation, replacement, or non-availability.
- 2.10 ALTERNATE BIDS
Bidders must submit complete specifications on all alternate bids. Alternate bids without complete specifications may be rejected. Alternate bids and exceptions may be rejected. Alternate bids and exceptions to bid clauses must be clearly noted on the bid form. Unless otherwise indicated, it will be assumed that the article proposed is exactly as specified.
- 2.11 QUALIFICATIONS OF BIDDERS
2.11.1 The Program Coordinator may make such investigations as are deemed necessary to determine the ability of the bidder to perform the work and the bidder shall furnish all such information and data for this purpose as the Program Coordinator may request. The Program Coordinator and Participants reserve the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the Program Coordinator and Participants that such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein.
2.11.2 Only those bids will be considered which are submitted by bidders who submit references with their bid and showing satisfactory completion of work of type and size comparable to the work required by these contract documents.
- 2.12 BID OPENING PROCESS – Not Applicable – Electronic submittal only

- 2.13 REQUEST FOR BID TABULATIONS
Requests for bid tabulations must be submitted in writing to the Program Coordinator, either by electronic mail. Bid tabulations will be available for distribution the next business day following the bid opening and posted on www.marc.org/kcrpc/ and www.demandstar.com.
- 2.14 SAMPLES - MANUFACTURER'S SPECIFICATION SHEETS – LITERATURE – CERTIFICATIONS – DO NOT SUBMIT WITH BID
Bidders will be notified by the Program Coordinator to provide documents within five business days of request.
- 2.14.1 Bidders must submit manufacturer's specification sheets, including material safety data sheets (MSD sheets), for each brand being bid to be considered for award. Failure to submit MSD sheets will result in rejection of your bid. It is mandatory for a manufacturer, supplier, or distributor to supply an MSD Sheet as required by 29CFR 1910.1200 with the first shipment of hazardous material. At any time, the content of an MSD Sheet is revised, the supplier is also required to provide new information relevant to the specific material.
- 2.14.2 Samples may be requested and examined as a part of the bid evaluation. Any requested samples shall be provided by the Bidder within five (5) business days from the requested date. Samples shall be returned to the Bidder by the Participants, upon request and the Bidder shall make the arrangements for return of the samples, at Bidder's expense.
- 2.14.3 Bidders must submit descriptive literature and supporting documentation for the chemicals bid. Any literature or supporting documents must be cross-referenced to the line-item number from pricing sheet.
- 2.14.4 Certifications: All chemicals, with the exception of ammonia, shall be listed by the National Sanitation Foundation (NSF) or Underwriters Laboratories (UL). Ammonia shall meet the National Research Council Codex for Ammonium Hydroxide. For bidders quoting on Sodium Hypochlorite, the solution must be approved and registered with Environmental Protection Agency (EPA) for use in potable water systems and shall be manufactured in the United States. Bidders must provide a copy of their current EPA registration. See Section 4.0 and Section 5.0 pricing list for further required certifications on other chemicals.
- 2.14.5 Bidders must submit a detailed specification, typical analysis, material certification and MSD sheets for each item bid, and cross-referenced to the line item shown in Section 5.0 Pricing.
- 2.14.6 Bidders must submit an affidavit of the product(s) being bid, complies with the latest applicable requirements of the AWWA standard specified. Failure to submit this information may result in rejection of bid.
- 2.15 QUANTITIES
Quantities listed herein are only yearly estimates and do not obligate any of the Participants to purchase listed quantities. Purchase orders will be issued by each Participant, on an as needed basis. Participants assume no obligation for articles or materials shipped in excess of the quantity ordered. Any unauthorized quantity is subject to Participant's rejection and return at Contractor's expense.
- 2.16 TRANSPORTATION CHARGES
All terms of delivery or conditions of this order are F.O.B. destination and inside delivery, and the Contractor shall pay all transportation charges. No fuel surcharges will be allowed. *Delivery drivers will not be responsible for transporting the product inside the facilities. Historically, the products are delivered next to a building or a dock.*
- 2.17 ESCALATION/DE-ESCALATION CLAUSE
In regard to the prices quoted by the Contractor, the Contractor may, on a quarterly basis, **with 30 days notice**, request an increase to quoted prices only when the increase applies to the General Public, is stated officially in writing to the Program Coordinator, and does not exceed the suggested list prices as stated officially by the manufacturer. No requests for increases will be allowed during the initial six-month period of the contract.
- 2.17.1 The Program Coordinator shall distribute the price increase request to the Participants for review.
- 2.17.2 A price increase shall not take effect until the Contractor has verified these conditions in writing to the reasonable satisfaction of the Program Coordinator and the Participants. The Program Coordinator reserves the right to terminate the Contract rather than accept the price increase and to rebid the Contract.
- 2.17.3 Additionally, it is expected of the Contractor to advise the Program Coordinator of any decreases in pricing, as issued by the manufacturers, and to pass on any price decreases to the Participants of the contract.
- 2.17.4 Under no circumstances shall an increase be granted that is greater than the Federal Consumer Price Index (C.P.I.) and Producer Price Index (PPI) for the Kansas City area, without the approval of the Program Coordinator and the Participants.
- 2.18 OCCUPATIONAL/BUSINESS LICENSE TAX REQUIREMENTS
Bidders must comply with all special requirements of the participating entities including any Occupational or Business License requirements. It is the bidder's responsibility to investigate and obtain any such requirements.

2.19 FORMS

Contractors and subcontractors participating in this contract shall fill out all appropriate forms as requested by Participants and any Non-Participants, including W-9's and the forms referenced in Section 2.22, in a timely manner, prior to issuance of Purchase Orders.

2.20 COMPLIANT WITH APPLICABLE LAWS

The Contractor warrants it has complied with all applicable laws, rules and ordinances of the United States, or any applicable state, municipality or any other Governmental authority or agency in the manufacture or sale of the items covered by this order, including but not limited to, all provisions of the Fair Labor Standards Act of 1938, as amended.

2.21 ANTI-TRUST

Submission of a bid constitutes an assignment by the Bidder of any and all anti-trust claims that Bidder may have under the Federal and/or State laws resulting from any contract associated with this bid.

2.22 EQUAL OPPORTUNITY CLAUSE

2.22.1 In connection with the furnishing of supplies or performance of work under this contract, the Contractor agrees to comply with the Fair Labor Standards Act, Fair Employment Practices, Equal Opportunity Employment Act, and all other applicable Federal and State Laws, and further agrees to insert the foregoing provision in all subcontracts awarded hereunder.

2.22.2 The bidder's attention is directed to all federal, state and Participants' laws, ordinances, and procedures requiring equal employment opportunity which, among other things, require that the contractor agree not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or sex. All bidders shall complete any reporting forms and certifications of any Participant with regards to their equal employment practices.

2.22.3 The bidders will be required to comply with all individual equal opportunity requirements, as delineated below, of each Participant if they plan to do business with that Participant under any agreement that results from this Invitation for Bid. If a bidder plans not to comply with any of the individual requirements of Participants as indicated below, they should so indicate in their response to this Invitation to Bid by marking "no offer" on Section 5.0.

Johnson County, Kansas

NON-DISCRIMINATION IN EMPLOYMENT - In connection with the furnishing of equipment, supplies, and/or services under the contract, the contractor and all subcontractors shall agree not to discriminate against recipients of services or employees or applicants for employment on the basis of race, color, religion, national origin, sex, disability, or age. If discrimination by a contractor is found to exist, the Office of Financial Management, Purchasing Division, shall take appropriate enforcement action which may include, but not necessarily be limited to, cancellation of the contract and/or removal from bidder's lists issued by the division until corrective action by the contract is made and ensured, and referral to the Attorney General's Office, whichever enforcement action may be deemed most appropriate.

AMERICANS WITH DISABILITIES ACT - In connection with the furnishing of equipment, supplies, and/or services under the contract, the contractor and all subcontractors shall comply with all applicable requirements and provisions of the Americans with Disabilities Act (ADA).

2.23 REGULATIONS PURSUANT TO SO-CALLED 'ANTI-KICKBACK ACT'

The Contractor shall comply with the applicable regulations of the Secretary of Labor, United States Department of Labor, made pursuant to the so-called "Anti-Kickback Act" of June 13, 1934 (48 Stat. 948; 62 Stat. 862; Title 18 U.S.C., Section 874 and Title 40 U.S.C.; Section 276c) and any amendments or modifications thereof, shall cause appropriate provisions to be inserted in sub-contracts to insure compliance therewith by all sub-contractors subject thereto, and shall be responsible for the submission of statements required of sub-contractors thereunder, except as said Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

2.24 PROVISIONS REQUIRED BY LAW DEEMED INSERTED

Each and every provision of law and clause required by law to be inserted in this contract will be deemed to be inserted herein and the contract will be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party the contract will forthwith be physically amended to make such insertion or correction.

- 2.25 UNIFORM COMMERCIAL CODE
This contract is subject to the Uniform Commercial Code and shall be deemed to contain all the provisions required by said Code that apply to said Contract.
- 2.26 CONFLICT OF INTEREST
The Contractor, by acceptance of any purchase order resulting from this bid, certifies that to the best of their knowledge or belief, no elected or appointed official of any Participant is financially interested, directly or indirectly, in the purchase of the goods or services specified on this order.
- 2.27 INDEMNIFICATION AND INSURANCE
The Contractor agrees to carry liability and workmen's compensation insurance, satisfactory to the Participants, and hold harmless and indemnify MARC/KCRPC and Participants against all liability, loss and damage arising out of any injuries to persons and property caused by Contractor, his sub-contractors, employees, or agents. A Certificate of Insurance shall be provided with the following coverage:
- 2.27.1 Comprehensive General Liability with minimum limit of \$1,000,000 combined single limit for bodily injury and property damage, per occurrence. Minimum \$2,000,000 aggregate.
 - 2.27.2 Comprehensive Automobile Liability with minimum limit of \$1,000,000 combined single limit. MCS-90 endorsement (for hazardous materials only) to meet financial responsibility requirements of Section 29 and 30 of the Motor Carrier Act of 1980. No pollution exclusion clause.
 - 2.27.3 Workers Compensation with minimum statutory requirements.
 - 2.27.4 Employers' Liability with minimum of \$500,000 each employee, \$500,000 each accident and \$500,000 policy limit.
 - 2.27.5 Cancellation notification within thirty (30) days. MARC and Participants to be named as additional insured on certificate.
 - 2.27.6 Certificate holder shall be shown as: MARC/KCRPC, 600 Broadway Suite 200, Kansas City, Missouri 64105.
- 2.28 SUB-CONTRACTS
- 2.28.1 The Contractor shall not make an agreement with any sub-contractor to perform any work until he has written to the Program Coordinator to determine any disapproval of the use of such sub-contractor.
 - 2.28.2 The Contractor shall be fully responsible to the MARC/KCRPC and Participants for the acts and omissions of his sub-contractors, and of persons either directly or indirectly employed by them, as he is for the acts and omissions of persons directly employed by him.
 - 2.28.3 The Contractor shall cause appropriate provisions to be inserted in all sub-contracts relative to the work to require compliance by each sub-contractor with the applicable provisions of the contract.
 - 2.28.4 Nothing contained in the Conditions shall create any contractual relationship between any subcontractor and MARC/KCRPC and Participants.
- 2.29 INDIVIDUAL REQUIREMENTS
The bidders will be required to comply with all individual requirements of each Participant, including but not limited to those individual requirements set forth in Sections 2.28, 3.8, 3.10, and any other individual requirements, if they plan to do business with that Participant under any agreement that results from this Invitation for Bid. If a bidder plans not to comply with any of the individual requirements of Participants as indicated herein, they should so indicate in their response to this Invitation to Bid by marking "no offer" on the pricing page, Section 5.0.

End of Section 2.0

3.0 GENERAL CONDITIONS (AWARD and POST AWARD)

3.1 AWARD OF CONTRACT

3.1.1 BASIS OF AWARD.

- a) Only firm bids will be considered. The bidder warrants that prices, terms and conditions quoted in their bid will be firm for acceptance for a period of not less than 90 days from the bid opening date unless otherwise specified in the Invitation to Bid. Such prices will remain firm for the period of performance of resulting purchase orders or contracts that are to be performed over a period of time.
- b) Bidders may be requested to submit financial statements subsequent to the bid opening. Such statements shall be submitted to the Program Coordinator within three (3) calendar days after being so requested.
- c) The Program Coordinator and Participants reserve the right to reject any and all bids, to waive any and all technical defects, irregularities, and informalities in bids, to disregard all non-conforming or conditional bids or counterproposals, and to select the bid(s) deemed most advantageous to the entities.
- d) The award of the Contract, if awarded, shall be awarded to that responsible and responsive bidder whose bid, conforming to the Invitation for Bids, will be most advantageous to the Participants, price and other factors considered.

3.1.2 EVALUATION OF BIDS

- a) The evaluation of bids will include consideration of price, quality, adherence to specifications, references, financial statements, if requested, subcontractors, suppliers, and manufacturers to be used in the work and manufacturers' data on the materials and equipment to be incorporated. Time of delivery will also be a factor in the award.
- b) "Or Approved Equal" Clause.
Whenever a material, article, or piece of equipment is identified on the plans or in the specifications by reference to manufacturer's or vender's names, trade names, catalog numbers, etc., it is intended merely to establish a standard; and, any material, article, or equipment of other manufacturers and vendors which will perform adequately the duties imposed by the general design will be considered equally acceptable provided the material, article, or equipment so proposed, is, in the opinion of the Program Coordinator and Participants, of equal substance and function. Substitute items may be rejected at the discretion of the Program Coordinator and Participants.
- c) Whenever the name of a manufacturer is mentioned on the face hereof and the words "or equal" do not follow, it shall be deemed that the words "or equal" shall follow such designations unless the face hereof specifies "no substitutes". The Program Coordinator may assume that items bid is equal or may request samples and proof thereof unless approved before shipment. The Participants reserves the right to return at bidders expense all items that are not acceptable as equals, said items to be replaced by bidder with satisfactory items at the original price.
- d) To the limit allowed by statutory authority, the Program Coordinator and Participants shall give preference to all commodities manufactured, mined, produced, or grown within the United States, the States of Missouri or Kansas, and to all firms, corporations or individuals headquartered in the United States, the States of Missouri or Kansas, when quality is equal or better and the delivered price is the same or less.

3.1.3 AWARD PROCESS

- a) The Program Coordinator and the Participants may accept any item or group of items of any bid on a split-order basis, lump-sum or individual-item basis, or such combination as shall best serve the interest of the Participants unless qualified by specific limitation of the bidder.
- b) Unless otherwise provided in the schedule, bids may be submitted for any quantities less than those specified; and the Program Coordinator and Participants reserve the right to make an award on any item for a quantity less than the quantity bid upon at the unit price offered unless the bidder specified otherwise in his bid.
- c) An award mailed (or otherwise furnished) to the successful bidder within the time for acceptance specified in the bid, results in a binding contract without further action by either party.
- d) In the event a Participant's procedures requires governing body approval of the bid said Participant will take the individual award recommendation to their governing body for approval and may issue a separate contract to the successful Bidder. All contract requirements in this Invitation for Bid including requirements related to administrative fees, and quarterly sales reports, will apply to individual Participant contracts generated under this Invitation for Bid.

3.1.4 NOTICE OF AWARD.

After considering the basis of award and evaluation of bids, the Program Coordinator will, within 90 calendar days after the date of opening bids, notify the successful bidder of acceptance of his or her bid. The Contractor will have

ten calendar days to return the signed notice of award and any requested submittals, such as certificate of insurance or proof of business licenses.

3.2 CONTRACT TERMS

The performance of this contract shall be governed solely by the terms and conditions as set forth in this contract and any specifications or bid documents notwithstanding any language contained on any invoice, shipping order, bill of lading or other document furnished the Contractor at any time and the acceptance by the Program Coordinator and Participants of any terms or conditions contained in such document which is inconsistent with the terms and conditions set forth in the contract. Any different or additional terms other than those herein contained in Contractor's acceptance are hereby objected to.

3.2 EXECUTION OF AGREEMENT

3.3.1 The Execution of the Agreement shall consist of a YEARLY AGREEMENT, signed by the Executive Director of MARC and countersigned by the Contractor, with a Notice of Award, and become the agreement and contract between the parties hereto. Notice of Award will evidence that both parties thereby accept and agree to the terms and conditions of said bid documents, and that the parties are bound thereby and the compensation to be paid the Contractor is as set forth in the Contractor's Bid. Items not awarded, if any, will be noted on the Notice of Award.

3.3.2 As stated in paragraph 3.1.3 (d) some Participants may execute individual contracts. Any individual contracts issued shall not conflict with the award made by MARC/KCRPC. If a Participant has an existing contract for the same commodity, that contract will either lapse at expiration date, or be cancelled by the Participant, before the MARC/KCRPC is utilized. The Participant will make the final determination on their existing contracts.

3.4 CHANGES

The Program Coordinator may at any time, by written order, make changes or additions, within the general scope of this contract in or to drawings, designs, specifications, instructions for work, methods of shipment or packing or place of delivery. If any such change causes an increase or decrease in the cost of or in the time required for performance of this contract or purchase order, the Contractor shall notify the Program Coordinator in writing immediately and an appropriate equitable adjustment will be made in the price or time of performance, or both, by written modification of the contract. Any claim by the Contractor for such adjustment must be asserted within 30 days or such other period as may be agreed upon in writing by the parties after the Contractor's receipt of notice of the change. Nothing contained herein shall excuse the Contractor from proceeding with the contract as changed.

3.5 ASSIGNMENTS

Neither MARC/KCRPC nor Contractor shall, without the prior written consent of the other, assign in whole or in part his interest under any of the Contract Documents and, specifically the Contractor shall not assign any moneys due or to become due without the prior written consent of MARC/KCRPC.

3.6 COOPERATIVE PROCUREMENT BY OTHER JURISDICTIONS/COMPOSITE REPORT

3.6.1 If the bidder agrees to provide products and/or services under this contract, the bidder must indicate on the appendix. If agreed, **the successful bidder shall rebate to MARC/KCRPC, the Administrative Fee, based on each Non-Participant's gross sales for each quarter.**

3.6.2 The successful bidder shall be required to notify Program Coordinator if any Non-Participants express desire to utilize this contract, prior to acceptance of any purchase order. The Program Coordinator will inform the non-participant of the requirements of the contract. Written or verbal approval by the Program Coordinator must be provided to the successful bidder and entity to allow purchases from the contract, by issuance of a contract modification.

3.6.3 Sales will be made in accordance with the prices, terms, and conditions of the invitation for bid and any subsequent term contract. All sales to Participants or Non-Participants will be made on purchase orders issued by that jurisdiction. All receiving, inspection, payments and other procurement administration will be the responsibility of the ordering Participant or Non-Participant.

3.6.4 There shall, however, be no obligation under the cooperative procurement agreement for any organization represented by MoKanCPP, NIGP Chapter affiliate or MARC to use the bid or contract unless they are specifically named in the invitation for bid as a Participant.

3.7 COMPOSITE REPORT AND PAYMENTS

3.7.1 The successful bidder(s) shall furnish to MARC/KCRPC:

- a) Payment of the Administrative Fee to MARC/KCRPC, based on gross sales for each quarter to Participants and Non-Participants. The Contractor shall have no claim or right to all or any portion of the Administrative Fee. All payments shall be payable to: Mid-America Regional Council, and reference KCRPC bid number on each

payment. All payments shall be mailed to MARC, Attn: Finance Department, 600 Broadway Suite 200, Kansas City MO 64105-1659.

- b) A composite report of all contract purchases against any and all orders issued against this contract shall be submitted by electronic mail to the Program Coordinator. The report shall include, at a minimum:
 - Ordering entity and designated Participant or Non-Participant, Entity's purchase order number, and date ordered, item descriptions, quantities ordered, units of measure, along with all unit and extended prices.
 - The report shall be totaled for the accumulated dollar amount spent within the particular quarter for each Participant or Non-Participant.
 - Copies of invoices to the ordering entity may be submitted, in lieu of a composite report.
- c) Failure of the Contractor to provide payment and reports in the manner described herein shall be regarded as a material breach of this contract and shall be deemed cause for termination of this contract at MARC/KCRPC's sole discretion. Fees not paid by the specified deadline shall bear interest at the rate of one and one-half percent per month until paid.
- d) Reports and payments of fees under this contract shall be due thirty calendar days after the end of each quarter.

3.7.2 Failure of the Contractor to provide payment and reports in the manner described herein shall be regarded as a material breach of this contract and shall be deemed cause for termination of this contract at MARC/KCRPC's sole discretion. Fees not paid by the specified deadline shall bear interest at the rate of 1.5 percent per month until paid.

3.7.3 Reports and payments of fees under this contract shall be due 30 calendar days after the end of each quarter.

3.7.4 RIGHT TO AUDIT

The Program Coordinator may compare records provided by Participants with reports submitted by the Contractor. Program Coordinator will provide written notification to Contractor of any discrepancies and allow vendor thirty calendar days to resolve discrepancies to Program Coordinator's satisfaction. In the event the Contractor does not resolve the discrepancy to the satisfaction of the Program Coordinator, MARC/KCRPC reserves the right to engage outside services to conduct an independent audit of Contractor's reports and Contractor shall reimburse MARC/KCRPC for costs and expenses to conduct such an audit.

3.8 PURCHASE ORDERS

The Participants and any Non-Participants will not be responsible for articles or services furnished without a purchase order unless otherwise set forth in the contract. Orders may be placed by phone, fax, or electronic mail to the Contractor using purchase order, blanket purchase order or procurement card issued by ordering Participant or Non-Participant. **Government procurement card purchases shall be processed at the time of the order and not be held up and batched with multiple orders. Bidders shall state in Section 5.0 if processing charges will be added to orders.**

3.9 FUND ALLOCATION

Continuance of any resulting Agreement, Contract, or issuance of Purchase Orders **is contingent upon the available funding and allocation of funds by the Participants.**

3.10 DELIVERY REQUIREMENTS – See Section 4.0

3.11 RESPONSIBILITY FOR SUPPLIES

The Contractor shall be responsible for supplies until they are delivered and accepted at the designated delivery point; and the Contractor shall bear all risks for rejected supplies after notice of rejection. Rejected materials or supplies shall be removed by and at the expense of the Contractor promptly after notification of rejection unless public health and safety require immediate destruction of other disposal of rejected materials or supplies. Upon failure to remove said materials within ten (10) days after date of notification, the Participant may return the rejected materials or supplies to the Contractor at Contractor's risk and expense or dispose of them as its' own property.

3.12 TIME OF DELIVERY

The Participants require that all materials ordered will be delivered when specified. Time is therefore of the essence of the purchase order. If deliveries are not made at the time agreed upon, the Program Coordinator and Participants **reserve the right to cancel or to purchase elsewhere and hold Contractor accountable for any damages** sustained as a result thereof.

- 3.13 **PACKAGING**
The Participants will not be liable for any charges for drayage, packing, cartage, boxing, crating, or storage in excess of the purchase price of this order unless stated otherwise herein.
- 3.14 **CONTRACTOR'S INVOICES**
Invoices shall be prepared and submitted in triplicate unless otherwise specified by the ordering entity. Invoices shall contain the following information: MARC/KCRPC Bid/Contract Number, Participant's Purchase Order number, Item Number; contract description of supplies or services, sizes, quantities, unit prices and extended totals. All invoices must reflect the same unit of measure and pricing as stated in the pricing section (i.e. 1000/M, case, box, each). Any invoices received with incorrect units of measure may be corrected and noted on the invoice "not per contract" and totals will be adjusted accordingly, at the discretion of the Participants. Invoices for and inquiries regarding payment shall be addressed to the ordering agency. Any delay in receiving invoices, or errors and omissions, on statement or invoices, will be considered just cause for withholding settlement without losing discount privileges. Payment terms under this contract shall be Net 30, after receipt of invoice, unless an early payment discount is offered for less than 30 days.
- 3.15 **ACTS OF GOD**
Neither party shall be liable for delays, or defaults in the performance of this contract due to Acts of God or the public enemy, riots, strikes, fires, explosions, accidents, Governmental action of any kind or any other causes of a similar character beyond its control and without its fault or negligence.
- 3.16 **BANKRUPTCY OR INSOLVENCY**
In the event of any proceedings by or against either party, voluntary or involuntary, in bankruptcy or insolvency, or for the appointment of a receiver or trustee or an assignee for the benefit of creditors, of the property of Contractor, or in the event of breach of any of the terms hereof including the warranties of the Contractor, MARC/KCRPC and Participating Entities may cancel this contract or affirm the contract and hold Contractor responsible in damages.
- 3.17 **GENERAL GUARANTY AND WARRANTY**
3.17.1 The Contractor warrants that all materials, fixtures, and equipment furnished by the Contractor and his subcontractors shall be new, of good quality, and of good title, and that the work will be done in a neat and workmanlike manner. The Contractor also guarantees the workmanship and materials for a period of one year from the date of final acceptance of all the work required by the Contract. Furthermore, the Contractor shall furnish the Program Coordinator and Participants with all manufacturers' and suppliers' written guarantees and warranties covering materials and equipment furnished under the Contract.
3.17.2 All customary guarantees for workmanship, quality and performance provided by the Manufacturer for any or all items shall apply to the items offered under this proposal.
- 3.18 **PATENTS**
Contractor warrants that the articles described herein and the sale or use of them will not infringe upon any U.S. or foreign patent and Contractor covenants that he will at his own expense, defend every suit which may be brought against the MARC/KCRPC and Participants, or those selling or using Participants' product (provided Contractor is promptly notified of such suit and all papers therein are delivered to Contractor) for any alleged infringement of any patent by reason of the sale or use of such articles and Contractor agrees that he will pay all cost, damages and profits recoverable in any such suit.
- 3.19 **INSPECTION AND ACCEPTANCE**
3.19.1 No material received by the Participants pursuant to a purchase order issued under the terms and conditions of this bid document shall be deemed accepted until the Participants have had a reasonable opportunity to inspect said material. All material which is discovered to be defective, or which does not conform to any warranty of the Contractor herein, upon initial inspection, or at any later time if the defects contained in the material were not reasonably ascertainable upon the initial inspection, may be returned at the Contractor's expense, for full credit or replacement within 24 hours of notification.
3.19.2 No goods returned as defective shall be replaced without written authorization of the purchasing entity. Such return shall in no way affect the Participants' discount privileges. Such right to return, offered to the MARC/KCRPC and Participants arising from the Participant's receipt of defective goods, shall not exclude any other legal, equitable or contractual remedies MARC/KCRPC and Participants may have available.
- 3.20 **INTERPRETATION OF CONTRACTS AND ASSIGNMENTS**
This contract shall be construed according to the laws of the State of Missouri. This contract, or any rights, obligations, or

duties hereunder, may not be assigned by the Contractor without the written consent of the MARC/KCRPC and any attempted assignment without such consent shall be void.

3.21 NOTICE AND SERVICE THEREOF

Any notice to any Contractor from the Program Coordinator relative to any part of this contract will be in writing and considered delivered and the service thereof completed when said notice is posted, by certified or regular mail, to the said Contractor at his last given address or delivered in person to said Contractor or his authorized representative.

3.22 TERMINATION OF CONTRACT

3.22.1 This contract may be terminated by either party upon sixty (60) calendar days prior notice in writing to the other party.

3.22.2 MARC/KCRPC may terminate this contract immediately, under breach of contract, if the Contractor fails to perform in accordance with the terms and conditions.

3.22.3 In the event of any termination of contract by the Contractor, the Participants may purchase such supplies and/or services similar to those so terminated, and for the duration of the contract period the Contractor will be liable for all costs in excess of the established contract pricing.

3.23 LAW GOVERNING: All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Missouri. For any dispute that may arise out of this Contract, the parties agree that the proper jurisdiction and venue shall be the Circuit Court of the County where the ordering agency is located.

End of Section 3.0

4.0 **SPECIFICATIONS -**

4.1 **General Requirements**

Clean-Up and Restoration (applies to all Participants):

The contractor shall be responsible for the removal of all surplus material and debris occurring from this work. Contractors shall take precautions against damage to public and private property during the course of this work. Should damage occur, by omission or commission, the Contractor shall at its' own expense, restore damaged property to a condition similar to or equal to that existing before damage was done.

Technical Assistance (applies to all Participants):

The Contractor and/or Manufacturer of chemicals shall furnish technical assistance in establishing optimum dosage rates, if requested by Participants, throughout the duration of the contract.

Deliveries – (applies to all Participants):

- a. All packaging and shipping must conform to current federal, state, and local regulations.
- b. Delivery tickets/statements shall be provided at the time of delivery to each location.
- c. No substitutions allowed on the specified packaging sizes.
- d. Delivery vehicles of Contractor must be equipped to facilitate unloading of items at various dock heights.
- e. Trucks must have lift gates and be equipped with pallet jacks for the delivery of chemicals in bags.
- f. Delivery times and specific instructions are listed below for each Participants' facility.
- g. All deliveries to each Participant must include the appropriate material safety data sheets for the chemical being delivered.
- h. All deliveries to each Participant may be subject to being weighed on the Participants' scale, or approved public scale, prior to and after deliveries, as may be required by receiving Participant.
- i. Deliveries may include multiple unloading stops per order. No stop charge shall be levied against the Participant for such service. Multiple stops, if any, will be noted at time of order.
- j. Delivery locations are current as of 2024. Additional locations may be added or changed, if needed, under a contract modification issued by MARC/KCRPC.

4.2 **Deliveries – City of Independence, MO**

Deliveries must be made in trucks equipped with Pneumatick Blower, minimum 7 PSI and a maximum of 14 PSI. Trucks must also be equipped with a minimum of fifty feet (50') of hose. Deliveries will be accepted only during the regular business hours of Monday through Friday, 8:00 a.m. to 3:00 p.m., CST. Contractors must contact water plant personnel prior to each delivery and provide the identity of the driver and truck number. Failure to provide this information prior to any delivery may result in cancellation of the delivery at no cost or penalty to the City. Delivery drivers must follow posted unloading instructions at each delivery site. Deliveries of phosphate must be equipped with a lift gate and a pallet jack for unloading. Lead (washers) gaskets must be supplied at no charge for each cylinder delivered.

Water Pollution Control	9600 E Norledge	Independence, Mo. 64053
Water Department	M-291 Highway & Cement City Rd.	Sugar Creek, Mo. 64058

4.3 **Deliveries – Johnson County, KS**

Deliveries shall be made within three (3) working days on orders for stock, and within twenty-four (24) hours for emergency orders. Emergency orders will be designated at the time of ordering. Deliveries shall be made between 8:00 a.m. and 4:00 p.m., Monday through Friday, unless otherwise mutually agreed upon by the County and Contractor. No deliveries will be accepted on Saturday, Sunday, or County holidays. There may be other stations added as needed, with mutual agreement, issued under a contract modification. The County may require more than one unloading stop per order. No stop charge shall be levied against the County for such service.

Cylinders: Damage to County owned equipment, attributable to Contractor supplied contaminated chemicals and cylinders shall be immediately repaired by County personnel. The County shall then bill the Contractor for such repairs and the Contractor agrees to pay said bills.

Facility:	Address:	Storage Capabilities:
Belinder Pump Station	5700 Belinder, Fairway, KS 66208	- One (1) 4,100-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 2,300-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 3,000-gallon tank Bioxide
Blue River Plant	2523 W. 151 st Street, Overland Park, KS	- Two (2) 1,750-gallon tanks - Sodium hypochlorite (bulk deliveries)
Dykes Branch	3535 Somerset, Prairie Village, KS	- Two (2) 2,500-gallon tanks - Sodium hypochlorite (bulk deliveries)
55 th Street	14500 W 55 th Street, Shawnee KS 66216	One (1) 4,000-gallon tank Bioxide
55 th Street Pumping Station	5425 Alden, Shawnee KS	Ferrous Chloride (55-gallon drum deliveries)
Holding Station	75 th Street and Nall Ave.; Overland Park, KS	- Four (4) 2,500-gallon tanks Sodium hypochlorite (bulk deliveries) - Sodium Bisulfite (bulk liquid deliveries)
Middle Basin Plant	10001 College Blvd; Overland Park, KS, 66210	- One (1) 6,000-gallon tank Sodium hypochlorite (bulk deliveries) - Seven (7) 3,400-gallon tanks Sodium hypochlorite (bulk deliveries)
Martway Holding Station	5395 Martway; Mission, KS	- Four (4) 2,400-gallon tanks Sodium hypochlorite (bulk deliveries) - Two (2) 1,100-gallon tanks Bioxide - Sodium Bisulfite (bulk liquid deliveries)
Mission Main Plant	4800 Nall, Mission, KS 66202	Sodium hypochlorite (55-Gallon Drum Containers)
Nelson Complex	4800 Nall Ave, Mission, KS 66202	- One (1) 3,000-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 2,500-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 400-gallon tank Sodium hypochlorite (bulk deliveries) - Two (2) 1,650-gallon tanks Sodium hypochlorite (bulk deliveries) - Sodium hypochlorite totes (250-gallon and 350- gallon) - Ferrous Chloride (bulk liquid deliveries) - Caustic Soda (bulk liquid deliveries) - Caustic Soda (55-gallon drums) - Caustic Soda totes (250-gallon and 350-gallon) - Sodium Bisulfite totes (250-gallon and 350-gallon)
New Century Air Center	50 Leawood Drive; Gardner, KS	- Sodium hypochlorite (55-Gallon Drum Containers) - Phosphoric Acid (700 LB/55-Gallon Drum Containers) - Sodium Nitrate (50 LB bags) - Aluminum sulfate solution (Bulk liquid deliveries/gallons) *approximately 1600 gallons/18,000 lbs per delivery*
Shawnee Mission Park (Theater)	79 th & Renner, Shawnee, KS 66216	One (1) 4,000-gallon tank Bioxide

Facility:	Address:	Storage Capabilities:
Tooley Creek Pump Station	5425 Alden; Kansas City, KS	One (1) 2,000-gallon tank Sodium hypochlorite (bulk deliveries)
Tomahawk Creek Plant	10801 Mission Rd., Leawood KS	- Sodium Metabisulfite 50 LB bags - Caustic Soda (bulk liquid deliveries) - Caustic Soda totes (250-gallon and 350-gallon) - One (1) 1,500-gallon tank Sodium hypochlorite (bulk deliveries) - One (1) 4,500-gallon tank Sodium hypochlorite (bulk deliveries) - Two (2) 2,500-gallon tanks Sodium hypochlorite (bulk deliveries) - Sodium hypochlorite totes (250-gallon and 350-gallon)
Turkey Creek Plant	4800 Nall, Mission, KS	Sodium hypochlorite (55-gallon drum)
Turkey Creek Pump Station	6700 Foxridge, Mission, KS	- One (1) 4,000-gallon tank Sodium hypochlorite (bulk deliveries) - Ferrous Chloride (bulk liquid deliveries)

4.4 SPECIFICATIONS FOR BIOXIDE- Odor Control

4.4.1 The material required under this specification shall be used to remove hydrogen sulfide, thereby preventing odor and corrosion within wastewater collection and treatment systems. The material shall utilize and enhance naturally occurring biochemical processes to accomplish hydrogen sulfide removal. The material shall be a liquid phase product. It shall be delivered, stored, and fed into the wastewater via standard liquid-phase chemical handling procedures. The material shall be fully compatible with storage and feed equipment constructed of any of the following:

- High Density Crosslinked Polyethylene
- PVC
- Polypropylene
- FRP
- Stainless Steel (316)

4.4.2 Process Description - The material supplied shall utilize the inherent ability of the facultative bacteria normally present in wastewater to metabolize hydrogen sulfide and other odor-causing, reduced sulfur containing compounds. The material shall provide nitrate-oxygen to the wastewater to support this biochemical mechanism. This nitrate-oxygen shall be applied via a calcium nitrate salt solution. The material shall be chemically stable, allowing continuous removal of sulfide contributed by side streams downstream of the application point. As a result of the biochemical process, the material shall provide the additional benefit of biochemical oxygen demand (BOD) reduction in the wastewater.

4.4.3 The supplier shall:

- provide feed rate optimization services and feed system troubleshooting services upon the County's request. The supplier shall have the capability of providing and programming PLC based advanced dosing feed systems. The supplier shall also be able to provide a Web site for monitoring and control of the feed sites. Provide documentation and/or cut sheets documenting supplier's availability of this technology.
- have at least three distribution centers from which product can be shipped. The addresses of these facilities must be provided with the bid. One of the distribution centers must be within 125 miles of the County's systems.
- be capable of manufacturing and providing complete storage and feed systems for the material. These systems shall include storage tanks, feed pumps, and control panels. The supplier shall be an Underwriters Laboratories Listed manufacturer of Enclosed Industrial Control Panels. If during the course of this contract, the County requires additional feed locations, the supplier shall provide survey services to identify the problem and shall provide recommendations for correcting the problem.
- indemnify and hold harmless the Owner (Purchaser) and its Officers, agents, employees, or any other interested party from any and all liability, including costs and expenses, associated with any product license or patent infringement resulting from the supply and application of the supplier's material.

4.4.4 Substitutions - The material shall be provided in strict compliance with these specifications. Any bid for a material with deviations from these specifications shall be considered non-responsive and shall not be considered.

4.4.5 Technical Requirements:

- a) The material supplied shall be an aqueous solution of calcium nitrate double salt containing a minimum of 3.5 pounds of nitrate-oxygen per gallon and having a minimum specific gravity of 1.42.
- b) The material shall be capable of reducing the dissolved hydrogen sulfide concentration in wastewater to less than 0.1 mg/l.
- c) The material shall be free of any objectionable odor-producing compounds.
- d) The pH of the material shall not be less than 4.0 nor greater than 9.0.
- e) The Crystallization point of the material shall be less than – 20 degrees F. A crystallization chart shall be provided with the bid. This chart shall be on the letterhead of the manufacturer of the product.
- f) Product shall be manufactured in a facility that complies with the following:
 - ISO 9001 – Quality Management System
 - ISO 14001 – Environmental Management System
 - ISO 18001 – Health and Safety Management SystemProof of compliance with the above standards shall be provided with the bid

4.4.6 Safety Requirements:

- a) The material shall contain no hazardous substances as defined by both the Federal EPA's and State CERCLA lists.
- b) The material shall be exempt from Federal DOT placard requirements.
- c) Recommended handling procedures for the material shall require protective gloves and safety glasses only. Any material recommending more sophisticated equipment (i.e., face shield, body suit, etc.) during routine handling shall not be considered.

4.4.7 Delivery:

The material shall be delivered by tanker trucks. The supplier must also be able to make deliveries in smaller straight trucks. Access to some sites may be limited and deliveries via tractor-trailer type trucks may not be possible. The supplier shall be responsible for the safe, clean delivery of the material into the Owner's storage tanks. The supplier shall be responsible for any damage to the Owner's storage tank and feed system that is directly attributable to product quality or improper delivery practices. The supplier shall provide prompt clean-up of any spills made during delivery. The supplier shall be responsible for the proper labeling of storage tanks in compliance with local, state, and federal requirements. The supplier shall not deliver the material into any tank or vessel which is not properly labeled.

4.4.8 Pricing

The supplier shall provide pricing in terms of price per gallon of solution delivered. The minimum nitrate-oxygen content and specific gravity of the solution must be provided and must be expressed as pounds nitrate-oxygen per gallon of solution. All charges, including freight, optimization services, etc. shall be included in the per gallon bid price. The price shall be valid for delivery quantities of 2,400 gallons or more per shipment. In some cases, it will be necessary to split deliveries between two or more locations. The vendor will provide this service at no additional cost to the County. Any charge for multiple stops shall be included in the per-gallon bid price.

4.4.9 Johnson County Waste Water Odor Control Feed Sites

The contractor is required to **provide the storage tanks and feed equipment** at each location where it is designated “yes” for “Supplier Provided Equipment”. The equipment must also be included in Section 5.4 as “Available Equipment”. It is not necessary to list equipment per location in Section 5.4.

The site delivery access designated as “straight” require the use of a single platform straight tanker truck. The site delivery access designated as “tanker” allows for semi tractor-trailer deliveries.

Feed Site Name	Storage Tank(s)	Feed Equipment	Supplier Provided Equipment	Delivery Access
Belinder Pump Station	2 – 1650-gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
Martway Pump Station	2 – 1650-gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	No	Tanker (3700 Gallons)
75th & Nall Feed Station	2 – 3300-gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
Dykes Branch Feed Station	1 – 1650 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
Cedar Creek #3 Pump Station	1 – 4400-gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
Mill Creek #3 Pump Station	1 - 1650 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Straight (1500 Gallons)
Hayes Creek #3 Pump Station	1 - 4400 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Straight (1500 Gallons)
Shawnee Mission Theater	1 - 1650 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Straight (1500 Gallons)
Lone Elm Pump Station	1 - 4400 Gallon Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Tanker (3700 Gallons)
East Gardner Feed Station	1 - 3000 Gallon Double Wall Underground	PLC based, Internet access controllable system with 2 Peristaltic pumps	No	Straight (1500 Gallons)
West Gardner Feed Station	1- 3000 Gallon Double Wall Underground	PLC based, Internet access controllable system with 2 Peristaltic pumps	No	Straight (1500 Gallons)
Blue River 14 Pump Station	1 - 1650 Double Wall	PLC based, Internet access controllable system with 2 Peristaltic pumps	Yes	Straight (1500 Gallons)

END OF SECTION 4.0



MID-AMERICA REGIONAL COUNCIL/KANSAS CITY REGIONAL PURCHASING COOPERATIVE
600 BROADWAY SUITE 200, KANSAS CITY MO 64105-1659
www.marc.org

ADDENDUM: 1

BID NO./TITLE: Bid No. 111 - Yearly Contract for Water & Waste Water Chemicals

ISSUE DATE: March 26, 2024

BIDS DUE: April 12, 2024 1:00 p.m.

- The bid opening date is changed from April 5 to April 12, 2024 1:00 p.m. CST.
- Appendix A pricing list will be revised.
- Clarification requests received by March 25 and responses will be provided under Addendum 2.
- Addendum 2 will be issued March 29, 2024.
- The clarification deadline of March 25, 2024 has not changed. No further clarification requests will be allowed.

Receipt of an addendum to an invitation by a bidder must be acknowledged by signing and returning the addendum. Such acknowledgment must be received prior to the hour and date specified for receipt of bids or returned with the bid and received prior to closing time and date.

Shannon Chemical Corporation

03/26/24

Bidder's (Company) Name

Date

By:

Dun-

Daniel C. Flynn

Signature of Authorized Agent



MID-AMERICA REGIONAL COUNCIL/KANSAS CITY REGIONAL PURCHASING COOPERATIVE
600 BROADWAY SUITE 200, KANSAS CITY MO 64105-1659
www.marc.org

ADDENDUM: 2

BID NO./TITLE: Bid No. 111 - Yearly Contract for Water & Waste Water Chemicals

ISSUE DATE: March 29, 2024

BIDS DUE: April 12, 2024 1:00 p.m. (Changed under Addendum 1 issued March 26)

Clarification requests received as of March 25, 2024, with response as follows

1. Holding Station, Overland Park, Kansas mentions bulk deliveries for sodium bisulfite (SBS) on page 16:
 - Q. How many gallons for estimated usage?
 - A. 1,000 gallons a year
 - Q. How many tanks and at what volume?
 - A. Two (2) – 550 gallons each (1,100 total)
 - Q. On Appendix A which part of the pricing table is this chemical associated?
 - A. Appendix A, line items 11 and 12 do not include the Holding Station, Overland Park as this is usually paid/shared delivery out of the Nelson Complex.
2. Martway Holding Station, Mission, Kansas- mentions bulk deliveries for sodium bisulfite (SBS) on page 16.
 - Q. How many gallons for estimated usage?
 - A. 1,000 gallons a year
 - Q. How many tanks and at what volume?
 - A. Two (2) – 755 gallons (1,600 total)
 - Q. Which part of the pricing table is this chemical listed on Appendix A?
 - A. This is usually paid/shared delivery out of Nelson Complex and not listed separately as a line item.
3. Nelson Complex, Mission Kansas
 - Q. Page 16 lists SBS totes only, however there is a requirement on Appendix A, page 23 for 70,000 gallons in bulk delivery.
 - A. The requirement on Appendix A, page 23 is correct. Nelson Complex needs both bulk and totes of SBS.
 - Q. If there is a bulk delivery requirement, what size tank is on premises and full truck load deliveries?
 - A. One (1) – 6,500 gallons tank
4. Tomahawk Creek Plant, Leawood, Kansas
 - Q. On page 17 there are no storage capabilities shown for 130,000 gallons of sodium bisulfite (SBS), only mention of sodium metabisulfite in 50 LB. bags.
 - A. **DELETE** reference to sodium metabisulfite. Tomahawk Creek Plant uses sodium bisulfite (SBS) for dechlorination.
 - Q. What is the estimated gallons usage for sodium bisulfite (SBS)?
 - A. Listed volume is correct (130,000 gallons).

- Q. How many SBS storage tanks and at what volume?
A. Two (2) – 6,500 gallons each
-

Revisions March 29:

5. Turkey Creek (Foxridge) Pump Station, Johnson County Wastewater
 - **ITEM 12 ADDED** Sodium Bisulfite - 1,000 gallons per year. The tank size is 5,400 gallons.
 - **DELETED** Ferrous Chloride (bulk liquid deliveries)
6. **REMOVE AND REPLACE** Section 4.0 Johnson County, Kansas facilities, pages 16 and 17 with enclosed updated facilities and storage capabilities.
7. **REMOVE AND REPLACE** Appendix A Pricing with enclosed revised pricing list. Bidders must submit pricing using enclosed Addendum 2 – Appendix A Pricing.

Receipt of an addendum to an invitation by a bidder must be acknowledged by signing and returning the addendum. Such acknowledgment must be received prior to the hour and date specified for receipt of bids or returned with the bid and received prior to closing time and date.

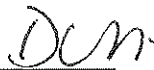
Shannon Chemical Corporation

04/01/24

Bidder's (Company) Name

Date

By: Daniel C. Flynn



Signature of Authorized Agent

Section 4.0 - Revised pages 16 and 17 – Johnson County, Kansas Facilities

Facility	Address	Storage Capabilities
Blue River Main Plant	2523 W. 151 st Street Overland Park, KS 66224	1 – 6,500 gallon Sodium Hypochlorite bulk 1 – 6,500 gallon Ferrous Chloride bulk 6 – 8,700 gallon MicroC 55 gallon drums Sodium Hydroxide/Caustic Soda 200 to 350 gallon totes Sodium Bisulfite
Blue River #14 Pump Station	16073 Metcalf Overland Park, KS 66085	1 – 1,550 gallon Bioxide
New Century Air Center Plant	50 Leawood Drive Gardner, KS 66031	2 – 2,500 gallon Urea Ammonium Nitrate (UAN) 2 – 1,000 gallon Aluminum Sulfate short load bulk 1 – 2,300 gallon Ferrous Chloride split bulk 55 gallon drums Phosphoric Acid
Lone Elm Pump Station	21460 W. 183 rd Street Spring Hill, KS 66083	1 – 4,400 gallon Bioxide
East Gardner		1 – 3,000 gallon Bioxide
West Gardner		1 – 3,000 gallon Bioxide
Tomahawk Creek Plant	10701 Lee Boulevard Leawood, KS 66211	4 – 8,700 gallon Sodium Hypochlorite bulk 2 – 6,500 Sodium Bisulfite bulk 4 – 8,700 gallon Ferric Chloride bulk 2 – 8,700 gallon MicroC 1 – 7,600 gallon Sodium Hydroxide/Caustic Soda (25%) bulk 200 to 350 gallon totes Sodium Hypochlorite 200 to 350 gallon totes Sodium Bisulfite
Pump Station-under design	90 th & Stateline	TBD Bioxide
Pump Station-under design	104 th & Stateline	TBD Bioxide
Middle Basin Plant	10001 College Boulevard Overland Park, KS 66210	5 – 3,100 gallon Sodium Hypochlorite bulk 1 – 5,500 gallon Sodium Hypochlorite bulk 2 – 10,000 gallon Ferric Chloride bulk 1 – 6,000 gallon Sodium Hydroxide/Caustic Soda bulk 200 to 350 gallon totes Sodium Bisulfite
Nelson Complex Plant	5901 Foxridge Drive Mission, KS 66202	2 – 1,800 gallon Sodium Hypochlorite split bulk 1 – 6,500 gallon Sodium Hypochlorite split bulk 1 – 6,500 gallon Sodium Hypochlorite split bulk 1 – 2,000 gallon Sodium Hypochlorite split bulk 1 – 400 gallon Sodium Hypochlorite split bulk 1 – 6,500 gallon Sodium Bisulfite split bulk 2 – 8,700 gallon Ferric Chloride 1 – 6,500 gallon Ferric Chloride 200 to 350 gallon totes Sodium Hypochlorite 200 to 350 gallon totes Sodium Bisulfite
Turkey Creek Foxridge Pump Station & PEFTF	6700 Foxridge Drive Mission, KS 66202	2 – 6,500 gallon Sodium Hypochlorite split bulk 1 – 5,400 Sodium Bisulfite split bulk
Belinder Pump Station & PEFTF	5700 Belinder Fairway, KS 66208	2 – 4,000 gallon Sodium Hypochlorite split bulk 2 – 1,550 gallon Bioxide
Martway PEFTF	5395 Martway Mission, KS 66202	4 – 2,400 gallon Sodium Hypochlorite split bulk 2 – 755 gallon Sodium Bisulfite split bulk 1 – 5,400 gallon Bioxide

75 th & Nall PEFTF	5500 W. 75 th Street Overland Park, KS 66204	4 – 2,500 gallon Sodium Hypochlorite split bulk 2 – 550 gallon Sodium Bisulfite split bulk 2 – 3,150 gallon Bioxide
Mill Creek Regional Plant	20001 W. 47 th Street Shawnee, KS 66218	N/A
Cedar Creek #3 Pump Station	9695 S. Cedar Creek Road Olathe, KS 66061	1 – 4,400 gallon Bioxide
Hayes Creek Pump Station	17491 Johnson Drive Shawnee, KS 66216	1 – 4,400 gallon Bioxide
Mill Creek #3 Pump Station	17355 Barkley Drive Lenexa, KS 66227	1 – 1,550 gallon Bioxide
Shawnee Mission Theatre in the Park	79 th & Renner Road Shawnee, KS 66216	1 – 1,550 gallon Bioxide

MARC/KCRPC BID 111 - Opens 4/12/24 1PM CST



BIDDER: Shannon Chemical Corporation

Addendum 2 Appendix A - Issued 3/29/24

Description	Agency	Department	Unit of Measure	Est. Qty	Unit Price:	Total Price:	MOQ	Percentage Bidding:
ALUMINUM SULFATE (Alum) 45 - 55% solution. .	JOCO	JOCO New Century Airport WWTP - takes approximately 1,600 gallons per delivery (18,000 LB per delivery)	GALLONS (bulk)	10,000		\$0.00		____%
BIOXIDE Odor control	JOCO	JOCO JCW (Deliveries of 2400 gallons or more, per shipment and delivered may include two or more locations).	GALLONS (bulk)	330,000		\$0.00		
CAUSTIC SODA, 25% Solution	JOCO	JOCO Tomahawk	GALLONS (bulk)	10,000		\$0.00		____%
CAUSTIC SODA, 45-50% solution, 55 gallon drums	JOCO	JOCO Blue River, Nelson Complex	DRUMS (55 gal)	60		\$0.00		____%
CAUSTIC SODA, 45-50% Solution, bulk liquid	JOCO	JOCO Middle Basin	GALLONS (bulk)	15,000		\$0.00		____%
FERRIC CHLORIDE 37% (37-47%)	JOCO	Tomahawk (165,000), Middle Basin (250,000), Nelson Complex (400,000)	GALLONS (bulk)	815,000		\$0.00		____%
FERROUS CHLORIDE - (FeCl2), 18-26% Solution, bulk liquid.	JOCO	JOCO New Century and Blue River WWTP	GALLONS (bulk)	60,000		\$0.00		____%
MICRO-C 2000, glycerin based, non-hazardous for denitrification	JOCO	Blue River (112,000), Tomahawk (117,000)	GALLONS (bulk)	230,000		\$0.00		
PHOSPHORIC ACID - Percent (%) equivalent H3PO4, minimum 75%. Specific gravity @ 6 F/15.5 C minimum 1.574. 55 gallon drum.	JOCO	JOCO New Century WWTP	DRUMS (700 LB)	200	\$ 687.77	\$137,554.00	3-55 gallon drums	75%
SODIUM HYPOCHLORITE Solution, 12.5% (by weight) technical grade.	INDEP and JOCO	INDEP Water & Pollution Control Plant (90,000) and JOCO (550,000 combined est.) Tomahawk (220,000), Nelson Complex (215,000), Middle Basin (50,000), Blue River (35,000), Belinder, Martway, 75th & Nall --- FULL TRUCK LOAD (FTL)	GALLONS (bulk)	640,000		\$0.00		____%
		LESS THAN TRUCKLOAD (LTL).	GALLONS (bulk)					
SODIUM BISULFITE 35-45% Solution	JOCO	JOCO Tomahawk, Middle Basin, Blue River, Nelson	TOTES (330 Gal)	30		\$0.00		____%
SODIUM BISULFITE (NaHSO3), Bulk liquid, 38% - 40% as NaHSO3, by weight. Each shipment to be assayed with assay results delivered with shipment. Johnson County - Delivery to be in 4,000 gallon amounts.	JOCO	JOCO Tomahawk (130,000) and Nelson (70,000), Turkey Creek Pump Station (1,000)	GALLONS (bulk)	201,000		\$0.00		____%
SODIUM HYDROXIDE, 50% Membrane NSF, Bulk	JOCO	JOCO Middle Basin	LBS	25,000		\$0.00		
SODIUM HYPOCHLORITE 10-15% Solution,	JOCO	JOCO Tomahawk and Nelson Complex	TOTES (330 Gal)	10		\$0.00		____%
SODIUM HYPOCHLORITE 10-15% Solution.	JOCO	JOCO Tomahawk and Nelson Complex	TOTES (250 Gal)	10		\$0.00		____%

MARC/KCRPC BID 111 - Opens 4/12/24 1PM CST

Addendum 2 Appendix A - Issued 3/29/24



BIDDER: Shannon Chemical Corporation

Description	Agency	Department	Unit of Measure	Est. Qty	Unit Price:	Total Price:	MOQ	Percentage Bidding:
UREA AMMONIUM NITRATE (UAN), 100% Solution	JOCO	JOCO New Century WWTP (3,000 gallons delivery)	GALLONS (bulk)	10,000		\$0.00		____%
ANHYDROUS AMMONIA, 150 lb. cylinders meeting ANSI/AWWA B305-15. Contractor shall fill cylinders and re-pack or replace stems on cylinders. Deliver to the Water Department Courtney Bend Plant.	INDEP	INDEP Water Dept.	CYLINDERS (150 LB)	240		\$0.00		
CALCIUM HYPOCHLORITE INDUCLOR, 100-lb. fiber drum, granular, 65% available chlorine. Must meet	INDEP	INDEP Water & Pollution Control	DRUMS (100 LB)	14		\$0.00		
CAUSTIC SODA Beads, 500-lb in 55-gallon drum	INDEP	INDEP Water & Pollution Control	DRUMS (55 gal)	6		\$0.00		
CHLORINE, LIQUID, per standard B301-18.	INDEP	INDEP Water Dept	CYLINDERS (1 ton)	144		\$0.00		
HYDROCHLORIC ACID, 20 BE. Must meet ANSI/NSF standard #60 for drinking water.	INDEP	INDEP Water Dept.	CARBOYS - 140 LB each	25		\$0.00		
LIQUID CAUSTIC SODA, 50% rayon grade.	INDEP	INDEP Water & Pollution Control (Bi-annual ordering)	DRUMS (680 LB)	3		\$0.00		
SODIUM BISULFITE (NaHSO3), Bulk liquid, 38% - 40% as NaHSO3, by weight. Each shipment to be assayed with assay results delivered with shipment. *Requires minimum 1,000 gallon delivery.	INDEP	INDEP Water & Pollution Control	GALLONS (bulk)	64,000		\$0.00		____%
SODIUM HEXAMETAPHOSPHATE, 50 lbs granular bag, meeting ANSI/AWWA standard #60 for drinking water. Per specification B502-17 and ANSI/NSF.	INDEP	INDEP Water Dept.	BAGS (50 LB)	1,440	\$83.50	\$120,240.00	42-50 # Bags	
SODIUM HYPOCHLORITE Solution 10% grade. Must meet ANSI/NSF standard #60 for drinking water	INDEP	INDEP Water Dept.	DRUMS (55 gal)	16		\$0.00		

BID TOTAL: \$257,794.00

5.0 PRICING and SUBMITTAL SECTION -

Bidders must complete this section, and appendices, in their entirety and return as instructed on the cover page. All pricing quoted shall include delivery and administrative fees. Quantities listed are estimated and based on the first-year usage only. In case of discrepancy between a unit price and extended price, the unit price will prevail.

• Total bid (carried over from Excel Price List)		\$ 257,794.00
• Payment terms are Net 30. Does bidder offer discount for prompt (early) payment for payment made earlier than 30 days?	Yes or <u>No</u> If yes, state terms	State ____ % Net ____ days
• Do you accept government procurement cards (Visa, Mastercard) for payment?		<u>Yes</u> or No
• Are processing charges added to government procurement cards?	Yes or <u>No</u>	State ____ %
• Appendices and addendums (if issued) completed, signed & included with bid?		<u>Yes</u> or No
• Do you offer an "off shelf" discount for similar products/services within scope of work, or a standard price list for other chemicals you provide?	Yes or <u>No</u>	State discount ____ % and attach price sheet.
• Delivery time: F.O.B. Destination and Inside Delivery Requirement - (will be used for evaluation) Johnson County KS – 3 Days requirement Independence MO – 2 days requirement (liquid caustic soda, 42-degree Baume Nitric acid carboys. All other chemicals within 3 days.		
• Delivery time: Emergency orders Johnson County – 24 hours required Independence – 24 hours required		
• State ability to meet all delivery requirements of Participants (attach separate sheet if necessary) Able to comply		
• State schedule of alternate delivery days for holidays: Will work with plant personnel to coordinate		
• Are there any exceptions or additions to the specifications? If "yes", attach a separate sheet detailing the exceptions or additions. Any details provided must be cross referenced to the appropriate line-item number of pricing list.	Yes or <u>No</u>	

SHANNON CHEMICAL CORPORATION
 P. O. BOX 376
 MALVERN, PA 19355

5.1 REFERENCES:

Contact Name	Company	City/State	Telephone Number
a. Mark Smith	City of Columbus	Columbus, OH	614-345-3194
b. Peter Kirlin	Aqua America, Inc.	Various Locations	484-470-1109
c. Michelle Vitale	City of Cleveland	Cleveland, OH	216-664-2444

5.2 KEY PERSONNEL: List staff members that will be responsible for all work (contract management) performed under this contract: (attach separate sheet if necessary).

Name	Job Title:	Responsibility:	Experience
a. Daniel C. Flynn	V.P.-Operations	Contracts/Technical Support	Resume Attached
b.			
c.			

5.3 SUBCONTRACTORS: Bidders must include information and references for any subcontractors to be used for this work, if applicable.

Company Name/Address:	Work to be performed:	References: Company name	Name & Phone No.
a. N/A			
b.			
c.			

5.4 AVAILABLE EQUIPMENT: Available equipment means equipment to be used for work specified in bid (that is in possession of the contractor or subcontractor, either by purchase, lease, or existing equipment).

a. N/A		d.
b.		e.
c.		f.

SHANNON CHEMICAL CORPORATION
P. O. BOX 376
MALVERN, PA 19355

5.5 **STATEMENT OF OFFER: Bidder to check (a) or (b), and (c) and (d) if Bidder agrees to statement, and sign.**

a. ☐ Bidder does not make an offer in response to this invitation.

or

b. ☒ **Statement Of Firm Offer –**

Bidder's offer will be held open and is not revocable within ninety (90) calendar days after response deadline. We have read the Specifications, all Special Conditions, Information for Bidders and General Conditions, completed the necessary bid information, and agree to provide samples, as requested. Bid pricing includes inside delivery, as specified in the bid invitation.

5.6 **BIDDER'S CHECKLIST: DO NOT FAX BID OR ANY ADDENDUMS – SUBMIT by ELECTRONIC MAIL ONLY**

Acknowledge Addendums, if any, by signing and returning with bid.	☒
Complete Section 5.0, and appendices in their entirety and complete section below. Per paragraph 2.1.3 "The bidder shall sign the invitation and print or type his or her name on each bid sheet thereof on which he or she makes an entry. The person signing the offer must make initial erasures or other changes. Bids signed by an agent are to be accompanied by evidence of his or her authority unless such evidence has been previously furnished."	☒
Confirm if any additional addendums have been issued, by either contacting the Program Coordinator, or checking the web sites at www.marc.org or www.demandstar.com .	☒
The bidder acknowledges and agrees to the administrative fee reporting requirements of this bid.	☒

By: Shannon Chemical Corporation

Bidder's (Company) Name

Daniel C. Flynn, V.P.-Operations

Print name of Authorized Agent

23-1856793

Federal Tax ID #

610-363-9090

Phone No

03/19/24

Date

dcflynn@shannonchem.com

E-Mail Address

**Appendix B
MARC/KCRPC Bid # 111**

COOPERATIVE PROCUREMENT BY OTHER JURISDICTIONS (NON-PARTICIPANTS)

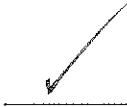
The successful respondent agrees to provide products and/or services under this contract by checking the appropriate response box in the bid/RFP. Eligible entities will be located within the Greater Kansas City Metropolitan region, and may include:

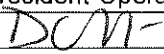
- Municipalities
- Counties
- State
- Governmental Public Utility
- Non-Profit Hospital, Non-Profit Clinic (medical/dental)
- Educational Institute (school, university, college)
- Special Governmental Agency
- Member of a chapter affiliate of The Institute for Public Procurement (nigp.org) in the region

MARC reserves the right to authorize extending the contract to for-profit partners of MARC, when justification is made the purchase will serve the public interest, in support of MARC's regional work. When approved by MARC, any for-profit partner will be expected to be responsible for any applicable sales tax.

MARC reserves the right to authorize eligible entities outside of the metropolitan region and allow entities to negotiate appropriate delivery charges.

There shall be no obligation under the contract for any listed entity above, to purchase from the contract, unless they are specifically named as a Participant.

Agree: _____ Decline:  _____

Authorized Representative:	Daniel C. Flynn
Title:	Vice President-Operations
Signature:	
Date:	03/19/24

**Appendix C – Ordering, Remittance Contacts
MARC/KCRPC Bid #111**

Ordering:	
Contact Person:	Diane Faithful
Phone:	800-860-9090
Fax:	610-524-6050
Email:	customerservice@shannonchem.com
Street:	P.O. Box 376
City, State, Zip	Malvern, PA 19355
Payment terms:	0%, Net 30 Days
Remittance:	
Contact Person:	Taylor Arrell
Phone:	800-860-9090
Fax:	610-524-6050
Email:	taylor@shannonchem.com
Street:	P.O. Box 376
City, State, Zip	Malvern, PA 19355
Customer service:	
Contact Person:	Diane Faithful
Phone:	800-860-9090
Fax:	610-524-6050
Email:	customerservice@shannonchem.com
Company principal contact:	
Contact Person:	Daniel C. Flynn
Phone:	800-860-9090
Fax:	610-524-6050
Email:	dcflynn@shannonchem.com

SHANNON CHEMICAL CORPORATION
P. O. BOX 376
MALVERN, PA 19355

APPENDIX D
MARC/KCRPC
Bid #111

BIDDER WARRANTIES

- A. Bidder warrants that it is willing and able to comply with State of Missouri laws with respect to foreign (non-state of Missouri) corporations.
- B. Bidder warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees, or agents thereof.
- C. Bidder warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the MARC.
- D. Bidder warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: DM-

Name (Printed): Daniel C. Flynn

Title: Vice President-Operations

Date: 03/19/24

APPENDIX E
MARC/KCRPC Bid # 111

AUTHORIZATION AND CERTIFICATION OF NON-COLLUSION AFFIDAVIT

STATE OF Pennsylvania)
COUNTY OF Chester) SS.

Daniel C. Flynn of the City of Exton
(Name of Individual)

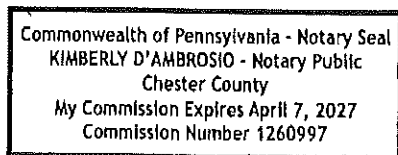
_____, County of Chester State of Pennsylvania

being duly sworn on her or his oath, deposes and says;

1. That I am the Vice President-Operations (Title) of
Shannon Chemical Corporation (Firm Name) and have been
authorized by said firm to make this affidavit on its behalf;
2. No officer, agent or employee of MARC/KCRPC or PARTICIPANTS is financially interested, directly or indirectly
in what Bidder is offering to sell to the PARTICIPANTS pursuant to this Invitation;
3. If Bidder were awarded any contract, job work or service for MARC/KCRPC OR PARTICIPANTS, no officer,
agent or employee of the city would be financially interested in or receive any benefit from the profit or
payments of such;
4. Bidder has not participated in collusion or committed any act in restraint of trade, directly or indirectly, which
bears upon anyone's response or lack of response to this Invitation.

By: Shannon Chemical Corporation (Firm Name)
DCM (Signature)
Daniel C. Flynn (Printed Name)
Vice President-Operations (Title)
Mailing Address P.O. Box 376, Malvern, PA 19355
Phone 610-363-9090 FAX 610-524-6050
E-mail Address: dcflynn@shannonchem.com

Subscribed and sworn to before me this 19th day of March, 2024



Kimberly D'Ambrosio
NOTARY PUBLIC in and for the County of Chester
State of Pennsylvania

(SEAL)

My commission expires: _____

APPENDIX F
MARC/KCRPC Bid # 111
MISSOURI SERVICE-DISABLED VETERAN BUSINESS PREFERENCE
(Applies to non-Federal funded projects)

By virtue of statutory authority, RSMo 34.074, a preference will be given all contracts for the performance of any job or service to service-disabled veteran business either doing business as Missouri firms, corporations, or individuals; or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quoted is the same or less or whenever competing bids, in their entirety, are comparable.

Definitions:

Service-Disabled Veteran is defined as any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans' affairs.

Service-Disabled Veteran Business is defined as a business concern:

- a. Not less than fifty-one (51) percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one (51) percent of the stock of which is owned by one or more service-disabled veterans; and
- b. The management and daily business operations of which are controlled by one or more service-disabled veterans.

If an offeror meets the definitions of a service-disabled veteran and a service-disabled veteran business as defined in 34.074 RSMo and is either doing business as a Missouri firm, corporation, or individual; or maintains a Missouri office or place of business, the offeror must provide the following with the proposal in order to receive the Missouri service-disabled veteran business preference over a non-Missouri service disabled veteran business when the quality of performance promised is equal or better and the price quoted is the same or less or whenever competing proposals, in their entirety, are comparable:

- a. A copy of a letter from the Department of Veterans Affairs (VA), or a copy of the offeror's discharge paper (DD Form 214, Certificate of Release or Discharge from Active Duty) from the branch of service the offeror was in, stating that the offeror has a service-connected disability rating ranging from 0 to 100% disability; and
- b. A completed copy of this exhibit.

(NOTE: For ease of evaluation, please attach copy of the above-referenced letter from the VA or a copy of the offeror's discharge paper to this Exhibit.)

By signing below, I certify that I meet the definitions of a service-disabled veteran and a service-disabled veteran business as defined in 34.074 RSMo and that I am either doing business as a Missouri firm, corporation, or individual; or maintain Missouri offices or places of business at the location(s) listed below.

Veteran Information

Business Information

N/A

Print Name of Service-Disabled Veteran

Service-Disabled Veteran Business Name

Service-Disabled Veteran's Signature

Street Address

City, State and Zip

5/27/10

APPENDIX G
MARC/KCRPC Bid # 111
MISSOURI DOMESTIC PRODUCTS PROCUREMENT ACT
(Applies to bids/contracts with \$25,000 value or more on non-Federal funded purchases)

DATE: 03/19/24

The bidders' attention is directed to Section 34.076 RSMo 2000 which gives preference to Missouri corporations, firms, and individuals when letting contracts or purchasing products. Bids/Quotations received will be evaluated on the basis of this legislation.

By virtue of statutory authority, RSMo. 34.076 and 34.350 to 34.359, a preference will be given to materials, products, supplies, provisions, and all other articles produced, manufactured, made, or grown within the State of Missouri. Such preference shall be given when quality is equal or better and the delivered price is the same or less.

All bidder's submitting a bid/quotation must furnish ALL information requested below.

FOR CORPORATIONS	
State in which incorporated:	
FOR OTHERS:	
State of domicile:	
FOR ALL BIDDERS: List address of Missouri offices or places of business:	
Not Applicable	

THIS SECTION MUST BE COMPLETED, SIGNED AND SUBMITTED WITH BID:

COMPANY/FIRM NAME:	Shannon Chemical Corporation
ADDRESS:	P.O. Box 376
CITY, STATE, ZIP:	Malvern, PA 19355
BY (SIGNATURE):	
BY (PRINT NAME):	Daniel C. Flynn
FEDERAL TAX I.D. NUMBER, or use Social Security number:	23-1856793

5/27/10



Shannon Chemical Corporation

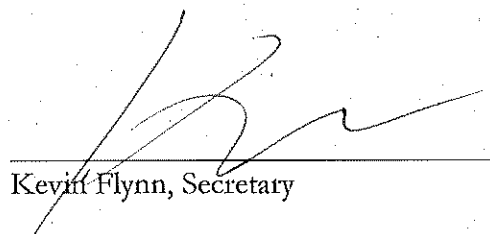
*Specializing in **LEAD** and **COPPER** Corrosion Control*

Corporate Resolution

At the meeting of directors of **SHANNON CHEMICAL CORPORATION**, duly noticed and held on February 22, 2024 a quorum being there present, on motion duly made and seconded. It was:

Resolved that Daniel C. Flynn, be and is hereby appointed, constituted and designated as agent and Attorney-in-Fact of the corporation with full power and authority to act on behalf of this corporation in all negotiations; bidding, concerns and transaction, including but not limited to the execution of all bids, papers, documents, affidavits, bonds, sureties, contracts and acts and to receive and receipt therefore all purchase orders and notices issued pursuant to the provisions of any such bid or contract. This corporation hereby ratifying, approving, confirming and accepting each and every such act performed by said agent and Attorney-in-Fact.

I hereby certify the foregoing to be a true and correct copy of an excerpt of the minutes of the above dated meeting of the board of directors of said corporation, and the same has not been revoked or rescinded.



Kevin Flynn, Secretary

03/19/24

Date

Incorporated: Pennsylvania

Seal:

DANIEL C. FLYNN

Phone #: (610) 363-9090

email: dcflynn@shannonchem.com

SUMMARY

- More than 40 years experience in water treatment.

Experience

10.01.03 – Present Shannon Chemical Corporation
President

01/99-9/30/03
Vice President-Operations

1990-1999
Chemical Operations Manager

1989-1990
Chemical Sales Engineer

1982-1986 Hercules, Inc. Detroit, MI
Industrial Water Treatment Specialist

- Specialized in selling and servicing the automotive industry (Ford & GM). Responsibilities included all industrial water applications, boilers, cooling towers and paint booths.

Education

1978-1982 Villanova University Pennsylvania
• B.S. Chemical Engineering

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council approval is requested for the purchase of a Smeal 100' Mid Mount Platform Demo Firetruck for one million eight hundred ninety-one thousand five hundred forty-five dollars and zero cents (\$1,891,545.00).

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:**

The fiscal impact to the City is \$1,891,545.00. Funding for this item is in the 2024-2025 adopted budget, page 224, account number 0537053-5404.

Council Action:

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Completed Contract - Feld Fire, Smeal MMA 100' Platform



July 12th, 2024

Letter of Intent to Purchase

This Letter of Intent has been prepared for:

The City of Independence, Missouri

We hereby propose to furnish to you, subject to proper execution of a contract between City of Independence to Ed M Feld Equipment Company, the following Smeal 100' Mid Mount Platform Demo provided with this Letter of Intent.

Upon signing of the Letter of Intent, Feld Fire will place the order for the Smeal 100' Mid Mount Platform Demo and below change-order included, for One Million Eight Hundred Ninety-One Thousand Five Hundred Forty-Five Dollars and zero cents. (\$1,891,545.00). If (i) contract is not signed and returned to Ed M Feld Equipment Company by end of day August 6th, 2024, this Letter of Intent will become null and void and the hold of the aerial will be pulled.

This letter of intent and contract includes the price of Change Order 1:
Air Bottle Storage Added to WL1 and WR1 ilo of wheel chocks
Wheel chocks located under PR1 and Oil Tank
Outrigger pads added inside compartment with bracket
6 light Traffic Advisor addition in rear of truck
Addition of tire chains

A Signature below represents a binding letter of intent to purchase after the above has taken place in July of 2024.

Zachary Walker 7/15/2024
City of Independence Missouri Date

Wendy Simon 7/15/2024
Feld Fire Representative Date

A division of ED M. FELD EQUIPMENT CO., INC.
113 North Griffith Road • Carroll, Iowa 51401 • T 800 568 2403 • F 712 792 6658 • www.feldfire.com
1330 NW Jefferson St., Grain Valley, MO 64029 T 816-443-2738 F 816-443-2864
10403 Baur Blvd St E., Olivette, MO 63132



SALES CONTRACT

This agreement made by and between Ed M. Feld Equipment Co., Inc. (Company) and

The City of Independence, Missouri
111 E Maple Ave Independence MO 64050

1. **ACCEPTANCE:** The "Company" agrees to sell, and the "Buyer" agrees to purchase the brand new Smeal 100' Mid Mount Platform Demo and equipment as described in the specifications hereto attached and made part of this contract, in accordance with the terms and conditions listed on contract pages A, B, & C.
2. **DELIVERY:** The apparatus schedule shall be dependent on the production schedule at time of order. The estimated final inspection of this apparatus is currently January of 2025. The Company cannot be held liable for penalties and/or delays due to strikes, failures to obtain materials, fires, accidents, force majeure or any other causes beyond the Company's control.

If inability to obtain exclusive or brand name materials causes completion or delivery problems, the Company shall advise the Buyer of said problem. The Company resolves to examine alternative sources of said material. Material substitutions shall be mutually agreed upon by the Buyer and the Company. No substitutions shall be made without the execution of a written Change Order by the Buyer.
3. **CHANGE ORDERS:** Changes to the contract may be requested by the Buyer after the execution of the contract. Changes shall be reviewed for cost and schedule impact by the Company. Changes shall be sequentially numbered. Change Orders shall be prepared by the Company and executed by the Buyer. The price of the apparatus shall be adjusted to take into account any Change Orders. Any or all Change Orders may extend the completion and delivery of the apparatus.
4. **SPECIFICATIONS:** The Company agrees that all material and workmanship in and about this apparatus shall comply with the hereto attached Spartan specifications.
5. **WARRANTY:** Shall be as proposed in the attached Spartan specifications. This apparatus features a 2-year bumper to bumper warranty serviced by Feld Fire's mobile technicians.



6. **PRICE:** The Buyer shall pay for apparatus per HGACBuy Contract FS12-19 for One Million Eight Hundred Ninety-One Thousand Five Hundred Forty-Five Dollars and zero cents. (\$1,891,545.00).

SECTION A

All prices are less any applicable local, state or federal taxes which may be applied to the apparatus proposed. Payment shall be made to Ed M. Feld Equipment Co., Inc. of 113 N. Griffith Rd Carroll, IA 51401.

7. **TERMS OF PAYMENT:**

i. **Contract payment of One Hundred Percent (100%) shall be paid at delivery of the apparatus.**

8. **Ed M. Feld Equipment Co., Inc.** requires, and the customer agrees, that the unit shall be inspected and/or delivered within seven (7) days of notice that the unit has been completed and an agreed inspection time has been scheduled at purchaser.

9. **CANCELLATION:** This contract is subject to cancellation by Buyer only upon payment to Company of reasonable cancellation charges, which shall take into account expenses already incurred and commitments made by Company.

This contract, to be binding, must be signed by an officer of the Ed M. Feld Equipment Co., Inc. or a person authorized, by Ed M. Feld Equipment Co., Inc. to do so.

A division of **ED M. FELD EQUIPMENT CO., INC.**

113 North Griffith Road • Carroll, Iowa 51401 • T 800 568 2403 • F 712 792 6658 • www.feldfire.com



SECTION B

This contract, including its appendices, embodies the entire understanding between the parties relating to the subject matter contained herein and merges all prior discussions and agreements between them. No agent or representative of the Company has authority to make any representations, statements, warranties or agreements not herein expressed and all modifications of amendments of this agreement, including the appendices, must be in writing signed by an authorized representative of each of the parties hereto.

IN WITNESS WHEREOF, the Buyer and the Company have caused this contract to be executed by their duly authorized representatives on July 12th, 2024

COMPANY	BUYER
Ed M. Feld Equipment Co., Inc.	City of Independence, Missouri
113 N. Griffith Rd	111 E Maple Ave
Carroll, IA 51401	Independence, MO 64050
BY: <u>Spencer Stephens</u>	BY: <u>[Signature]</u>
NAME: <u>Spencer Stephens</u>	NAME: <u>James R. Walker</u>
TITLE: <u>Apparatus Sales Consultant</u>	TITLE: <u>Fire Chief</u>
DATE: <u>7/15/2024</u>	DATE: <u>7-15-24</u>
	WITNESSED: <u>[Signature]</u>
	NAME: <u>KIRK STOBART</u>
	TITLE: <u>DEPUTY FIRE CHIEF</u>
	DATE: <u>7-15-24</u>

A division of ED M. FELD EQUIPMENT CO., INC.
113 North Griffith Road • Carroll, Iowa 51401 • T 800 568 2403 • F 712 792 6658 • www.feldfire.com



SECTION C

Customer Information Sheet

To assist in processing your order, please furnish the following information with the contract.

Owner Information (For Apparatus Title - MSO)

Name of Owner: City of Independence - Fire Department
Address: 950 N Spring
City/State/Zip: Independence, MO 64050
Contact Name/Title: David Shelley - Assistant Fire Chief
Phone: 816-365-2909 Fax: N/A

Station Information (For Service - Where Apparatus Will Be Housed)

Name of End User: Truck 1 @ Station 1
Address: 950 N Spring
City/State/Zip: Independence, MO 64050
Contact Name/Title: Anthony Champagne - Battalion Chief
Phone: 816-365-3015 Fax: N/A

Job Coordinator (For Engineering Changes & Approval, Etc.)

Contact Name/Title: David Shelley - Assistant Chief
Address: 950 N Spring
City/State/Zip: Independence, MO 64050
Phone: 816-365-2909 Fax: _____

Person Responsible for Billing/Payments

Contact Name/Title: Heather Tucker
Address: 950 N. Spring
City/State/Zip: Independence, MO 64050
Phone: 816-325-7124 Fax: 816-325-7130

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113 North Griffith Road • Carroll, Iowa 51401 • T 800 568 2403 • F 712 792 6658 • www.feldfire.com

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to enter into a contract with Truman Heritage Habitat for Humanity as a qualifying community housing development organization for the development of affordable housing, utilizing 2023-24 HOME program funds.

Recommendations:

Staff recommends approval.

Background:

The City of Independence receives Home Investment Partnerships Program (HOME) funds from the United States Department of Housing and Urban Development (HUD). HOME funding is granted to the City for the development of affordable housing, benefiting low to moderate-income households. The City's Comprehensive Plan Imagine 2040, the City's 2023-24 Action Plan, and the City-Wide Independence Housing Study helped identify the City's housing needs and long-range planning goals. As a result, HOME-funding strategies will help ensure quality affordable housing development throughout Independence.

To facilitate this process, the City requested proposals that aligned with our housing development objectives delineated by the City's Five Year Consolidated Plan. Housing objectives include housing preservation that will rehab existing housing stock and develop newly affordable for-sale housing units. Applicants that wish to submit a proposal are required comply with the HOME Investment Partnerships Program regulations.

With the 2023-24 HOME program funds Truman Heritage Habitat for Humanity plans to acquire, develop and lease up to three to five duplex with six to ten units, for affordable rental housing to work towards homeownership opportunities for households between 50-80% AMI.

Emergency Justification:**Fiscal Impact:**

The contract will authorize expenditure of \$80,379.00 in CHDO Project funds, \$26,793.00 in CHDO Operating funds and \$375,106.50 in Single & Multi-Family Housing Project. (Accounts 0096805.5406.700 for project funds, 0096805.5226.700 for CHDO operating funds and 0096803.5406.505 Single & Multi-Family Housing Project) from the 2023-24 program year Department of Housing and Urban Development HOME Program funds.

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Item Cover Sheet Council 2024 - 2023-24 Home - Truman Habitat for Humanity - Community Development Department
2. RFP Scoring Summary - 24025 - Home Program

Council action is to enter a contract with Truman Heritage Habitat for Humanity as a qualifying community housing development organization for the development of affordable housing, utilizing 2023-24 HOME program funds.

Recommendation:

Staff recommends approval.

Background:

The City of Independence receives Home Investment Partnerships Program (HOME) funds from the United States Department of Housing and Urban Development (HUD). HOME funding is granted to the City for the development of affordable housing, benefiting low to moderate-income households. The City's Comprehensive Plan Imagine 2040, the City's 2023-24 Action Plan, and the City-Wide Independence Housing Study helped identify the City's housing needs and long-range planning goals. As a result, HOME-funding strategies will help ensure quality affordable housing development throughout Independence.

To facilitate this process, the City requested proposals that aligned with our housing development objectives delineated by the City's Five Year Consolidated Plan. Housing objectives include housing preservation that will rehab existing housing stock and develop newly affordable for-sale housing units. Applicants that wish to submit a proposal are required comply with the HOME Investment Partnerships Program regulations.

With the 2023-24 HOME program funds Truman Heritage Habitat for Humanity plans to acquire, develop and lease up to three to five duplex with six to ten units, for affordable rental housing to work towards homeownership opportunities for households between 50-80% AMI.

Funding:

The contract will authorize expenditure of \$80,379.00 in CHDO Project funds, \$26,793.00 in CHDO Operating funds and \$375,106.50 in Single & Multi-Family Housing Project. (Accounts 0096805.5406.700 for project funds, 0096805.5226.700 for CHDO operating funds and 0096803.5406.505 Single & Multi-Family Housing Project) from the 2023-24 program year Department of Housing and Urban Development HOME Program funds.

RFP # 24025 HOME Program Affordable Housing Rehabilitation/Development Projects
Closed June 20th, 2024 at 5:00 p.m.

			Truman Heritage Habitat for Humanity			
	Proposal Scores	Maximum Weight	A	B	C	D
1	Development Aptitude	20	20	19	18	19
2	Financial Capacity	20	20	18	17	17
3	Project Design, Construction and Readiness	20	18	18	19	18
4	Community Impact	20	20	17	18	17
5	Planning & Implementation with City's Objectives	20	20	18	18	16
6	Universal Design (UD) (Bonus 10 Points)	10	5	8	0	
	Total	110	103	98	90	87
	Average Score		95			

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to expend \$567,500 to Enterprise FM Trust for 74 Vehicle Leases for the Fleet Division of the Municipal Services Department.

Recommendations:

Council approval of expenditures.

Background:

This request funds the city's vehicle lease program that includes 73 vehicles. The program has applied credit from the sale of the previous year's leased vehicles to fund current fiscal year leases. This request covers the entire annual cost for the lease program. It is anticipated that revenue from the sale of current vehicles will offset the cost of this program. The auction revenue from the first round of leased vehicles was \$458,141 for 42 vehicles.

Enterprise FM Trust was selected to provide the leasing per the terms and conditions of the national Sourcewell contract, contract # 030122-EFM.

Per section 8.06.004, Paragraph 4 of the City Code states competitive bidding is not required when purchases are made through a cooperative contract established by a government purchasing entity or cooperative. The cooperative bids used will be established pursuant to RSMo. 70.220 or generally accepted governmental purchasing practices through the competitive bidding process.

Approval of this item authorizes the Finance Director to issue change orders up to a total of ten (10) percent of the original authorized amount, so long as appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$567,500. The fleet funding for leasing is in the 2024-2025 proposed fiscal budget, page 174, account number (5121-5236) Leases.

Council Action:

**Department /
Contact**

Municipal Services /

REVIEWERS

Lisa Reynolds
Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue blanket purchase orders to Monaco Property Services and DuPree Landscaping & Lawn Care in an amount of \$300,000 for the 2024-25 Abatement Services for the Community Development Department.

Recommendations:

Staff recommends approval to issue these Purchase Orders.

Background:

Monaco Property Services and DuPree Landscaping & Lawn Care currently assists the City with abatements on properties with property maintenance violations and dangerous building board ups.

Monaco Property Services was awarded a contract in December 2021 while DuPree Landscaping & Lawn Care was awarded a contract in March 2023. This request would enable abatement services to continue without a pause from the contractor.

The Community Development Department needs multiple contractors for these services due to the number of abatements. These blanket Purchase Orders would allow the Community Development Department to have a purchase order open for both Monaco Property Services and DuPree Landscaping & Lawn Care.

In fall of 2024, an RFP to possibly renew these contractors and add new contractors will be evaluated and contracts issued. Funds will be distributed among these contractor(s) as needed to meet abatement demand.

Approval of this item would authorize change orders up to an additional ten percent of the purchase order amount (\$30,000), provided appropriations are available.

Emergency Justification:

The fiscal impact to the City is \$300,000. Funding for the property maintenance violation abatements was included in the 2024/25 adopted budget, page 97, account 0024411-5226 (Professional Services) for \$250,000. The additional \$50,000 for boarding up dangerous buildings comes from ARP funds (0614401-5226 and the Dangerous Building budget, page 102, account 0024431-5226).

Fiscal Impact:**Council Action:**

**Department /
Contact**

Community Development /

REVIEWERS

Tom Scannell
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a \$30,000 change order for 2023-24 transit services with KCATA, making the total contract amount \$295,423, for the Community Development Department.

Recommendations:

Staff recommends approval of this item.

Background:

The City of Independence contracts with KCATA to provide transit management, inter-city bus service and inter and intra-city paratransit and senior transit services.

This change order would increase the 2023-24 amount by \$30,000 - to a total of \$295,423, due to an increase in cost to run transit services, including fuel cost and the actual hours of operation and usage.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City totals \$295,423. Funding for transportation services is included in the Fiscal Year 2023-24 Transportation section of the Community Development budget page 95, account number 4414-5226. In addition, revenues from the Centerpoint TIF Special Allocation Fund, the State of Missouri transit operations assistance funds, transit CARES funds, and FTA Federal Formula funds offset the cost.

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Meagan Borth
Zachary Walker

Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to expend \$2,500,000 with Symmetry for natural gas and supply management services for the Power & Light Department for fiscal year 2025.

Recommendations:

Council approval for expenditure.

Background:

Independence Power & Light (IPL) uses natural gas as a fuel for the Substation H combustion turbine generating units. The primary use of gas at these stations is for electric generation. The firm supplying natural gas management services for IPL is Symmetry. Symmetry was awarded this service based on an invitation to bid that was approved by Council in February 2020.

Pricing was requested for an initial 14-month term from May 1, 2020, through June 30, 2021, with four consecutive one-year renewal periods at the City's option. The contract IPL has with Symmetry stipulated that the commodity price of natural gas must be based on daily index pricing for gas deliveries on the Southern Star Central Gas Pipeline as published in the publication Platt's Gas Daily. This index pricing reflects the current market-wide natural gas prices for this area.

In 2023, the price agreement addendum was approved by City Council for Renewal Year 3 (July 2023 – June 2024) and Year 4 (July 2024 – June 2025). The new price is \$0.60/mcf for the management fees. This pricing allowed both parties to be able to maintain the existing price agreement. The City is extending the agreement for the final Renewal Year 4.

Approval of this item authorizes additional expenditures up to ten (10) percent of the authorized amount, providing appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$2,500,000.00. Funding for Natural Gas Management is included in the fiscal year 2024-2025 proposed budget, page 261, account number 0206145-5309 – Purchased Power – Other Operating Supplies, IPL Fund 020. This funding impact is based upon an estimated \$360,000 in Management Fees and \$2,140,000 in natural gas expenses.

Council Action:

**Department /
Contact**

Power and Light /

REVIEWERS

Khristina Irvine
Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a purchase order to Armor Equipment, in the amount of \$187,227.96, for the purchase of a trash truck for the Parks, Recreation and Tourism Department.

Recommendations:

Staff recommends approval of this Purchase Order.

Background:

Park Maintenance Staff recommend purchasing a trash truck to streamline trash pickups in the Parks, for cleaning up homeless camps, and to service the 49 trash barrels around the Square, Englewood, and Fairmount Districts. When Parks had a trash truck previously, PD also used it for undercover surveillance. Having our own truck would make pickups at the Parks more efficient, reduce staff time and increase safety by reducing the number of times staff come in contact with trash, which can include unknown items such as needles and sharp objects. Presently the barrels located around the City are picked up by a contractor at an annual cost of \$20,898. Parks staff would take this over reducing costs in the general fund and allow better service.

The contract that this will be purchased off of is Sourcewell Contract 110223-THC. Per section 8.06.004, Paragraph, 4 of the City Code states competitive bidding is not required when purchases are made through a cooperative contractor established by a government purchasing entity or cooperative. The cooperative bids used will have been established pursuant to RSMo. 70.220 or generally accepted purchasing practices through the competitive bidding process.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$187,227.96. \$180,000 is budgeted in 0597059-5404, page 140, of the FY24-25 Proposed Budget Book and \$7,227.96 will be transferred from 0126041-5404, page 124, of the FY24-25 Proposed Budget Book, to 0597059-5404, to cover the price increase since the budget was submitted.

Council Action:

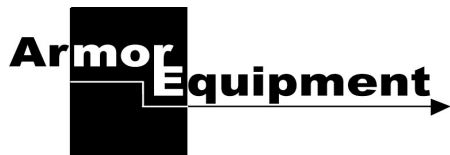
Department /	Parks, Recreation and Tourism /
Contact	

REVIEWERS

Morris Heide
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Trash Truck Quote 7.22.24



QUOTATION

Page 1 of 1

Name	FOB	Delivery Date	Date
CITY OF INDEPENDENCE	INDEPENDENCE, MO		7/19/2024
Address		Other	
17221 E. 23RD. STREET		SOURCEWELL BUDGET QUOTE JULY 1 2024	
City, State, ZIP	Contact	Telephone	Fax
INDEPENDENCE, MO 64057	MIKE SCHOTT	816-325-7174	

Quantity	Description	Each	Total
1	HEIL 13 YARD PT-1000 REAR LOADER	\$187,227.96	\$187,227.96
	WITH:		
	3yd. HOPPER		
	TAILGATE SERVICE PROPS		
	DIRECT MOUNT VANE PUMP		
	CHROME PLATED EJECTOR CYLINDER SLEEVES		
	UNDER BODY MOUNTED OIL TANK, RIGHT SIDE BUZZER & LEFT		
	LED CENTER MOUNTED BRAKE LIGHT, BODY UNDERCOATING		
	HOPPER WORK LIGHT SWITCH IN CAB		
	MULTI-FUNCTION LED STROBE/TURN LAMPS		
	STROBE LIGHT UPER LH CORNER		
	REAR MOUNT CAMERA		
	MOUNTED ON 2025 FREIGHTLINER M2 106 31000# GVWR		
	ENGINE: CUMMINS B6 325 HP @2400 DIESEL		
	TRANSMISSION: ALLISON ALLISON 3000 RDS 6 SPEED AUTO		
	POWER WINDOWS AND LOCKS AM/FM A/C, BLUETOOTH		
	FREIGHTLINER MAY HAVE A SURCHARGE IN 2025		
	NO FEDERAL EXCISE TAX		

Quoted by: JOE WIGGINTON	Sub Total	\$187,227.96
Approved by:	Freight	INCL
Accepted by:	Sales Tax	N/A
	TOTAL	\$187,227.96

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to expend \$3,753,750.00 for fuel and fuel oil purchases for fiscal year 2024-2025 to Frazier Oil & LP Gas Company, Inc. for the Municipal Services and Power & Light Departments.

Recommendations:

Council approval to issue expenditures.

Background:

The Power & Light and Municipal Services departments utilize fuel purchased from Frazier Oil Company for fleet needs and to carry out operational duties.

The Power & Light Department relies on deliveries of fuel oil to time for Substations I & J. These expenditures are done to replace fuel that is burned to support generation requests for the Southwest Power Pool, of which Power & Light (IPL) is a member of. This is a routine expense for the Transmission and Distribution Division of Power & Light.

The City initially goes to Frazier Oil & LP Gas Company, Inc. who the City is contracted with for fuel deliveries.

Frazier Oil Company is the provider of fuel for the City based on cooperative contract EV1848 issued by Kansas City, Missouri.

Per section 8.06.004, Paragraph 4 of the City Code states competitive bidding is not required when purchases are made through a cooperative contract established by a government purchasing entity or cooperative. The cooperative bids used are established pursuant to RSMo. 70.220 or generally accepted governmental purchasing practices through the competitive bidding process.

Approval of this item authorizes change orders up to ten (10) percent of the authorized amount, providing appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City totals \$3,753,750.00. Funding for fuel oil is included in the fiscal year 2024-2025 Power & Light proposed budget, \$2,200,000, page 261, account number (0206145-5309), Purchased Power – Other Operating Supplies, IPL Fund 020. Fiscal year Power & Light 2024-2025 proposed budget, \$266,750, page 268, account number (0206123-5316)

Warehouse & Stores, Motor Vehicle Fuels, IPL Fund 020. Fiscal year 2024-2025 Municipal Services proposed budget, \$125,000, page 179, account number (0305230-5314) for Sanitary Sewer Collection System Maintenance Division. Fiscal year 2024-2025 Municipal Services proposed budget, \$50,000.00, page 173, account number (0305262-5316) for Storm Water Operations Maintenance Division. Fiscal year 2024-2025 Municipal Services proposed budget, \$112,000, page 189, account numbers (0404840-5314) inventory purchases, (0404840-5316) motor vehicle fuels for Water Division. Fiscal year 2024-2025 Municipal Services proposed budget, \$1,000,000, page 174, account number (0905121-5316) other operating expenses for the Central Garage.

Council Action:

Department / Contact	Power and Light /
---------------------------------	-------------------

REVIEWERS

Khristina Irvine
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a \$1,300,000.00 purchase order for fiscal year 2024-2025 to John Moore Oil Company for fuel oil purchases for the Power & Light Department.

Recommendations:

Council approval to issue a purchase order to John Moore Oil Company.

Background:

Deliveries of fuel oil are needed from time to time for Substations I & J. These expenditures are done to replace fuel that is burned to support generation requests for the Southwest Power Pool, of which Power & Light (IPL) is a member of. This is a routine expense for the Transmission and Distribution Division of Power & Light.

The City initially goes to Frazier Oil Company, who the City is contracted with for fuel deliveries. When substations run more hours than typical due to extreme weather periods (above which Frazier can support), IPL must purchase quantities from John Moore Oil or shut units off.

Approval of this item authorizes change orders up to ten (10) percent of the authorized amount, providing appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City totals \$1,300,000.00. Funding for fuel oil is included in the fiscal year 2024-2025 budget, page 261, account number (0206145-5309), Purchased Power – Other Operating Supplies, IPL Fund 020.

Council Action:

Department / Contact	Power and Light /
---------------------------------	-------------------

REVIEWERS

Khristina Irvine
Meagan Borth

Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to expend \$3,882,000.00 in purchase orders for fiscal year 2024-2025 to Asplundh for Line Clearing/Tree Trimming Vegetation Management for the Power & Light Department.

Recommendations:

Council approval to issue purchase orders to Asplundh.

Background:

This service allows Power and Light (IPL) to adhere to the strict guidelines in performing line clearance/tree trimming practices to clear electrical lines. This is a vital practice to reduce tree-related electrical outages and maintain a safe zone around the electrical facilities. This work is performed according to current industrial safety standards and trees are trimmed according to arboriculture standards.

Council approved a contract for this service in 2020 as the result of an Invitation to Bid (ITB) for this service. This is the final year of this contract.

Approval of this item authorizes change orders up to ten (10) percent of the authorized amount, providing appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$3,882,000.00. Funding for line clearing/tree trimming vegetation management is included in the fiscal year 2024-2025 proposed budget, page 266, account number (0206150-5240), Transmission & Distribution-Other Services, IPL fund 020.

Council Action:

Department / Contact	Power and Light /
---------------------------------	-------------------

REVIEWERS

Khristina Irvine

Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to enter into a contract with Charlesworth Consulting for Risk Management Consulting Services and Workers Compensation Claims Processing for the Finance Department for one year with four, one-year renewal options.

Recommendations:

Council approval to issue a contract.

Background:

The City currently contracts out risk management services, independent of insurance brokerage services. The risk management function is integral to the city for loss prevention and management, department training related to risk management, regular evaluation of insurance providers and insurance costs, regular reporting, claims investigation as needed, and more. The City also processes claims on workers compensation situations.

The Procurement Division, working with the Human Resources Department, issued a Request for Proposal (RFP) #24026 for Risk Management Services which eventually added a Workers Compensation component. The RFP was published on Public Purchase, the City's e-bidding system, with notices sent to numerous potential respondents. Two firms, Charlesworth Consulting, LC and Tinsley Risk Solutions, responded by the June 21, 2024 deadline.

A team comprised of one Finance and three Human Resources staff evaluated the proposals. The evaluation criteria were: 1) Evidence of experience & references with similar projects, 2) Firm Structure and Experience, 3) Service Approach, 4) Key Personnel, and 5) Pricing.

The evaluation team recommends Charlesworth based on their ability to provide both services in a comprehensive manner. Charlesworth provides innovative approaches and has done an excellent job.

Approval of this item authorizes change orders up to ten (10) percent of annual authorized expenditure amounts, providing appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City totals \$186,000. Funding will be included in the fiscal year 2024-2025 proposed budget, pages 161 and 162 , account number (0934293-5226) and (0926592-5226) for Professional Services.

Council Action:

Department / Finance and Administration /
Contact

REVIEWERS

Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Charlesworth Consulting's RFP Response to RFP #24026 for Risk Management and Workers Compensation Consulting Services
2. RFP Scoring Summary - RFP #24026 - Risk Management and Workers Compensation Consulting Services

REQUEST FOR PROPOSAL 24026
Risk Management Services



Procurement Division
111 East Maple, PO Box 1019
Independence, MO 64051-0519

ATTENTION PROPOSER – COMPLETE AND RETURN WITH PROPOSAL

Proposing Firm **CHARLESWORTH CONSULTING, LC** Phone Number 816-857-7849 (Direct)
(Please print or type)

Address **1828 Walnut, Suite 701** City **Kansas City** State **MO** Zip **64108**

Name of Authorized Agent **James Charlesworth** Email **JCharlesworth@charlesworthconsulting.com**

The only authorized source for Request for Proposal (RFP) forms, addenda, and information regarding this RFP is www.publicpurchase.com. Using RFP forms, addenda, and information not obtained from www.publicpurchase.com creates the risk of not receiving necessary information about the RFP that may eliminate your proposal from consideration.

Submit questions regarding this RFP online at www.publicpurchase.com by deadline in the RFP schedule.

Proposals shall be submitted online via www.publicpurchase.com by the date and time indicated. Paper, fax, or email responses will NOT be accepted and will not be returned to sender. Proposals are sealed in a virtual lockbox that can only be opened after the Request for Proposal (RFP) closing date and time, to maintain confidentiality of the proposal. All proposals are subject to the terms and conditions herein.

Submission of a proposal shall be deemed a firm offer and is not revocable within 120 days after response deadline.

1828 Walnut Street
Suite 701
Kansas City, MO 64108
913-851-4730



12712 Park Central Drive
Suite 100
Dallas, TX 75251
214-764-7538

www.charlesworthconsulting.com

June 21, 2024

City of Independence
Procurement Division
111 East Maple, PO Box 1019
Independence, MO 64051-0519

RE: **RISK MANAGEMENT SERVICES**
 RFP 24026
 Letter of Transmittal

Sir or Madam:

We are excited to be submitting a response to the City RFP for Risk Management Services #24026. Founded in 1977, Charlesworth specializes in independent risk management and insurance consulting. Collectively, our consultants have over one hundred years of experience in delivering personalized results for our clients. **Charlesworth is not an insurance broker, and we do not sell insurance.**

Charlesworth Consulting is an Iowa Limited Liability Company with our headquarters in downtown Kansas City, Missouri and an office in Dallas, Texas. We currently have five (5) total employees. In early 2020 we opened our Dallas office. Although we provide some employee benefit consulting, our principle lines of business are property/casualty and workers' compensation consulting.

As president of Charlesworth Consulting, I am authorized to conduct contract negotiations with your organization and provide any clarification required.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Charlesworth', is written over a horizontal line.

James Charlesworth, ARM
President



Risk management is the identification, evaluation, and prioritization of risks followed by coordinated and economical application of resources to minimize, monitor, and control the probability or impact of unfortunate events or to maximize the realization of opportunities.

CHARLESWORTH CONSULTING, LC HEREBY CONFIRMS THAT THE RISK MANAGEMENT CONSULTING SERVICES BEING PROPOSED ARE IN REGARD TO THE FOLLOWING.

Current lines of insurance include:

- a. Property (City and Utility)
- b. Boiler & Machinery
- c. Misc. Liability (including Cyber and Drone)
- d. Excess Liability
- e. Excess Workers' Compensation
- f. Crime and Public Officials Bonding
- g. Directors and Officers/Public Officials
- h. Third Party Liability for Vehicles
- i. Volunteer Accident
- j. Cable Dahmer Arena (City-Owned)
 - Property
 - Liability
 - Director and Officers
 - Excess Liability

1. SCOPE OF SERVICES

CHARLESWORTH CONSULTING, LC HEREBY CONFIRMS THAT THE RISK MANAGEMENT CONSULTING SCOPE OF SERVICES BEING PROPOSED ARE IN REGARD TO THE FOLLOWING, with key added points noted:

- a. Prepare annual marketing strategy reports identifying anticipated market conditions and proposing a marketing strategy for the City's major loss exposure areas prior to policy renewal.
 - This is generally a mid-year briefing paper to provide management ideas and timing behind any suggested marketing projects. Our office will work with the City's P&L Broker

of Record to evaluate current abilities and financial structure of incumbent insurers, discuss alternative markets and risk assumption and transfer strategies. Budget parameters are discussed for funding various functions of risk management. This is preferred to be provided in a group meeting with the inclusion of City management, City legal, Charlesworth and the City's Broker.

- Loss data is constantly monitored to evaluate claim trends (recognizing that the claims incurred by the City alone do not make for a full trend analysis). However, common claim issues do arise periodically which helps evaluate direction on insurance programs as well as looking at other funding methods – including self-insurance.

b. Develop underwriting data and specifications for renewal negotiations.

- We anticipate working with various departments to update/confirm underwriting data annually, that way should there is a need to quickly research options, the information should be readily available. This information is developed with the City's P&L Broker of Record to make sure schedules are accurate with reflective of appropriate values. City property value information is kept updated with the current assistance of Midwest Public Risk.
- We find that standard key underwriting information is paramount to evaluating comparable proposals when such are solicited through the broker and, when working with a strong broker, mistakes are minimized, and programs are generally greater enhanced with collaboration between our office and the City's broker.
- Our firm has extensive public entity experience throughout the Midwest and keep an eye on possible options for the City. This was evident when we evaluated the use of a public entity associational trust to insure the City's municipal property (non-utility) in an effort to save premium dollars and avoid higher mandated wind/hail deductibles in the standard property insurance marketplace.

c. Work through the Procurement Division, per requirements of City Charter, to purchase insurance coverage for the City.

- We have specific experience with this process with many public entities, including our past experience with the City of Independence's Procurement Department. In short, we help design the critical components of the procurement process and serve as a resource for Procurement in responding to questions and compiling proposal comparisons. In addition, we can assist in the facilitation of any meetings with vendors.
- Since we have handled P&C program RFP's for over thirty public entities in the mid-west, we are well versed as to the data necessary to obtain competitive quotes, either direct with specific carriers, or through the assistance of the City's broker – which is the current method utilized by the City.

d. Evaluate commitment and financial stability of prospective carriers annually.

- This is done via A.M.Best & Company as well as underwriting minimum requirements of the broker that may represent the insurer.

- In regard to MPR and States Risk Retention Group, we would review their annual financial summary statements and have a strong direct working relationship with both entities. Our firm would also utilize the evaluation criteria of the broker involved with placing business on behalf of the City, which includes utility insurers, crime insurer, cyber liability insurer and excess workers' compensation insurer.
- e. Service policies to include, but not limited to, obtaining loss reports, reviewing coverage issues, collecting loss data, reporting values, issuing Certificates of Insurance, and processing policy changes.
- Only the City's broker or insurer can issue Certificates of Insurance. However, our office does coordinate the needs for certificates as directed by each department. It would be our goal to continue having, at a minimum, quarterly meetings with the City's broker regarding various ongoing issues. However, we have constant communication with the City's broker on all open claims, policy issuance issues, insurance market trends, etc.
 - Loss reports are also maintained and updated as needed through both records maintained by our office, but also the City's third-party claims administrator for liability and workers' compensation claims. Our office keeps monthly updates on all claims experience for the City.
- f. Provide overall service and management of insurance-related matters.
- Confirmed – this is our focus to be the experts for the City in all matters relating to insurance and risk management. Our extensive experience with public entities in the Midwest serves as a valuable resource for the City when unique questions arise or claims issues surface. We have other resources beyond that provided by the City's P&L Broker of Record to evaluate alternative risk transfer programs as well as how to design internal management policies of handling claims or areas of budget/self-insurance.
 - Our office also assists the City in evaluating insurance needs of contractors or permit holders to meet City minimum insurance requirement, either through the RFP process, contract negotiations, permit issuance or even City business licenses.
- g. Provide insurance claim reporting, processing, and administration. The current property claims process consists of City Departments notifying the City's current Risk Manager; Risk Manager notifies the broker of record (Lockton); and Lockton contacts the applicable insurance companies regarding the claim.
- Understood as being more of claims facilitator/funnel – not actually adjusting claims. Our firm has direct access to the Risk Management Information System for claim reporting/monitoring with the incumbent third party claims administrator. We also summarize the claim utilization monthly in a document for City management for monitoring purposes.
 - Our firm works closely with Lockton on claim issues, reporting as well as monitoring of claim completion when an insurance program is involved.

- Our firm also manages numerous claims that fall below the City's retentions or deductibles, working closely with City's legal counsel on reviewing and closing claims that help reflect the City as positively as possible.
- Workers' Compensation is a separate issue to be handled by the City's TPA for such claims. Our office serves as a review of quarterly performance as directed by the City. The Addendum #1 for additional detailed WC services is outlined below.

h. Provide loss prevention services.

- While Bob Charlesworth has a degree in Loss Control through the Insurance Institute of American and is very familiar with Public Entity risks; and James Charlesworth oversees three other large public entities in their loss control efforts, most of our focus will be on loss identification issues as brought up through insurer site visits and department requests for evaluation. Utility specific loss prevention services are not our specialty and reliance on both the City's broker and applicable insurers would continue to be utilized as that is usually a requirement of those specialty insurers on utility properties and included in the City's budget separately.
- One current area of loss control is evaluating the possibility of a third-party safe driving instructor program for various departments (non-fire/police) when needs arise for reviewing safe operations of City owned vehicles.
- Separate Workers' Compensation loss control services are not part of this proposal, but we believe that such could be worked with the incumbent WC third party administrator in addressing many of the frequency and severity issues. However, our office is a resource for discussions and strategies for loss control implementation as needed by the City. We are also able to work with various departments as a resource of topics or ideas to help control losses – especially since we have claim summary information that may highlight a specific issue within a department.

i. Meet monthly or quarterly with City's leadership team to discuss loss control issues, exposure changes, safety, and general insurance/risk management-related matters.

- As per current practice, we would encourage having monthly management meetings and can be modified to meet the City's on-site needs as needed. Our office would also like to be on-site one day per month at various department or meetings to keep updated on activities and how risk management can help achieve their goals. This gives us a better working understanding of each department's risk management needs, claim issues and reporting requirements.
- With our experience with other public entities, we have various department meetings throughout the year that may need to include risk management in the development/discussion phases of projects. We encourage those meetings as it's easier to get out in front of key events prior to any contracts, RFP's or further negotiations with vendors are underway. We currently do this often with various departments so they can be realistic in their insurance "ask" of potential contractors yet still complete enough to address the risk that may expose the City. With insurance being in a "hard market", our

office does this service quite often and work with potential bidders and contractors on possible resources the require specific insurance to work with the City.

j. Attend City Council meetings as requested by the City.

- Our consultants have extensive experience in presenting to governing bodies and understand the timing of materials to meet deadlines for board packets. We also work with "sub-committees" that may work out the key points prior to presentation/decision for the entire governing body for decision or informational items.
- Historically, our office has had, and will have a representative at the City Council meeting when insurance programs renew, or unique options represent themselves whereby a work session may be best to walk through options before Council approvals. One example of this is we spent over an hour with the City Council in 2024 to walk through the liability program for the City and the possibilities of the future. This way, they could ask questions and get a better understanding of the material presented well before having to decide on the program the following active session.

k. Evaluate the City's exposure to loss, adequacy of coverage, and develop recommendations on coverage not presently purchased by the City.

- We view this as a possible outcome from the on-site visits not only conducted throughout our engagement, but through various discussions, on-site visits, and industry trends. Our job will be to work with the City and their broker(s) to address any possible risk transfer program that may need to be considered by the City.
- Some of the most recent areas to discuss include Excess Liability and higher retentions for daily activities of all city departments; Fiduciary Liability for supplemental retirement plans; Cyber Liability regarding extortion and credit monitoring costs; Crime losses under Social Engineering and individual bonding consolidation and the evolution of Drone liability risks. We work with the City's broker to secure alternatives for consideration or, if required, go through the City's procurement process. Generally, the policies are so specific, it's generally best to work with a professional broker to get options for consideration. Again, we work within the process that meets the needs of the City.

l. Evaluate and recommend risks which the City should consider moving to higher retentions or self-insurance.

- Loss trend analysis will continue to be conducted, along with how the insurance market is trending regarding the premium savings for the City to take on higher retentions, as well as if the City is interested in taking on more control of primary claims. These are great internal discussions as not all risk transfers should be insured. One of the key annual discussions with the City will be the City's financial tolerance for loss, including any possible risk management reserve funds that may be held or perhaps need to be developed. Based on current risk transfer programs, this will be a key focus for the future especially related to property risk, liability risk and workers' compensation levels for which the State of Missouri's workers' compensation division would need to be involved for any change approvals.

m. Develop insurance requirements and review insurance policies for contracts, agreements, leases, bonds, etc.

- We have assisted several municipalities in evaluating the insurance requirements for contractors and RFP programs based on levels of risk – not necessarily the based on the dollar value of the contract. We also review city statutes regarding employee bonding requirements and how those may be modified or how a bond can be designed to best meet that required.

The key will be working closely with the City's legal team and procurement department on what is currently requested and how contractors are meeting the requirements as outlined by the City. A strong understanding of additional insured implications as well as the application of any defenses that may be provided the City under the Missouri Sovereign Immunity Act will be paramount.

Our firm recently reviewed various contracts when discussing limits of liability to purchase, which allowed for a plan limit modification to save premium dollars and also help coordinate the carriers to provide options for consideration.

This is an ongoing discussion as risk changes as business changes.

n. Ensure City's coverage provides optimum risk transfer.

- Our firm provides Trustee Loan Reviews for many public entities (and hospitals) whereby the Loan Trustee relies on our firm's opinion on optimum risk transfers that meets the obligations outlined in the Bond Indenture agreement. While this might not be a direct issue with the City of Independence, we strive to always challenge the risk transfer programs to best meet the needs of the City, not the insurer. This may be higher retentions, non-insurance or other budget created accounts to address risk assumption.
- Our firm recently reviewed the possibility of liability limit changes and possible impact on contractual agreements. This will be a continued need for the City should a move be made to a more self-insured program or other types of risk transfer funding arrangement.

o. Work with staff to perform an electronic analysis of claims to identify methods to lower the City's costs.

- We have access to data analytics, but the challenge will be how insurers may respond to such requests to have a positive impact on premiums – which is a barometer on risk assumption and risk transfer. The City, while large, is not "large" by insurance standards and thus not what many insurers would consider to be fully credible in their rating structures. Still, claims analytics can help identify frequency and severity issues to address more focus on loss control efforts, bet it by department or type of loss.
- Our firm will continue to evaluate any risk management information system the City currently uses, and we look forward to continue to develop a way we can help further a basic process that will assist in future risk identification issues.

- p. Assist in the budget process and allocation methodology for the allocation of premium and claim cost to the applicable City Departments.
- This is a common request for many of our public clients. City budget allocation is used as a benchmark. Our office currently assists the City regarding such budget allocations, but open to discuss other options or ideas with senior management and then department managers in order to make agreeable to all impacted departments.
- q. Monitor the cost effectiveness of the City's insurance programs and recommend new programs and/or structures to help the City maximize resources without adversely impacting risk exposure.
- Working with a strong broker helps in this evaluation as they are the ones that have access to key markets for risk transfer. The RFP process the City uses is generally a good practice in order to compare cost, coverages and policy features to confirm a competitive risk transfer program.
 - As a side note, our firm's philosophy has always been that we want our clients to have a competitive risk transfer program – not necessarily the cheapest – but one that truly meets the needs of the City.
 - The City will be moving to an even more complex risk transfer discussion and programs in the future as the insurance marketplace continues to harden in several areas. Our job is to help educate and steer the City to an area of competitive risk assumption and transfer options.
- r. While not currently part of the City's Risk Management program, the City desires a partner that can coordinate and perform overall day-to-day management, service, and proactive risk management/loss prevention services to enhance safety and improve the City's loss experience, such as training, site visits, and safety assessments. The City requests a list of recommended services from the responding firms not listed above.
- We would like to explore this further if selected by the City. Our parent company has such services, but we do not want to have any conflicts of interests – real or perceived. Depending on what type of loss control is needed, may dictate on whom to approach, i.e., if more employee injury related, the incumbent WC Third Party Administrator may have some excellent resources. Property wise, the insurers and incumbent Property & Liability Broker may have resources already funded within the program at a basic level. The insurer for the City's electric utility is best provided by that insurer as it's part of the insurance premium and, those individuals that inspect key units are specifically trained and certified for such. Liability loss control is fairly limited currently with States Risk Retention Group, so our firm has been tasked with evaluating claims activity and claim closure process in more direct fashion. However, there are other independent firms but can vary wildly based on the actual needs of the City and can be evaluated and budgeted separately as needed.
 - Bob Charlesworth is trained in Loss Control and can provide a good benchmark from risk identification and basic concepts to consider. However, OSHA type reviews (recognizing that the City may not technically be subject to OSHA) may be needed from

a third-party company. Such services are NOT part of the services that would be provided by Charlesworth Consulting, LC.

- That all being said, many of our clients may ask us to do a loss control visit, if nothing more than to gain a better understanding of the risk to which the City and employees may be exposed – which would be within our scope of resources for the City.
- s. Provide other services that are normally and customarily required of a Risk Manager.
- There are always unique instances whereby our clients ask us for observations/opinions on various issues that may occur within the City. In most cases, we are happy to provide our independent opinion for the City's consideration.
 - One item that we have found of benefit for our cities where we currently serve as a contract risk manager is that most departments open up to us to have candid discussions about risks, losses, events, etc. as we are "not the city".
- t. Prepare annual report to include items such as:
- Schedule of policies in force
 - Coverage provisions
 - Premiums, claims, and experience for the preceding year
 - Summary of services rendered during the preceding year
 - Recommendations for adjustments to insurance coverage and risk management services for the subsequent year
 - Planned training, assessments, and evaluations for the upcoming year
 - Performance metrics (This will need further discussion as to how metrics are developed)
 - All compensation related to providing risk management services to the City.

We concur with the above and commonly provide such to our clients for which we serve as Contract Risk Manager on a mid-term summary basis and historically handled in a management meeting to promote dialogue and full understanding of key points. In addition, the City and our office would require a mid-year meeting with the City's property and liability broker of record to evaluate current programs, options for the future, claims experience/status, etc. We request that the City provide senior management to this meeting, along with City legal counsel, that way everyone hears the update and can ask questions freely.

- u. On an as-needed basis, provide investigation for claims made to the City's administrative damage claim process, which may include in-field investigation, communication with City departments, evaluation of liability, evaluation of risk, and adjustment estimates of damages claimed as suffered (approximately 100 claims filed per year).
- We stand ready to assist as needed for claims investigations and evaluation of all claim status issues. Our firm does this service already within our current relationship with the City. The claim process has been created as a "funnel" from which claims flow. Our firm works with the City's claims administrator to add incidents to the risk management information system so everyone that has a stake in the claim can monitor its progress.

As an outside risk manager, our firm continues to work on creating a better workflow of claims management with the City.

v. On-site office space can be made available.

- A simple workstation with access to internet (we have secure remote capabilities) would be welcomed. Most of our work will more than likely be at various departments, but it would be helpful to have a central location from which to collect mail, notes, etc.
- Currently, this has not been necessary with the development of remote work with secure connections. This has been working extremely efficiently with the City and our office.

ADDEMDUM 1: WORKERS' COMPENSATION CONSULTING/ADMINISTRATIVE SERVICES

The purpose of this addendum is to add the additional service of Workers Compensation (WC) Administration Services to the original Scope of Services requested.

CHARLESWORTH has assigned a direct contract person to the City's workers' compensation program – Sarah Veit – to address all the below services. Bob Charlesworth will have service back-up for Sarah. Sarah has direct working relationship with all City departments and understands the return-to-work requirements, claims administration with the WC Third Party Claims administrator as well as Nurse Case Management team contracted with the City.

The services requested are to:

A. Assist City staff in the management and continuous evaluation of the insurance agent, insurer and/or third party claims administrator who serves the City.

Our firm works with several third-party WC claims administrators and have assisted the City in the RFP process that included interviewing the current TPA. With quarterly meetings and minimum weekly discussions with the TPA and Nurse Case Management group, our office is the "funnel" for the WC claims process and has created an efficient model of professional claims handling understood by the various departments and acceptable to the City's employees.

Sarah's previous experience with the City has proven to be an excellent resource for the City and she provides numerous hours (including off-business hours) to assist the City's staff when employees are injured.

B. Assist in the annual excess WC stop loss insurance program renewal process.

Charlesworth has extensive experience in evaluating Excess WC programs, including having negotiated programs directly with the State of MO Division of Workers Compensation/Dept. of Labor. We also market many other public entities excess workers' compensation programs, so we have LOCAL experience with possible opportunities available. This will be very important in the coming year based on recent catastrophic events with the City as the DOL and excess insurer will have to come to

some form of agreement on the self-insured retention level agreeable to the City, Excess WC Insurer and the State's DOL. Our firm's reputation and experience will form a key part of these negotiations.

- C. Assist in loss reporting, insurance accounting, communications, and planning on the City's Workers' Compensation program as well as all property damage and liability claims.

Charlesworth is the funnel for all WC claim communications. This flows from Nurse Case management (tirage) as well as if an actual WC claim is reported, working directly with the WC Claims TPA. We pride ourselves on the communication of incidents with all parties, inclusive of departments. The number of hours committed by Charlesworth (mostly via Sarah Veit) is extensive.

- D. Assist City staff in budgeting, including insurance premium and claim cost allocation.

Agreed. Currently Charlesworth breaks down information as provided by the City's actuary information, claims experience provided by the WC TPA, services/billings from the Nurse Case Managers and works to develop a full WC funding budget for the City on an annual basis. This is a time-consuming task, but our firm has been able to streamline the development of this over the past few years.

- E. Attend WC and Claim meetings as requested by City staff.

Charlesworth agrees to attend claim meetings – currently quarterly which are held at Charlesworth's office. These meetings are extensive and typically last a full day.

- F. Assist City staff in the management and continuous evaluation of an ancillary insurance services such as third-party administrator for both Workers' Compensation and Property and Liability risks.

Charlesworth will help the City's procurement office with RFP's on claims administration and sit on any evaluation and interview committee as has been past process. This includes WC TPA and Nurse Tirage services which our firm served to help develop the RFP's as well as facilitate the review and interview process.

- G. Attend City Commission meetings to provide information and recommendations regarding Workers' Compensation insurance issues.

Charlesworth currently provides this service and will continue to meet with City Commission in work session or regular session when WC issues may be necessary.

- H. Understand and implement the City's risk management policy and risk management philosophy, both formal and informal, regarding control of our risk and accidental loss.

Agreed – the City’s philosophy has developed over the past several years with the outsourcing of this service. It is our belief that this transition in how claims are addressed has helped not only assist with better claim outcomes for the City, but also timely resolution of claims for the injured employee. This is important to help lower potential lingering of claims, claim litigation and lost time/productivity of injured workers with the goal of getting them back to work in light duty capacity and ultimately to full capacity.

- I. Oversee Workers Compensation claims on behalf of the City by coordinating with City departments and Third-Party Administrator.

Charlesworth has assigned Sarah Veit as the key contact for all claim coordination with City WC claims – including a direct assigned email for incidents. Sarah works directly with payroll, department contacts, third-party administrator and nurse case management to assist in not only notification but monitoring and assistance in claim closure. Her time commitment is extensive and her working relationship with the various City departments is excellent.

- J. Provide training to City staff on risk management and loss mitigation when requested.

Bob Charlesworth has an Associates in Loss Control degree from the Insurance Institute of America, with experience with loss mitigation ideas from well over 50 public entities he’s worked with in his career. Every entity is different when it comes to loss mitigation efforts and he’s able to assist various department in researching ideas, national efforts of ideas, etc. One recent concept was the use of protective vests for animal control officers and the ramifications of instituting such an internal policy.

- K. Serve as a resource for City staff on workers compensation issues.

Charlesworth is here to serve as an extension of City staff on numerous risk management issues that relate to employee and the impact on workers’ compensation experience. Our firm would also work with the City’s broker of record on the excess workers’ compensation program as they have a full library of information available, as does Midwest Public Risk – since the City is a member of that organization with the risk transfer of the City property.

- L. Maintain loss reports through third party claims administrators and/or in house summary claims administration.

Sarah Veit, Client Service Consultant assigned to the City of Independence will fill this role and does so every month working diligently with both the WC claims TPA, but also Nurse Case Management, City Legal and outside legal counsel when necessary.

Currently we have daily communications regarding all aspects of claims – if it’s communicating with city staff regarding bringing the employee back to LD or if it’s a notice of a claim for compensation – that legal received – we can see a wide range of request, concerns and or questions and we are here ready for anything that may come our way.

ADENDUM: 2 = UNDERSTOOD AND ACCEPTED

City provided historical claim data for workers' compensation cased from 2021 to 2024.

2. CITY-PROVIDED SERVICES

- a. The City will collaborate with and provide all necessary information to the successful firm.
Understood

3. COMPENSATION

- a. The City encourages creativity when evaluating compensation structures that provide the greatest overall long-term benefit and value to the City (e.g., fee for service, pay for performance, hybrid, etc.).
- b. Identify the proposed fees to be guaranteed for the initial three-year contract term, with "not to exceed" amounts for the 4th and 5th year options.
- c. Disclose any other fees, contingency commissions, or any consideration that could be earned by the firm or employees of the firm with insurers and/or service providers that can be attributed to the City's activities and premiums. The City requires prior written consent with full disclosure to allow such arrangements.

CHARLESWORTH CONSULTING PROPOSES THE FOLLOWING COMPENSATION STRUCTURE – RISK MANAGEMENT SERVICES:

AUGUST, 2024 THRU DECEMBER, 2025:	\$8,350 Per Month
JANUARY, 2026 THRU DECEMBER, 2026:	\$8,350 Per Month
JANUARY, 2027 THRU DECEMBER, 2027:	\$8,350 Per Month
JANUARY, 2028 THRU DECEMBER, 2028:	\$8,850 Per Month
JANUARY, 2029 THRU DECEMBER, 2029:	\$9,350 Per Month

ADENDUM 1: WC CLAIMS MANAGEMENT & ADMIN FEES (in addition to the above)

AUGUST, 2024 THRU DECEMBER, 2025:	\$9,900 Per Month
JANUARY, 2026 THRU DECEMBER, 2026:	\$9,900 Per Month
JANUARY, 2027 THRU DECEMBER, 2027:	\$9,900 Per Month
JANUARY, 2028 THRU DECEMBER, 2028:	\$10,500 Per Month
JANUARY, 2029 THRU DECEMBER, 2029:	\$11,000 Per Month

Should the City decide to accept all two fees above, the City will receive a rounded 15% Discount throughout the contract period. And would be as follows:

AUGUST, 2024 THRU DECEMBER, 2025:	\$15,500 Per Month
JANUARY, 2026 THRU DECEMBER, 2026:	\$15,500 Per Month
JANUARY, 2027 THRU DECEMBER, 2027:	\$15,500 Per Month

JANUARY, 2028 THRU DECEMBER, 2028:	\$16,450 Per Month
JANUARY, 2029 THRU DECEMBER, 2029:	\$17,300 Per Month

The above periods can be modified to run August to August annually at those annual monthly rates or as preferred by the City over transitioning into a calendar year contract period.

To ensure objectivity, as well as professional competency, we act solely in an advisory capacity - NO INSURANCE IS SOLD. Charlesworth Consulting will not participate in commissions from any organization participating within this scope of services; nor do we accept income from anyone other than our client. During the term of this agreement, Bob Charlesworth will be the key contact for the City, with James Charlesworth being kept up-to-date weekly and may be a key contact for certain projects. With a new consultant being added to our staff in January 2019, it is anticipated that this individual will work alongside either Bob or James. Each member of our team may be available for on-site services to the City.

The City always has the right to consider such other independent firms which may be wholly owned by Holmes Murphy, but full disclosure will be provided and Charlesworth Consulting, LC will not be in any discussions/negotiations with such services.

OPTIONAL ADDITION:

Currently, Charlesworth Consulting provides loss subrogation services on third party property damage claims incurred by the City – from minor auto losses to damage to City property. In addition to the Total Fee outlined above, Charlesworth Consulting is to receive 15% of the total subrogation recovery amount once payable/deposited by the City. The maximum fee shall not exceed \$2,500 for any single recovery. This will be monitored monthly with a separate monthly billing provided the City for processing. This proposal is part of our response to the City’s Risk Management RFP outlined herein.

4. PROPOSAL DELIVERABLES AND EVALUATION CRITERIA

The proposer shall submit, at a minimum, the following information/documents as part of their proposal.

- A. Responsiveness to RFP Requirements (up to 10%)
 - a. Cover sheet, completed **(See Above)**
 - b. Letter of transmittal, to include completed, notarized affidavit and references forms—failure to include this with your proposal can result in the rejection of your proposal.
(See Above)

- c. Affidavit of non-collusion and non-conflict of interest (use attached form), completed and notarized
 - 1. Provide a statement of conflicts your firm; sub-consulting firms, and/or key staff may have regarding these services. The statement should not only include actual conflicts, but also any working relationships that may be perceived by disinterested parties as a conflict. If no potential conflicts of interest are identified, state so within your proposal.

(Exhibit A)

B. Firm Structure and Experience (up to 20%)

- d. Firm background/Contact info:

Charlesworth Consulting, LC
1828 Walnut Street, Suite 701
Kansas City, MO 64108

James Charlesworth, President
JCharlesworth@Charlesworthconsulting.com
(816) 857-7849
Charlesworthconsulting.com
Hours 8:00 a.m. to 4:45 p.m.; Monday-Friday normal office days

Bob Charlesworth, Vice President (816) 857-7850
BCharlesworth@Charlesworthconsulting.com

Sarah Veit, Client Service Consultant (816) 857-7875
sveit@charlesworthconsulting.com

- e. Firm structure and experience

Charlesworth & Associates was originally formed in 1977 by Art Charlesworth. The organization became a Kansas limited liability company in 2000 when James Charlesworth, Bob Charlesworth and Connie Sargent became Members of the organization. Effective November 1, 2017 the assets of Charlesworth & Associates, LC were sold to Charlesworth Consulting, LC, an Iowa limited liability company.

Charlesworth Consulting, LC, has the resources and capacity for growth. Our historical experience within the Kansas City region, including work for the City of Independence as well as assisting other local public entities as their Outsource Risk Management consultant, Charlesworth Consulting, LC is pleased to offer a proposal for continued

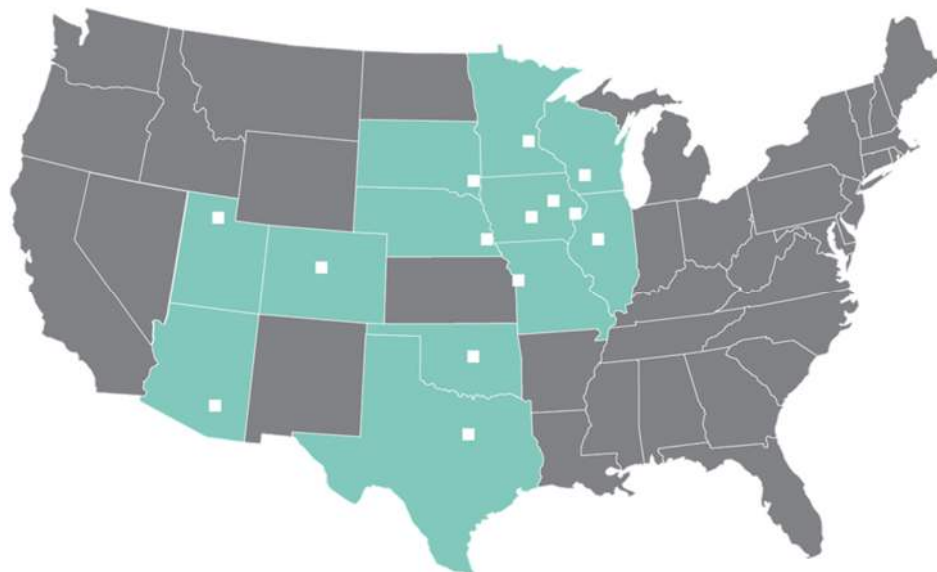
outsourced risk management services for the City of Independence, MO. We view this as a significant opportunity and are committed to provide the City unmatched service.

Outsourcing was a bold decision, but we are confident it has resulted in a broader and more robust risk management program. There are many advantages to this approach, but the one we are most proud of is our ability to improve image and communication. We live governmental risk management.

We at Charlesworth Consulting are the most effective when viewed as an extension of City staff, and available to key employees regardless of if it has historically been viewed as a risk management problem or issue. Risk management is more than safety and buying insurance. We take a holistic approach that works off the concept that everyone in the City has some level of risk management responsibility and we are a resource for them to achieve their goals.

Combining not only the pure risk management services but adding the workers' compensation services per Amendment #1 has been highly successful for the City. This provides a seamless resource for the City, so no duplication of effort and the full responsibility laying on Charlesworth Consulting.

- We are located at 18th and Walnut in downtown Kansas City, Missouri – less than 15 miles away from Independence, MO City Hall. In addition, should City personnel wish to meet with us in our office, we have three conference rooms available and a free parking garage (with validation).
- Number of Employees at Charlesworth Consulting is 5. Locally, Holmes Murphy has about 65 employees; Nationally, Holmes Murphy has in excess of 1,200 employees with 14 offices in 12 states.



- There has been two employee turnovers at Charlesworth Consulting in the last 5 years. One administrative assistant to take another position with her spouse's business and a business development manager who moved to a brokerage firm to work in their Cyber liability divisions.

Holmes Murphy KC office has had various turnovers in the last 5 years (some transitioned to other firms, one retirement) but has increased local personnel by 10%.

- Charlesworth has been in business for over 40 years; 6+ years as a new wholly owned subsidiary of Holmes Murphy. Holmes Murphy – a privately held/employee-owned company – has been in business over 85 years; with the KC office beginning in 2001.

Local and overall organizational structure is a unique trait of Holmes Murphy - we maintain a "federalist" model, meaning the executive authority and autonomy is granted to the local office. This is one reason why Charlesworth Consulting is a wholly owned subsidiary of Holmes Murphy. The philosophy is that the personnel working most closely with our clients must maintain the freedom to service accounts in the most appropriate manner to meet our customers unique needs.

- Legal and other resources: Charlesworth and HMA are not legal firms. We do have legal resources as a guidance service to our internal firms which will help in consulting with our clients, but do not provide direct legal counsel to clients.
- Corporate offices are located:
2727 Grand Prairie Parkway
Waukee, Iowa 50263
- Ownership is with employee shareholders, of which there are currently approximately 200.
- Affiliations: Part of the Holmes Murphy organization include the following entities/services:
 - Holmes Murphy – Property/Casualty and Benefit Consulting Broker
 - AVANT – Voluntary Benefits
 - ACAP – Wellness programs
 - Creative Risk Solutions - Workers' Compensation Third Party Administrator
 - Innovative Captive Strategies – Captive Creation and Management
 - Innovative Program Solutions – Access to Emerging Markets
 - Charlesworth Consulting – Independent Risk Management Consulting
 - BrokerTech Ventures – investment in future technology companies

- ethO's – mental health services
 - Global Captive Management – Captive management Cayman Islands
- f. Municipality expertise and relevant experience

1. Outline your firm's perceived strengths and weaknesses in the local marketplace.

Prior to being acquired by Holmes Murphy, the key weakness of Charlesworth Consulting was the capacity for new growth and extensive personnel back-up capabilities.

As for a weakness, it has been difficult to attract the "right consultant fit" for growth that wasn't a "broker", however, that changed in January 2019 with a new consultant addition and another new one in the Dallas, TX area. This has helped our capacity issues as well as become even more creative. In addition, we also have more data analytic resources available beyond what we have developed "in-house". Finally, with now numerous offices in the Country, we have other professional resource in which to obtain ideas for effective risk management issues with a strong property and liability group in Iowa. We are currently working with a global program on optional self-funding concepts specifically for the City of Independence.

2. How is your firm different from your competitors?

Charlesworth Consulting was built on pure, independent, risk management consulting whereby our office does NOT sell insurance. While we are now a wholly owned subsidiary of a brokerage firm, when Charlesworth Consulting is involved, Holmes Murphy cannot be the broker. For full disclosure, we currently have one risk management relationship where HM is the broker for one of our clients – a decision made by the client many years before Charlesworth began developing a succession plan for future growth – and the city has made the decision to continue this arrangement at this time.

3. Descriptions or examples of previous experience that may be relevant to servicing the insurance needs of the City where insurance spending has been optimized or a desired outcome was achieved.

We encourage the City to contact our current "contract risk management" consulting clients found in the reference section. The entity gets multiple risk management experience with a key direct contact, void of having employment taxes, benefits, etc. In addition, termination is much more specific void of any employment practices issues.

In one recent municipality, we were able to modify their risk transfer program to reflect more of an “in-house” claims control under a new Self-Insured Retention (different than a deductible) and was able to select a stable of attorney’s with specific experience in the risk to which the city is exposed. In addition, key policies were modified to reflect possible statutory benefits not previously highlighted. Therefore, the city spends money only on the product that they wanted and had the control features they desired.

This is essentially where we have also lead the City of Independence, along will outsourcing the WC management for the City. Using a combined risk management services for all risk management needs, the results have been very favorable for the City.

4. Provide a listing of current clients with a similar municipality or governmental structure.

City of Overland Park, Kansas

Kristy Stallings, Deputy City Manager
913-895-6152

Kristy.stallings@opkansas.org

Michael Koss, City Attorney

913-895-6083

Tammy.owens@opkansas.org



Charlesworth Services: Contracted Risk Management since 1984 including tort claim and litigation management, subrogation, contract review, risk review, insurance marketing, broker service RFP and management, loss analysis, budgeting assistance, self-funding/retention analysis.

City of Olathe, Kansas

Chris Grunewald – Deputy City Attorney
913-971-8519

CMgrunewald@olatheks.org



Charlesworth Services: Contracted Risk Management since 2008 including tort claim and litigation management, subrogation, contract review, risk review, insurance marketing, broker service RFP and management, loss analysis, budgeting assistance, self-funding/retention analysis.

City of Waco, Texas (Population 140,000)

Missie Pustejovsky, Director of Human Resources
254-750-5791

missiep@wacotx.gov



Charlesworth Services: Contracted Risk Management 2018. New relationship established to design the City’s risk management program.

5. Do members of your firm participate in any seminars or organizations that are directly related to public entity risks, specifically in Missouri?

Both Bob and James Charlesworth have been regional speakers on dozens of risk management topics, many for MO/KS PRIMA, Public Purchasing, Park & Recreation, KS City Attorney and other associational groups – including Missouri Association of School Business Officials. Topics from Facility Use, Cyber Risk, Unique Auto Risks; Record Retentions; Airport Liability; Participant Liability; Unique Park & Rec Adventures; Post Loss Planning; etc.

g. Client references

1. Provide a list of your firm's three most recent clients of similar size and scope; include duration of the contract, phone number, name, and e-mail address of the contact person who is/was most familiar with working with your firm.

See above four references, three of which are for similar contract risk management services as being proposed herein.

2. Of the clients you lost in the last three years, what do you feel is the primary reason as to why you lost their business?

Our firm has not lost a client in the last three years. However, we have had three specific municipal clients terminate our benefit consulting services about five years ago, all very amicable departure due to our firm phasing out the difficulties of managing client benefit programs whereby a dedicated benefit broker could provide more day-to-day services. In fact, this year we purposefully have moved four of our other benefit clients to the brokerage community, with Bob now only responsible for two benefit clients which should be moved sometime by early 2025.

C. Service Approach (up to 20%)

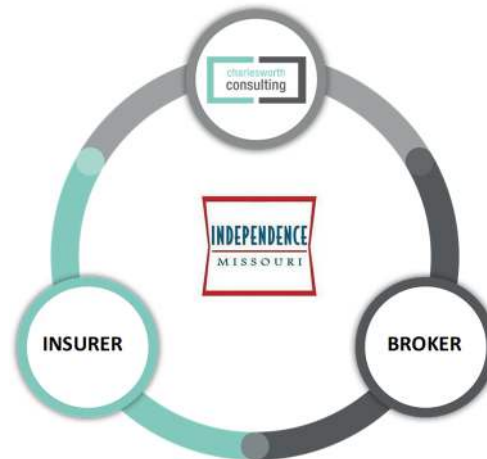
h. Proposed service approach

1. Describe your firm's understanding of the City's desired services.

As outlined in our various comments on the Scope of Services, we have direct experience with Contract Risk Management services with other similar sized cities. In addition, while it has been several years, we have prior experience with the City and the City's current broker and WC Claims administrator. After the City awarded our firm this service years ago, we were able to hire Sarah Veit who had worked with the City. This provided us the ability to add the WC services outlined in Addendum #1 as she is the dedicated contact for the City on all matters related to workers compensation. Combining both of these services has assisted the City in positive results in having the full risk management program resting on one experience resource – Charlesworth Consulting.

2. Discuss your firm's philosophy on the process of providing risk management services, including proposed techniques and methodologies to be utilized.

There's a saying that "consultants help you think, brokers help you do". We believe that the broker, insurer and consultant collectively create a comprehensive risk management team, each with their own unique responsibilities.



3. Risk management services will be primarily coordinated through the Finance and Administration Department. Please describe how your firm will act as an extension of the Department.

Each of our current contract risk management consulting positions report to Finance & Administration as the key point of contact. This arrangement allows us to help bridge risk assumption and loss finance through one source and help in coordinating risk management questions throughout the organization.

While we report to Finance/Administration, our office works direct with many department directors on various issues, ranging from Law regarding claim issues and possible subrogation opportunities; Law Enforcement mostly related to public events/management as well as facility use, use of drones, etc.; Public Works as it relates heavily with claims from the public; Library and/or Arts regarding insurable values on unique items, etc.

Unless otherwise directed, monthly communication with Finance is common to highlight the activities we are involved. The City has experienced some management turnover recently, and our office has been able to work with those assigned immediately. We view our job to be both educational, but flexible in guiding current and new personnel in all items related to risk, insurance and workers' compensation.

4. Describe your firm's technological capabilities and what resources are available as a result.

As a wholly owned subsidiary of Holmes Murphy, we are able to capitalize on the resources available from a vary large privately held insurance brokerage firm. This is important because our resources do not require a separate agreement nor does these resources require the City to participate in order to obtain information.

Our firm frequently reviews market trends, incident highlights, loss litigation issues, etc., in order to help in our discussions with the City in planning for the City's risk management and workers' compensation program futures.

5. Provide information on resources used for benchmarking.

Most of the benchmarking Charlesworth Consulting obtains is through actual local public entities. We also obtain annual analysis posted by PCW, Segal and other public advisory services.

6. Describe available resources utilized to stay current with, and to forecast, industry trends.

With our affiliation with a large regional broker, we have national surveys from which to evaluate, but most of our trend is more local with local public entities for which we represent several in the Mid-west. We also rely on a strong working relationship with the City's broker who has extensive experience with both utilities and public entities.

7. List all insurance companies with which your firm have any affiliations (advisory boards, etc.).

As a pure consulting firm, Charlesworth Consulting does not serve on any insurer advisory board. However, we do have several insurer representatives with whom we work as a Contract Risk Manager for other public entities, including Travelers, Cincinnati, MPR-Missouri, MoPERM, Gensis, States Risk Retention Group, Safety National and others.

8. Describe any services or portion of services, which will be performed by a sub-consulting firm and provide relevant information on such firm's qualifications and personnel.

Charlesworth Consulting does not anticipate the use of other firms.

9. How does your firm track and communicate changes in the status of client's insurers, such as negative ratings changes or other negative developments?

Our firm monitors A.M.Best ratings each year at a minimum, plus we obtain monthly alerts as posted by A.M.Best. Another resource is the City's broker which has minimum standards regarding financial solvency of any insurer for which they place the City's business.

Annually, should the City continue insuring with States Risk Retention Group, we would obtain their annual financial statements to highlight any unrealistic changes. This has been important currently and very closely monitored to facilitate quick claim closure.

10. State any difficulties foreseen in performing the designated tasks.

With our experience with being an Outsource Risk Manager, the key is getting other departments to open up to us – usually easier once they truly understand our independence from the City. Like all working relationships, they develop over time and with our team members being on-site periodically, we can create that risk management connection over a short period of time in most cases.

i. Service team

1. Described the proposed account team:

Bob Charlesworth, CPCU, ARM, ALCM, AIS has been providing independent consulting services for over 40 years. Bob oversees several public entity employee benefit consulting, but continues with his extensive experience in property / casualty insurance with a concentration in executive risk for public retirement systems. Bob served as **the past consultant for the City of Independence, for over a 20-year period**, prior to 2012 when budget consideration was made by the City to keeping this all “in-house”. Bob has 10 primary accounts for which he is the lead consultant, many of whom are public entities or public retirement systems.



**Bob Charlesworth, CPCU, ARM, ALCM,
AIS**

Vice President

1828 Walnut St. Suite 700
Kansas City, MO 64108

816-857-7850

Bcharlesworth@charlesworthconsulting.com

www.charlesworthconsulting.com

Office hours are 8:00 a.m. to 4:45 p.m. M-F



In addition to Bob, services will also be provided by James Charlesworth, Sarah Veit.

James Charlesworth, ARM, is the President of Charlesworth Consulting, LLC and will be the secondary individual responsible for the services provided to the City of Independence, MO. James has over 35 years of consulting experience, with a focus on governmental entities and is the lead consultant for most public entity clients.

James has 15 primary accounts for which he is the lead consultant.



**James Charlesworth,
ARM**

President

1828 Walnut St. Suite 700
Kansas City, MO 64108

816-857-7849

jcharlesworth@charlesworthconsulting.com

www.charlesworthconsulting.com



Sarah Veit has been providing independent consulting services for over 4 years. Sarah specializes in claims management, subrogation with a focus specifically for public entities. Sarah has approximately 3 primary accounts for which she is the lead consulting, including the City of Independence, MO on their Workers' Compensation service program, but serves as primary backup for both James and Bob.



**Sarah Veit
Account Manager**

1828 Walnut St. Suite 700
Kansas City, MO 64108

816-857-7875

sveit@charlesworthconsulting.com

www.charlesworthconsulting.com



2. Include your firm's approach to providing quality customer service and response times on services such as certificates of insurance and additional insured endorsements.
 - When COI's are requested or required through an RFP process or Contractual issue as outlined through City Legal Department, our office will review the requirement requested and make formal requests for certificate issuance to meet the needs of the agreement.
 - There are instances whereby the request and what is insured by the City may vary. We work with both the City's Legal and affiliated Department to see what changes may be necessary or other negotiations/approach to achieve the necessary result for the City.
 - We generally respond with 24 hours of receipt of any request and typically hand within the same working day.
 - Our firm will also confirm the correct issued COI.
3. Describe municipal and utilities risk management experience.

At Charlesworth Consulting, LC, we have extensive experience with governmental risk management and specifically, prior experience for the City of Independence, MO.

- Charlesworth Consulting, LLC currently serves as the outsourced risk manager for the City of Overland Park, Kansas; City of Olathe, Kansas and the City of Waco, Texas. In addition, Charlesworth Consulting, LLC represents cities and counties on both a retainer

and project basis in Kansas, Missouri, Nebraska, Texas, Montana, Utah, Washington and South Dakota, including the Associated School Boards of South Dakota and the South Dakota Assurance Alliance.

- Several of our public entities have Public Utilities, although only two others have power production capabilities – mostly secondary/reserve production. Both of these other public entities rely heavily on both their broker and insurer for inspection services so critical in their areas of risk.

j. Value added services

1. Describe how your firm ensures the City will receive the most optimal coverage available in the marketplace at an economical cost.

Our firm has a strong working relationship with numerous brokers in the Midwest, including the City's current broker of record – Lockton Companies. Since we represent several Midwest public entities, we see other possible insurers, rates, services, etc., that may be beneficial to the City and can assure the City of a competitive product based on the risks and claim experience of the City.

2. Describe the value-added services you would bring if your firm were selected (e.g. online access, training, reference library, loss control review, valuation assessments).

Our risk management consultant experience is here for the City. What one group may take a week to find possible solutions, we may have already experience with other public entity clients. However, we rely on other outside firms for unique services noted – valuation assessments (currently, MPR utilizes a firm to evaluate municipal property within their service agreement), utility loss control is required to be performed by an appointed firm of the insurers. Our office has provided on-site training on claim reporting as well as insurance certificate understanding for the Codes and Licensing department of the City.

3. Identify three to five specific, unique instances where your services have resulted in a specific benefit to a public client (client identity can be confidential).
 - City had multiple individual bonds that could be consolidated into a blanket public official bond (after reviewing state statutes and local ordinances), saving thousands of dollars in premium and greater overall coverage and ease of insurance administration of the Crime risk.
 - Evaluated a property program from a traditional insurance market compared to an associational trust to lower the deductible risk associated with wind/hail loss as well as cosmetic loss limitations.

- Moved Auto Physical Damage coverage away from the liability program onto a unique "all other property" type form to save over \$50,000 in premium and still maintaining catastrophic coverage for a loss of multiple vehicles.
- Consolidated the WC administration/flow of claims to get all parties working together. This resulted in a more favorable employee experience in getting claims resolved timely, lower litigation involvement and achieving back to work possibilities sooner.

k. Implementation plan

- Supply an outline of an implementation plan including a timeline, key milestones, work streams, roles and responsibilities, and transition from implementation to on-going management.

As the incumbent, there would simply be no disruption in services. Our office would continue to participate in as-needed meetings, monthly management meetings, and endeavor to be on site at least one day per month with realistic access to our professional staff.

One key focus of our firm is to respond as quickly as possible. While certain times of the year may impact response times, it is common for our firm to at least acknowledge a request within the business day received and, depending on the request, resolve as quickly as possible. We have an internal philosophy in that we would rather have the information on your desk to help you with your decision process than having something sitting at our desk.

Based on our experience as an Outsourced Risk Management firm, we do not anticipate any critical challenges other than continue to gain the trust and understanding from various departments about our independent role and solid communication to help them achieve their risk management goals.

The possible challenge of the City is anticipated to be how extensive of an Outsourced Risk Management firm will be needed and/or utilized. Sometimes, this is developed over time as to the necessary roles to meet the objectives of the City. Also, the amount of time provided can impact the cost associated with those services. While our firm does not keep specific work logs for the City, the amount of time is extensive regarding constant communication on the workers' compensation program and hectic during budget sessions and insurance renewals.

Our specific experience with the City of Independence has always been "budget" related as to the cost of independent risk management services and various departments being even knowledgeable about the resource available to them. We encourage greater communication and flexibility to assist department heads as their needs/questions arise.

l. Scope of service

- List the services from Section 3 your firm is qualified to provide.

ALL NOTED ABOVE

m. Project approach

1. What are the key elements in building a strong partnership with a public sector client?

The key has always been developing the working relationship and trust with department directors and those assigned to assist in various risk management issues. This is built over time and, as an independent firm, we find public employees are more open to deeper discussions on risk related issues as they do not "report" to us. We are a key risk identification function of the City and need strong communication with those with whom we deal to develop solid risk management solutions that arise.

2. Describe your firm's approach to providing the services outlined in Section 3. Break out the approach by each service (i.e., 3a, 3b, 3c).

Noted above in response to the Scope of Services.

3. Describe any additional value, innovative approaches, or enhancements to the outlined services that your firm can provide.

When combining both the Risk Management and WC management services through one resource, we have full responsibility for the success of these programs. There are budget and excess renewal programs that are best handled by one firm working with the current outside resources utilized by the City – from claim management, brokerage communication, city legal resources, nurse triage, etc. We have found that segmenting the program creates potential gaps in communication and success of the programs.

4. Describe how your firm's approach will provide long-term value and improved service to the City.

This is probably exhibited best by our tenure with the City of Overland Park. We span some of the communication gap between departments and serve as the "funnel" for risk management and claims communication. We bring solutions and ideas to management and can effectively communicate to governing committees well before any formal action is needed by the full governing body.

It does take time to build this trust and working relationship. We have found that we have already developed a working dialog with various departments, they find that we are a good resource from which to discuss ideas. Sometimes, we make recommendations against a new function, but more times than not, we help develop stronger risk management approaches to where goals can be met by that department.

D. Key Personnel (up to 10%)

1. Provide resumes of your firm's key personnel with your proposal.
 - See information above for key personnel.

E. Pricing (up to 20%)

- Provide your firm's fees based upon the information in Section 4.
See above Section 4.
- Describe any performance guarantees your firm would be willing to include and the metrics that would be used to evaluate your firm's performance.

Our agreements are quite simple. If the City does not see value in what we can bring to the risk management program, there is a simple 60-day notification of termination at any time during the agreement. Until both the City and our firm can get a strong handle on any performance metrics, we must evaluate the goals of the City.

F. Interview (up to 20% - only for shortlist finalist)
Agreed

5. COOPERATIVE PROCUREMENT WITH OTHER JURISDICTIONS

- a. This section is optional and does not impact evaluation of proposals. State in your proposal if you will extend any contract resulting from this RFP to other jurisdictions, under the same terms and conditions, as described herein.

The quoted fee and the terms/conditions is very similar to other fees charged to three other public entities for similar services. However, each client is different and based on our current size, we are selective as to response to the possibility of new clients void of having appropriate resourced from which to utilize. Therefore, we must decline the possible extension of this contract to other jurisdictions at this time.

**CONTRACT
FOR
PROFESSIONAL SERVICES
CHARLESWORTH TO COMPLETE ONCE CITY DECIDES ON SERVICE PACKAGE**

This Contract, made by and between the City of Independence, Missouri (hereinafter called City) and, _____, a Corporation (hereinafter called Consultant).

WITNESSETH:

WHEREAS, City requires consulting services for _____ and,

WHEREAS, Consultant is prepared to provide said risk management services and shall give consultation and advice to City during the performance of said services;

NOW THEREFORE, City and Consultant in consideration of the mutual covenants contained in this Contract, agree as follows:

ARTICLE 1 – EFFECTIVE DATE

The effective date of this Contract shall be _____.

ARTICLE 2 – SERVICES TO BE PERFORMED BY CONSULTANT

Consultant shall perform the services set forth in Request for Proposals 24026, the Consultant’s proposal, and all other documents attached hereto and made a part of this contract.

ARTICLE 3 – PERIOD OF SERVICE

The term of services shall be one year with up to four one-year extensions, upon agreement between the parties, with guaranteed pricing for the first three years of the contract.

ARTICLE 4 – COMPENSATION

For services performed, the City shall pay the Consultant, an amount not to exceed _____.

Invoices shall be submitted by the Consultant to the City for payment of services performed and expenses incurred on a regular basis (e.g. monthly). Invoices shall indicate the hours expended for each person listed in the Statement of Services, the total labor billing, and a summary of other expenses and charges with supporting documentation.

Payment will be made by the City within thirty (30) days of receipt of the monthly invoice.

The City is exempt from State of Missouri sales and use taxes on purchases made directly for the City. Consultant shall not include any sales or use taxes on transactions between the Consultant and City.

ARTICLE 5 – PERMITS AND LICENSES

The Consultant shall procure all necessary local construction permits and licenses and a City of Independence occupation license, unless exempt under state law.

Consultant will abide by all applicable laws, regulations, and ordinances of all federal, state, and local governments in which work under this contract is performed, and will require the same of all sub-consultants.

The Consultant must furnish and maintain certification of authority to conduct business in the State of Missouri.

ARTICLE 6 – OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, documents, drawings, and specifications prepared by Consultant as part of the Services shall become the property of City, provided, however, that Consultant shall have the unrestricted right to their use. Notwithstanding the foregoing, City accepts that any re-use of the documents or intellectual property shall be at City's sole risk and liability.

ARTICLE 7 – CHANGES, DELETIONS, OR ADDITIONS TO Contract

Either party may request changes within the general scope of this Contract. If a requested change causes an increase or decrease in the cost or time required to perform this Contract, City and Consultant will agree to an equitable adjustment of the Contract price, period of service, or both, and will reflect such adjustment in a change order or formal modification.

ARTICLE 8 – STANDARD OF CARE

Consultant shall exercise the same degree of care, skill, and diligence in the performance of the Services as is ordinarily possessed and exercised by a peer professional under similar circumstances.

ARTICLE 9– LIABILITY AND INDEMNIFICATION

Having considered the potential liabilities that may exist during the performance of this Contract and the Consultant's fee, and in consideration of the mutual covenants contained in the Contract, City and Consultant agree to allocate and limit such liabilities in accordance with this Article.

Consultant agrees, to the fullest extent permitted by law, to indemnify and hold harmless the City, its officers, directors and employees, against all damages liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the Consultant's negligent performance of professional services under this Contract and that of its sub-consultants or anyone for whom the Consultant is legally liable. Consultant shall indemnify City against legal liability for damages arising out of claims by Consultant's employees.

ARTICLE 10 – INSURANCE

The Consultant shall procure and maintain insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the materials, equipment or supplies provided to the City. The insurer(s) must be licensed for business in the State of Missouri and maintain an A.M. Best rating of no less than A: VII; or an insurer approved by the City. Each policy requires a minimum cancellation notification of at least thirty (30) days' advance written notice to the City.

(1) General Liability Insurance, with bodily injury and property damage limits of \$2,000,000 for each occurrence with a \$5,000,000 general aggregate and \$2,000,000 products and completed operations aggregate.

(2) Professional Liability or Errors and Omissions Insurance, with a limit of \$2,000,000 annual aggregate.

(3) Automobile Liability Insurance, with bodily injury limits of \$2,000,000 for each person and \$5,000,000 for each accident, and with property damage limits of \$2,000,000 for each accident.

The above limits are the minimum acceptable and do not infer or place a limit on the liability of the Consultant. The City is to be named as an additional insured as the City's interest may appear for the General Liability and the Automobile Liability Insurance. The Consultant's insurance shall be primary and any insurance or self-insurance maintained by the City shall be excess for the City and not contribute with the coverage maintained by the Consultant.

The City shall not obtain workers compensation insurance on behalf of the Consultant or the employees of the Consultant. The Consultant shall comply with the workers compensation law concerning its business and its employees.

ARTICLE 11 – SHIPPING, TITLE AND RISK OF LOSS

All sales and deliveries are F.O.B. City.

ARTICLE 12 – DELAY IN PERFORMANCE

Neither City nor Consultant shall be considered in default of this Contract for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Contract, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restrains; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Contract. If such circumstances should occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Contract.

ARTICLE 13 – TERMINATION

City may terminate or suspend performance of this Contract for City's convenience upon written notice to Consultant. Consultant shall terminate or suspend performance of the Services on a schedule acceptable to City. If termination or suspension is for City's convenience, City shall pay Consultant for all the Services performed till the date of the termination by the City or suspension expenses. Upon restart, and equitable adjustment shall be made to Consultant's compensation.

This Contract may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Contract. The nonperforming party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party. In the event that funding for the contract is discontinued, City shall have the right to terminate this contract immediately upon written notice to Consultant.

ARTICLE 14– WAIVER

A waiver by either City or Consultant of any breach of this Contract shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 15 – SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Contract or the occurrence of any event rendering any portion or provision of this Contract void shall in no way affect the validity or enforceability of any other portion or provision of this Contract. Any void provision shall be deemed severed from this Contract, and the balance of this Contract shall be construed and enforced as if this Contract did not contain the particular portion or provision held to be void. The parties further agree to amend this Contract to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Contract from being void should a provision which is of the essence of this Contract be determined void.

ARTICLE 16 – SUCCESSORS AND ASSIGNS

City and Consultant each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party to the Contract and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Contract.

ARTICLE 17 – ASSIGNMENT

Neither City nor Consultant shall assign any rights or duties under this Contract without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Contract.

ARTICLE 18– THIRD PARTY RIGHTS

Nothing in this Contract shall be construed to give any rights or benefits to anyone other than City and Consultant.

ARTICLE 19– INDEPENDENT CONSULTANTS

Each party shall perform its activities and duties hereunder only as an independent Consultant. The parties and their personnel shall not be considered to be employees or agents of the other party. Nothing in this Contract shall be interpreted as granting either party the right or authority to make commitments of any kind for the other. This Contract shall not constitute, create, or in any way be interpreted as a joint venture, partnership or formal business organization of any kind.

ARTICLE 20– AUDIT

Consultant agrees that the City, or a duly authorized representative, shall, until the expiration of three (3) years after final payment under this Contract have access to and the right to examine and copy any pertinent books, documents, papers and records of the Consultant involving transactions related to this Contract.

ARTICLE 21 – EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract or purchase order, the Consultant agrees as follows:

The Consultant will not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, national origin or any other legally protected category. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated fairly during employment, without regard to their race, age, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

The Consultant will, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, state that all qualified applicants will receive consideration for employment without regard to race, age, color, religion, sex, or national origin.

The Consultant will send to each labor union or representative of workers with which he or she has a collective bargaining agreement or other contract or understanding a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Consultant's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The Consultant will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

The Consultant will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his or her books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

In the event of the Consultant's noncompliance with the non-discrimination clauses of this contract or purchase order with any of the said rules, regulations, or orders, this contract or purchase order may be canceled, terminated, or suspended in whole or in part, and the organization may be declared ineligible for any further government contracts or purchase order or federally assisted contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, or by rules, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

The Consultant will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965,

so that such provisions will be binding upon each sub-consultant or vendor. The Consultant will take such action with respect to any sub-consultant or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions of noncompliance; provided, however, that in the event an Consultant becomes involved in, or is threatened with litigation with a sub-consultant or vendor as a result of such direction by the Department, the Consultant may request the United States to enter into such litigation to protect the interest of the United States.

ARTICLE 22 – GOVERNING LAW

This Contract shall be governed by the laws of the State of Missouri. The City and the Consultant agree that the performance of this Contract will be deemed to have occurred in the State of Missouri and that Consultant's performance under this Contract will be deemed the transaction of business in Missouri. Jurisdiction and venue for any claim or cause of action arising under this Contract shall be exclusively in the Sixteenth Judicial Circuit of Missouri and the Consultant submits to personal jurisdiction of and waives any personal jurisdiction or inconvenient forum objection to, that court.

ARTICLE 23 – COMMUNICATIONS

Any communication required by this Contract shall be made in writing to the authorized representative at the address specified below:

Consultant: _____

City: Procurement Manager, 111 E. Maple, Independence, MO 64050

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of Consultant and City.

ARTICLE 24 – SEPARATE CONTRACTS

City and Consultant each reserve the right to, from time to time, enter into other contracts for specific projects. If such contracts are separately approved in writing by the parties, the terms and conditions of those contracts shall prevail for the specific projects set forth therein.

ARTICLE 25 – ENTIRE CONTRACT

This Contract represents the entire agreement between the City and Consultant. All previous or contemporaneous contracts, representations, promises and conditions relating the Consultant's services described herein are superseded.

ARTICLE 26 – SURVIVAL OF TERMS

The following provisions shall survive the expiration or termination of this Contract for any reason: if any payment obligations exist, Article 4 – Compensation; Article 5 – Permits and Licenses; Article 9 – Liability and Indemnification; Article 14 – Waiver; Article 15 – Severability; Article 17 – Assignment; Article 19 – Independent Consultants; Article 22 – Governing Law; Article 25 – Entire Contract; and this Article 26 – Survival of Terms.

IN WITNESS WHEREOF, City and Consultant, by and through their authorized officers, have made and executed this Contract.

City

Consultant

By _____

By _____

Title _____

Date _____

Date _____

AFFIDAVIT

STATE OF Missouri)
) SS.
 COUNTY OF Jackson)

JAMES CHARLESWORTH of the City of KANSAS CITY
 _____, County of JACKSON, State of MISSOURI,

being duly sworn on her or his oath, deposes and says:

1. That I am the President (Title of Affiant) of
Charlesworth Consulting, LC (Name of Proposer) and
 have been authorized by said Proposer to make this affidavit on the Proposer's behalf;
2. No Councilmember, nor the City Manager, the Director of Finance or the City Procurement Manager is financially interested in what the Proposer is offering to sell to the City pursuant to this invitation, nor is the Proposer a City employee or board member whose proposal creates a conflict of interest. A conflict of interest would arise if a City employee or board member is in a position to affect either the decision to solicit proposals or the selection of the successful proposer;
3. Proposer has not participated in collusion or committed any act in restraint of trade, directly or indirectly, which bears upon anyone's response or lack of response to this Invitation; and
4. The authorized signer of this document certifies that the organization and each of its principals are not suspended or debarred by the City of Independence, State of Missouri or Federal government.

James Charlesworth (Name of Proposer)

By: _____ (Signature of Affiant)

President (Title of Affiant)

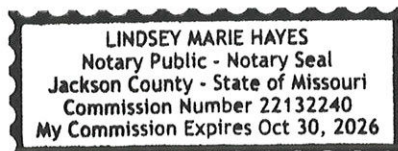
Subscribed and sworn to before me this 20th day of June, 2024.

(SEAL)

Lindsey Hayes
 NOTARY PUBLIC in and for the County of JACKSON
 State of MISSOURI

My commission expires:

OCT-30th 2026



RFP #24026 - Risk Management Services
Closed June 21, 2024 at 5:00 p.m.

			* Charlesworth *			Tinsley		
	Proposal Scores	Maximum Weight	A	B	C	A	B	C
1	Evidence of experience & references with similar projects	10	10	10	10	10	9	10
2	Firm Structure and Experience	20	19	20	20	10	15	13
3	Service Approach	20	19	20	20	12	5	10
4	Key Personnel	35	10	10	10	10	10	10
5	Pricing	20	8	8	8	20	20	20
6	Interview	20						
	Total	125	66	68	68	62	59	63
	Average Score		67			61		

* Charlesworth recommended for award based on providing the most comprehensive service offering for the city.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to expend \$380,000.00 for fiscal year 2024-2025 to USIC Locating Services Inc. for Locating Services for the Municipal Services and Power & Light Departments.

Recommendations:

Council approval of expenditures.

Background:

The Missouri One-Call Statute mandates that City-owned utilities provide locating services under the Missouri One-Call Program. Municipal Services and Power & Light do not have sufficient staffing to comply with the volume of facility location requests under the provisions of this statute and thus contract for the service.

USIC Locating Services Inc (USIC), was awarded the contract that was approved by the Council in 2022 for the providing of this service as a result of an invitation to bid (ITB).

Approval of this item authorizes change orders up to ten (10) percent of the authorized amount, providing appropriations are available.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City totals \$380,000.00. Funding is included in the fiscal year 2024-2025 Municipal Services adopted budget, page 175, \$80,000, account number (0305230-5226), Professional Services; page 173, \$80,000, account number (0135262-5226) Professional Services; Fiscal year 2024-2025 Power & Light adopted budget, \$220,000, account number (0206150-5226) Professional Services.

Council Action:

**Department /
Contact**

Municipal Services /

REVIEWERS

Lisa Reynolds

Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

None

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is recommended to enter into contracts with Cigna for Medical and Pharmacy Insurance Coverage for Active and Pre-65 Retirees; MetLife for Dental Insurance Coverage; EyeMed for Vision Insurance Coverage; MetLife for Flexible Spending Account Coverage and UMB for Health Savings Accounts.

Recommendations:

Council approval to issue contracts.

Background:

Staff, working with CBiz (City Consultant) issued a Request for Proposals (RFP) for insurance coverage for medical and pharmacy insurance for active and pre-65 retirees, dental, vision, flexible spending and health saving accounts on February 13, 2024. The RFP was published on Public Purchase, the City's e-bidding system, with notices sent to numerous potential respondents. Several firms responded by the March 1, 2024 deadlines.

A team comprised of a sub-group of the Stay Well Committee, including Active & Retiree members, plus HR and Administration, over a series of 3 work sessions in April and May, evaluated the proposals. Proposals were received and initially vetted through CBiz.

Attached to this item is an attachment which provides the evaluation criteria and fiscal impact changes for each coverage of insurance.

Emergency Justification:**Fiscal Impact:**

Refer to the summaries in the attached powerpoint presentation slides for all plan's fiscal breakdown.

Council Action:

Department / Contact	Human Resources /
---------------------------------	-------------------

REVIEWERS

Mike Jackson
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. City of Independence Council Slides for All Plans



2025 BENEFITS MARKETING PRESENTATION ON CBIZ



July 22, 2024



Benefits Marketing Process



- The City currently offers a package of Medical, Dental, Vision, and other associated health & welfare programs through Cigna to eligible employees, retirees, and their families.
- The City has been in a 5-year contract with Cigna that prohibited the marketing of Cigna-administered plans through the 2024 plan year.
- Through the City's Procurement department, CBIZ distributed a Request for Proposal (RFP) to the local and national market for the City's Medical/Rx (Active & Retiree), Dental, Vision, Flexible Spending Account, and Health Savings Account Programs, for coverage to begin on January 1, 2025.
- Some vendors were invited by CBIZ to respond, and some responded after finding the public bid online.
- Responses were aggregated by CBIZ, then presented to a sub-group of the Stay Well Committee, including Active & Retiree members, plus HR and Administration, over a series of 3 work sessions in April and May.



ACTIVE/PRE-65 MEDICAL

Medical Marketing Summary



Carrier	Status	Comments
Cigna (incumbent)*	Quoted	Invited by CBIZ to respond
BlueKC *	Quoted	Invited by CBIZ to respond
Aetna	Declined to Quote <i>unable to provide timely proposal</i>	Invited by CBIZ to respond
United Healthcare <i>*Selected as vendor finalist</i>	Declined to Quote <i>unable to provide timely proposal</i>	Invited by CBIZ to respond

Self-Funded Medical Marketing Process

THIRD PARTY ADMINISTRATION RFP

- Market pricing survey for claims administration, network access, member tools, care management, and other care and wellbeing programs
- Carriers are given current plans and program components and asked to competitively price apples-to-apples offerings, or enhancements
- *“How much would it cost for Carrier A to run the claims administration of the plan?”*

CLAIMS REPRICING

- Market survey for network efficiency and provider/facility contract discount projection, and cost estimation for future performance
- Carriers are given historical line-by-line claims data and are asked to project future costs and discounts based on actual plan utilization

Total Cost Projection



		Cigna	Cigna	Blue Cross of KC	BlueKC/Nat'l Alliance
		Current	Proposed	Proposed	Proposed
Network Name		Cigna OAP	Cigna OAP	Preferred Care Blue	Preferred Care Blue
Fixed Costs	2025 Administrative Fees	\$689,507	\$689,507	\$856,488	\$1,031,832
Fixed Costs	2025 + 2026 Carrier Credits	\$0	(\$115,000)^	(\$175,000)	(\$25,000)
Fixed Costs	2026 Administrative Fees	\$689,507	\$708,978	\$856,488	\$1,031,832
Variable Costs	2025 + 2026 Medical Claims Repricing	\$27,467,550	\$25,626,694	\$24,211,916	\$24,211,916
Variable Costs	2025 + 2026 Rx Claims Repricing	\$7,330,855	\$8,738,000	\$7,237,689	\$8,402,000*
Total	2025 + 2026 Claims + Fixed Projection	\$36,177,418	\$35,648,179	\$32,987,581	\$34,652,580
	\$ Change from Incumbent		(\$529,240)	(\$3,189,837)	(\$1,524,838)
	% Change from Incumbent		-1.46%	-8.82%	-4.21%

^Does not reflect credits paid outside of 2025/2026 plan years (1/2027: \$55,000)

- Does not account for stop loss reimbursements for large claimants
- Rx projections include rebates/credits
- Does not include impact of use of carriers' narrow network programs

Vendor Response Scoring



- Respondents were scored by 3 Active members of the RFP Sub-committee, plus representation from HR and were judged based on Responsiveness, Pricing, Plan Design Match, Value Added Programs, and Network Access, with a maximum score of 20 points per category

		* Cigna *				Blue Cross of Kansas City			
	Maximum Points	A	B	C	D	A	B	C	D
Responsiveness	20	20	15	20	19	20	15	20	19
Pricing	20	20	14	18	18	20	17	20	16
Plan Design Match	20	18	14	20	17	18	18	18	18
Value Added Programs	20	19	17	20	18	19	16	20	17
Network Access	20	20	18	20	18	20	17	15	16
<i>Total Points</i>	<i>100</i>	97	78	98	90	97	83	93	86
Average		91				90			

Vendor Response Commentary



Cigna:

- Cigna was responsive in their bid for Medical and Pharmacy provider. Cigna has the best plan design match of the bidders.
- Cigna has the best Network access for our plan design. The StayWell Committee has worked hard to promote the Local Plus Network that utilizes our hometown hospital and facilities. Cigna Medical and Pharmacy plan would have the least amount of disruption for the members.
- Cigna pricing was not as competitive as the other bidder.
- Cigna was my choice for Medical and Pharmacy based on the plan design and including our hometown hospital and providers to accommodate our Local Plus plan. The choice has the least amount of disruption to our members. Cigna has new programs designed to assist chronic and high cost. Claimants in reducing costs to the plan. Cigna has been a good partner with the City of Independence while continuing to work on the health and wellness of our members.

Vendor Response Commentary



Blue Cross of Kansas City:

- Blue KC was responsive in their bid for Medical and Pharmacy provider. Blue KC has a very competitive plan design match of the bidders.
- Blue KC has a competitive network access for our members. Blue KC Blue Select Plus Network provides affordable access to care in and around the Kansas City metro. They also have a smaller local network in Spira Care. The Spira Care facilities offer advanced primary care services for newborns, infants, children, adolescents, adults and seniors. The network disruption for the member would be substantial to those members in Local plus. The Spira Care program does not include the hometown hospital located in Independence.
- Blue KC Pharmacy program was not presented by the Pharmacy Team when the finalist presentation was given. Several questions were not answered fully in regards to how the rebates work and if a drug is excluded, could negotiate to get it included if there was substantial disruption to the members. Blue KC pharmacy disruption impacted 663 prescriptions with 179 utilizers. (3.1% of total prescriptions.)
- Blue KC had the best pricing of the bidders. While Blue KC has higher admin costs, they presented that they have better re-pricing of claims that will save the fund a substantial amount of money. They also have a rate guarantee for 3 years when Cigna's admin fees will increase by 3% in 2026 and 2027.

Vendor Response Commentary



Summary:

- Both Parties submitted proposals in a timely matter. As the Committee worked through the RFP process there were several areas that follow up information was needed and both parties were timely in their responses.
- With Cigna being our current carrier they matched the proposal with no issue with the OAP and Local Plus Networks. Blue KC offered a similar select network to Local Plus, but the main area of concern is that the Spira Care network is a complete change from where our members are being driven now. When the LP network was put into place we determined that there was approximately 65% of our membership using those facilities or Doctors already. This would cause a massive disruption amongst the membership and would also affect the projected cost saving the Blue KC anticipated with a switch to them as the Medical Carrier.

Vendor Response Commentary



Summary:

- When looking at pricing we focused on the Medical Claims repricing study that was conducted. Blue KC was projecting a savings of \$3,255,634 as Cigna was projecting a savings of \$1,840,856. The concern I have with Blue KC's projected savings is they never really spoke about the programs that "run behind the scenes" and what the cost PMPM would be. We have several programs running with Cigna currently and these projections are believed to be true savings.
- My recommendation is to award Cigna the contract with Medical and Pharmacy. They have been a well-established partner with the City of Independence for a long time while providing great coverage and lower medical cost. Blue KC in their final presentation was instructed to bring your best and final offer and during the presentation brought no one to speak about Pharmacy. We know that Pharmacy is probably the largest cost to any medical plan and they were unable to answer certain questions regarding discounts and rebates. I feel Blue KC is a great company and provides many benefits, but ultimately that Cigna is the right choice for the City of Independence and its members.
- Both were competitive. Cigna stood out as the better option at this time due to network access plan design.

Evaluation Summary



- The panel's evaluation determined that Cigna, the incumbent, offered the most comprehensive program to match current offering, and offered the best network access for the City and for Retirees.
- Panel Recommendation: Maintain Active/Pre-65 medical coverage and renew plans with Cigna.



DENTAL

Dental Marketing Summary



Carrier	Status	Comments
Cigna (incumbent)*	Quoted	Invited by CBIZ to respond
Ameritas	Quoted	Invited by CBIZ to respond
Blue KC	Quoted	Invited by CBIZ to respond
Delta Dental of MO	Quoted	Invited by CBIZ to respond
Metlife*	Quoted	Invited by CBIZ to respond
Sun Life	Quoted	Invited by CBIZ to respond
United Healthcare	Quoted	Invited by CBIZ to respond
Aetna	Declined to Quote <i>unable to provide timely proposal</i>	Invited by CBIZ to respond
Guardian	Declined to Quote <i>unable to provide competitive proposal</i>	Invited by CBIZ to respond
Mutual of Omaha *Selected as vendor finalist	Declined to Quote <i>unable to provide competitive proposal</i>	Invited by CBIZ to respond

Vendor Response Scoring



- Respondents were scored by the Active and Retiree members of the RFP Sub-committee, plus representation from HR and were judged based on Responsiveness, Pricing, Plan Design Match, Value Added Programs, and Network Access, with a maximum score of 20 points per category.

• Scoring follows:

		Cigna	Ameritas	BlueKC	Delta Dental of MO	Metlife	Sun Life	United Healthcare
	Maximum Points	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score
Responsiveness	20	18	17	18	18	18	14	17
Pricing	20	13	17	11	16	18	15	14
Plan Design Match	20	19	15	14	14	18	15	13
Program Enhancements	20	16	14	15	14	16	14	14
Network Access	20	16	14	16	17	18	15	15
Average		81	77	72	77	88	74	73

Detailed scorecards on file with Procurement

Pricing Summary



Carrier	Total Cost Projection for 2025	Change from Current (\$)	Change from Current (%)
Cigna (incumbent)	\$1,013,721		
Ameritas	\$910,562	(\$103,158)	-10.2%
Blue KC	\$1,034,976	\$21,255	2.1%
Delta Dental of MO	\$949,141	(\$64,580)	-6.4%
Metlife	\$904,476	(\$109,245)	-10.8%
Sun Life	\$952,507	(\$61,213)	-6.0%
United Healthcare	\$986,019	(\$27,702)	-2.7%

Vendor Response Summary



- **BlueKC** was going to be an increase to the city and members whereas **Cigna** remained flat with our current pricing. The remaining bids provided a savings from our current provider with **Metlife** and **Ameritas** providing over \$100,000 in savings.
- All bidders had a difference in Annual Maximum Benefit allowance that was lower than our current provider except **Metlife** who actually quoted an increase to this benefit. Most of the carriers charge a higher deductible for Out-of-network care vs our current provider showing no price increase.
- When looking at Network access **Cigna & Ameritas** showed in the 60% range, **SunLife, BlueKC** and **UHC** showed in the 70% range, **Delta Dental** was in the 80% and **Metlife** was the only carrier to provide a Network Access in the 90% range for the Top 25 Dentists.
- **Metlife** offers a lower premium with a higher annual maximum and the highest network match. They also offer coverage for implants.
- **Metlife** was my first choice for Dental due to the best pricing and network matching. **Metlife** also provides onsite dental with 20 appointments. They are the largest provider of dental and their discounts exceed the national average by 1.3%.

- Overall **Metlife** with the best pricing, plan design and program enhancement would be the top pick

Evaluation Summary



- The panel's evaluation determined that Metlife offered the most comprehensive program based on pricing, program enhancements, benefit improvements, and network access for the City and for Retirees.
- Panel Recommendation: Move Dental coverage to Metlife for 2025.



VISION

Vision Marketing Summary



Carrier	Status	Comments
Cigna (incumbent)*	Quoted	Invited by CBIZ to respond
Ameritas	Quoted	Invited by CBIZ to respond
Blue KC	Quoted	Invited by CBIZ to respond
Delta Dental of MO	Quoted	Invited by CBIZ to respond
EyeMed*	Quoted	Invited by CBIZ to respond
Sun Life	Quoted	Invited by CBIZ to respond
Surency Vision	Quoted	Invited by CBIZ to respond
United Healthcare	Quoted	Invited by CBIZ to respond
Aetna	Declined to Quote <i>unable to provide timely proposal</i>	Invited by CBIZ to respond
Guardian	Declined to Quote <i>unable to provide competitive proposal</i>	Invited by CBIZ to respond
Mutual of Omaha	Declined to Quote <i>unable to provide competitive proposal</i>	Invited by CBIZ to respond
*Selected as vendor finalist Vision Benefits of America	Declined to Quote <i>unable to provide competitive proposal</i>	Responded after finding public bid

Vendor Response Scoring



- Respondents were scored by the Active and Retiree members of the RFP Sub-committee, plus representation from HR and were judged based on Responsiveness, Pricing, Plan Design Match, Value Added Programs, and Network Access, with a maximum score of 20 points per category.

• Scoring follows:

		Cigna	Ameritas	BlueKC	Delta Dental of MO	EyeMed	Sun Life	Surency	United Healthcare
	Maximum Points	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score
Responsiveness	20	17	18	18	17	19	17	11	17
Pricing	20	19	14	12	14	18	13	12	19
Plan Design Match	20	17	16	16	17	19	15	12	17
Program Enhancements	20	13	14	14	13	17	15	11	13
Network Access	20	11	19	17	15	17	19	13	11
Average		76	79	77	76	89	79	59	76

Detailed scorecards on file with Procurement

Pricing Summary



Carrier	Total Cost Projection for 2025	Change from Current (\$)	Change from Current (%)
Cigna (incumbent)*	\$357,462		
Ameritas	\$314,563	(\$42,899)	-12.0%
Blue KC	\$332,156	(\$25,306)	-7.1%
Delta Dental of MO	\$241,761	(\$115,701)	-32.4%
EyeMed*	\$207,622	(\$149,840)	-41.9%
Sun Life	\$315,082	(\$42,380)	-11.9%
Surency Vision	\$241,761	(\$115,701)	-32.4%
United Healthcare	\$198,510	(\$158,952)	-44.5%

Vendor Response Summary



- All the bidders came in with annual quotes that would save the employer and member money, these rankings were based off the most savings for the highest score.
- When comparing plan design the biggest difference was in the Standard Lens section and what was covered and at what price. **EyeMed** and **UHC** offered the most options for the least amount of cost to the member.
- With the highest overall score I award the Vision coverage to **EyeMed**. They provided the biggest saving along with the smallest amount of disruption to the members.
- As all carriers were competitive in the bid process, **EyeMed** stood out with the pricing, plan design and program enhancement.
- **Cigna** was responsive in their bid for Vision. The plan design was one of the best of the bidders. **Cigna** offers program enhancements that includes value added services with savings on additional purchases on frames and lenses. They also provide a website with a cost estimator and appointment scheduling. **Cigna** has the best network access of all the bidders. The pricing was the least competitive of all the bidders.

Evaluation Summary



- The panel's evaluation determined that EyeMed offered the most comprehensive program based on pricing, program enhancements, benefit improvements, and network access for the City and for Retirees.
- Panel Recommendation: Move Vision coverage to EyeMed for 2025.



FLEXIBLE SPENDING ACCOUNT

Flexible Spending Account Marketing Summary



Carrier	Status	Comments
Cigna (incumbent)	Quoted	Invited by CBIZ to respond
Flex Made Easy*	Quoted	Invited by CBIZ to respond
Metlife*	Quoted	Invited by CBIZ to respond
Surency	Quoted	Invited by CBIZ to respond
TASC	Quoted	Invited by CBIZ to respond
WEX	Quoted	Invited by CBIZ to respond
Aetna	Declined to Quote <i>unable to provide timely proposal</i>	Invited by CBIZ to respond
Blue KC	Declined to Quote <i>looking for new FSA vendor</i>	Invited by CBIZ to respond
United Healthcare <i>Selected as vendor finalist</i>	Declined to Quote <i>unable to provide timely proposal</i>	Invited by CBIZ to respond

Vendor Response Scoring



- Respondents were scored by 3 Active members of the RFP Sub-committee, plus representation from HR and were judged based on Responsiveness, Pricing, Program Enhancements, and Member Experience, with a maximum score of 20 points per category.
- Scoring follows:

		Cigna	Flex Made Easy	Metlife	Surency	TASC	WEX
	Maximum Points	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score	Avg Score
Responsiveness	20	19	18	18	13	18	18
Pricing	20	11	16	18	11	12	13
Program Enhancements	20	11	11	12	12	11	12
Member Experience	20	12	11	12	11	12	11
Average		52	56	60	46	53	53

Pricing Summary



Carrier	Total Cost Projection for 2025	Change from Current (\$)	Change from Current (%)
Cigna (incumbent)	\$4,356		
Flex Made Easy	\$2,688	(\$1,668)	-38.3%
Metlife	\$2,166	(\$2,190)	-50.3%
Surency	\$2,568	(\$1,788)	-41.0%
TASC	\$3,072	(\$1,284)	-29.5%
WEX	\$2,880	(\$1,476)	-33.9%

Vendor Response Summary



- **Metlife** offered the lowest 1st year Estimated Annual Cost. This program is mainly run behind the scene and is managed by the member therefore looking at the lowest cost option possible.
- Focused on monthly minimums and the flexibility of Claims Submissions. **Metlife** provides no monthly minimums and allows the employer to determine timeline on Claims Submission.
- **Cigna** was responsive on their bid for FSA. Their pricing was the worst of the bidders received.
- **Flex Made Easy** was responsive in their bid. The program features were competitive with the other bidders. Flex Made Easy pricing was competitive with the other bidders.
- No program enhancements were noted in any of the bidders, the programs all seemed consistent.
- **Metlife** is chosen to provide the FSA administration due to the lower annual cost and the flexibility provided to the member and employer.

Evaluation Summary



- The panel's evaluation determined that Metlife offered the most comprehensive program based on pricing and member experience for the City.
- Panel Recommendation: Move Flexible Spending Account coverage to Metlife for 2025.



HEALTH SAVINGS ACCOUNT

Health Savings Account Marketing Summary



Carrier Pre-65	Status	Comments
UMB (incumbent)	Quoted	Invited by CBIZ to respond
Surency	Quoted	Invited by CBIZ to respond
TASC	Quoted	Invited by CBIZ to respond
WEX	Quoted	Invited by CBIZ to respond
Aetna	Declined to Quote <i>unable to provide timely proposal</i>	Invited by CBIZ to respond
Blue KC	Declined to Quote <i>looking for new FSA vendor</i>	Invited by CBIZ to respond
UHC	Declined to Quote <i>unable to provide timely proposal</i>	Invited by CBIZ to respond

Vendor Response Scoring



- Respondents were scored by 3 Active members of the RFP Sub-committee, plus representation from HR and were judged based on Responsiveness, Pricing, Program Enhancements, and Member Experience, with a maximum score of 20 points per category.
- Scoring follows:

		UMB	Flex Made Easy	Surency	TASC
	Maximum Points	Avg Score	Avg Score	Avg Score	Avg Score
Responsiveness	20	18	18	13	18
Pricing	20	20	9	9	15
Program Enhancements	20	13	10	11	12
Member Experience	20	19	16	12	16
Average		69	53	45	60

Pricing Summary



Carrier	Total Cost Projection for 2025	Change from Current (\$)	Change from Current (%)
Cigna (incumbent)	\$0		
Surency	\$10,998	\$10,998	100%
TASC	\$7,332	\$7,332	100%
WEX	\$9,165	\$9,165	100%

Vendor Response Summary



- **UMB** offered a \$0 annual fee whereas all other bidders were charging an annual fee.
- **UMB** offers the most access to funds, the most debit cards and has no monthly fee compared to the other carriers that limit access to funds either to the debit card or online.
- My choice based off of the scoring chart is **UMB**. They are the incumbent and provide the best options for service for the least amount of money.
- All competitive. **UMB** stood out as being the best option.

Evaluation Summary



- The panel's evaluation determined that UMB, the incumbent, offered the best program, and at continued no cost to the City, for Health Savings Accounts.
- Panel Recommendation: Maintain UMB as Health Savings Account Vendor.



VENDOR SUMMARY

2025 Vendor Recommendation Summary



Coverage	Recommendation	Status
Medical (Active & Pre-65)	Cigna	No Change
Medical (Post-65)	Cigna	No Change
Pharmacy	Cigna	No Change
Dental	Metlife	Implement New Vendor
Vision	EyeMed	Implement New Vendor
Flexible Spending Accounts	Metlife	Implement New Vendor
Health Savings Accounts	UMB	No Change



APPENDIX

ASO TPA Administration



Administration	Cigna (Current) <i>Includes Rx Administration</i>	Cigna (Proposed) <i>Includes Rx Administration</i>	Blue Cross of KC (Proposed) <i>Includes Rx Administration</i>	BlueKC / Natl Alliance (Proposed) <i>Excludes Rx Administration</i>
Administration Fee	\$25.91/PEPM	\$25.91/PEPM	\$51.00/PEPM	\$59.00/PEPM
Network Access Fee	\$22.21/PEPM	\$22.21/PEPM	\$10.00/PEPM	\$10.00/PEPM
Stop Loss Carve Out Fee	\$3.00/PEPM	\$3.00/PEPM	\$2.50/PEPM	\$2.50/PEPM
Rx Accumulator Integration Fee	N/A	N/A	N/A	\$5.00/PEPM
Utilization Review	Included	Included	Included	Included
Disease Management	Included	Included	Included	Included
Telemedicine	Included	Included	Included	Included
24/7 Nurseline	Included	Included	Not Included	Not Included
Maternity Management	Not Included	Not Included	Included	Included
Total Administration Fees	\$51.12/PEPM	\$51.12/PEPM	\$63.50/PEPM	\$76.50/PEPM
Subtotal Fees (Monthly)	\$57,459	\$57,459	\$71,374	\$85,986
Subtotal Fees (Annually)	\$689,507	\$689,507	\$856,488	\$1,031,832
Additional Plan Management Fees				
Plan Document Management	Included	Included	Included	Included
ID Cards	Included	Included	Included	Included
Behavioral Health	Capitated Fee	Capitated Fee	Included	Included
Run Out Administration (not Cost of Claims) – 12 mo	Sum of Prior 4 months' admin fee	Sum of Prior 4 months' admin fee	Included	Included
Additional Cost Containment Programs				
Shared Savings	29% of savings <i>included as claim expense</i>	29% of savings <i>included as claim expense</i>	<i>Out of Network: Included In Network: 1% of savings</i>	<i>Out of Network: 35% of savings In Network: 1% of savings</i>
Optional Programs				
Concierge Program	<i>One Guide</i> Paid via Wellness Fund	<i>One Guide</i> Paid via Wellness Fund	<i>Blue Connect</i> \$2 - \$6/PEPM	<i>Blue Connect</i> \$2 - \$6/PEPM
Gene Therapy Program (Rx)	\$0.99 PMPM	\$0.99 PMPM	N/A	N/A
Additional Client Funds Provided by TPA				
Wellbeing Fund (annual)	\$125,000	\$125,000	\$125,000	\$125,000
Onsite Benefits Coordinator (annual)	Included (Lisa Phillips)	Included (Lisa Phillips)	Included (BlueKC has agreed to hire Lisa Phillips if awarded COI contract)	Included (BlueKC has agreed to hire Lisa Phillips if awarded COI contract)
Onsite Wellbeing Coordinator (annual)	\$59k paid by Cigna; \$25,872 paid from Wellness Fund	\$85,000 paid by Cigna	\$85,000 paid by BlueKC	\$85,000 paid by BlueKC
Education Fund (annual)	\$22,000	\$22,000	\$25,000	\$25,000
Wellness/Programming/Communications Fund (one-time)	N/A	\$170,000 (2025: \$60k; 2026: \$55k; 2027: \$55k)	N/A	N/A
Implementation Stipend (one-time)	N/A	N/A	\$25,000	\$25,000
Administration Fee Credit (one-time)	N/A	N/A	\$150,000	N/A
Guarantees				
Administrative Fee Guarantee	N/A	3 Years	3 Year Admin Fee and Network Access Fee Guarantee	3 Year Admin Fee and Network Access Fee Guarantee
Administrative Fee Cost Summary				
Projected Annual Administrative Fees	\$689,507	\$689,507	\$856,488	\$1,031,832
First Year Credits		\$60,000	\$175,000	\$25,000

TPA Credit Summary



	Cigna	Blue Cross
2024		
2025	\$60,000*	\$175,000
2026	\$55,000*	
2027	\$55,000*	
Total	\$170,000	\$175,000

*Contingent on Medical and Rx remaining bundled with Cigna. If Rx is carved out, future credits will be forfeited.

Does not include Education Fund, Wellbeing Fund, or Onsite Benefits Coordinator subsidy

Active/Pre-65 Medical Claims Repricing



	Current	Proposed	Proposed
TPA Network	Cigna <i>Cigna OAP</i>	Cigna <i>Cigna OAP</i>	Blue Cross of KC <i>Preferred Care Blue</i>
Total Review of Claims	\$75,702,135	\$75,702,135	\$75,702,130
In-Network		\$74,485,445	\$75,702,130
Out-of-Network		\$212,309	\$0
Non-Repriced		\$57,709	\$0
Projected In-Network Savings			
% In-Network		99.6%	100.0%
Inpatient		62.0%	70.5%
Outpatient		74.0%	72.5%
Non-Facility		62.3%	57.9%
TOTAL		68.6%	68.0%
Allowable Charges			
In-Network	\$24,557,801	\$23,388,428	\$24,211,916
Out-of-Network	\$679,018	\$95,635	\$0
Non-Repriced		\$18,121	\$0
Fixed Charges	\$2,230,731	\$2,124,510*	N/A
TOTAL	\$27,467,550	\$25,626,694	\$24,211,916
Difference from Incumbent		(\$1,840,856)	(\$3,255,634)
Difference from Incumbent		-6.7%	-11.9%

Results based on carrier repricing analysis of actual City of Independence claims paid January 2022 – December 2023 (\$75.7M Billed claims)

- Cost projections do not include Rx claims, stop loss premium, stop loss reimbursements or Rx rebates
- Change in claims mix/locations will impact future results
- Fixed charges: Claim expense fees – out-of-network negotiation, capitation, shared savings, behavioral health, cost containment fees. Currently included in monthly claims costs.

*2025 Fixed Charges projected based on 2022 and 2023 charges as a percentage of paid claims (9.1%)

This is only a summary of proposed and actual repricing results. For more information, please contact your broker.

Active/Pre-65 GeoAccess



Cigna							
Group	Standard	With Access	# With Access	Access Points	Unique Locations	Distance to 1	Distance to 2
Primary Care Physicians	2 in 10 miles	99.6%	1,328	746,628	112,358	1.5	1.9
Specialists	2 in 10 miles	99.6%	1,329	4,045,286	232,014	1.1	1.2
Hospitals	1 in 15 miles	98.2%	1,310	10,412	8,404	4.0	6.0
Convenience Care Clinics	1 in 10 miles	87.3%	1,164	1,866	1,811	2.8	5.2

BlueKC							
Group	Standard	With Access	# With Access	Access Points	Unique Locations	Distance to 1	Distance to 2
Primary Care Physicians	2 in 10 miles	97.5%	1,300	1,002,813	117,525	2.1	2.6
Specialists	2 in 10 miles	96.3%	1,285	2,915,207	139,728	2.0	2.1
Hospitals	1 in 15 miles	94.0%	1,254	6,210	6,210	5.7	9.6
Convenience Care Clinics	1 in 10 miles	87.1%	1,162	12,608	12,331	2.5	3.9

This is only a summary of proposals and does not represent every plan provision.

Active/Pre-65 Projection Caveats



- Projection based on current enrollment, administration of current plan design and setup (Medical/Rx bundled with carrier, stop loss carved out)
- Does not include stop loss insurance premium, consulting fees, or other fees
- Does not account for stop loss reimbursements for large claimants
- Rx claims projections include Rx rebates/credits
 - Cigna: Rebates as shown in CBIZ analysis
 - BlueKC: Rebate credit
 - \$78 PMPM (\$2,349,000) in 2025, \$81 PMPM (\$2,440,000) in 2026

CBIZ Rx Market Analysis



City of Independence

Experience data - 1/1/2023 - 12/31/2023

DRAFT

	Experience	Yr. 1 Projections				
Employees	1,118	1,124				
Members	2,522	2,510	NPF Formulary	Opt-In Formulary	Opt-In Formulary	Premium Formulary
Projection Year 1	Experience	Experience Projected	Cigna	Employer's Health Coalition (Caremark + PaydHealth)	Employer's Health Coalition (Caremark)	Employer's Health Coalition (OptumRx)
1/1/2025 - 12/31/2025						
Retail Network	\$ 1,391,000	\$ 1,620,000	\$ 1,591,000	\$ 1,293,000	\$ 1,424,000	\$ 1,440,000
Retail 90	\$ 1,191,000	\$ 1,298,000	\$ 1,310,000	\$ 1,381,000	\$ 1,381,000	\$ 1,429,000
Mail Order	\$ 298,000	\$ 323,000	\$ 352,000	\$ 356,000	\$ 356,000	\$ 362,000
Specialty Pharmacy	\$ 2,890,000	\$ 4,277,000	\$ 4,039,000	\$ 2,736,000	\$ 4,112,000	\$ 4,102,000
Gross Claim Cost	\$ 5,770,000	\$ 7,518,000	\$ 7,292,000	\$ 5,766,000	\$ 7,273,000	\$ 7,333,000
Member Cost Share	\$ 807,000	\$ 1,068,000	\$ 1,011,000	\$ 1,025,000	\$ 1,025,000	\$ 1,049,000
Net Claim Cost	\$ 4,963,000	\$ 6,450,000	\$ 6,281,000	\$ 4,741,000	\$ 6,248,000	\$ 6,284,000
PBM Admin Fees	\$ -	\$ -	\$ -	\$ 392,000	\$ 15,000	\$ 15,000
Rebates	\$ (1,537,000)	\$ (1,369,000)	\$ (2,298,000)	\$ (1,992,000)	\$ (2,509,000)	\$ (2,309,000)
Projected Pharmacy Cost	\$ 3,426,000	\$ 5,081,000	\$ 3,983,000	\$ 3,141,000	\$ 3,754,000	\$ 3,990,000
Cost / (Savings)			\$ (1,098,000)	\$ (1,940,000)	\$ (1,327,000)	\$ (1,091,000)
			-21.6%	-38.2%	-26.1%	-21.5%

Results based on carrier repricing analysis of actual City of Independence claims paid January 2023 – December 2023

- Cost projections do not include changes in ASO Admin Fees or consulting fees
- Change in claims mix will impact future results

Dental Geo Access



Ameritas

Group	Standard	With Access	# With Access	# Without Access	# of Providers	Distance to 1	Distance to 2
Dentist	2 in 10 miles	97.70%	1,362	32	447,767	1.6	1.8
Orthodontists	1 in 10 miles	91.1.%	1,270	124	40,754	3.9	4.8

BlueKC

Group	Standard	With Access	# With Access	# Without Access	# of Providers	Distance to 1	Distance to 2
Dentist	2 in 10 miles	97.10%	1354	40	94,594	2.4	2.6
Orthodontists	1 in 10 miles	87.00%	1222	172	5,533	5.1	5.9

Cigna

Group	Standard	With Access	# With Access	# Without Access	# of Providers	Distance to 1	Distance to 2
Dentist	2 in 10 miles	98.50%	1373	21	109,265	1.4	1.6
Orthodontists	1 in 10 miles	90.80%	1266	128	6,861	2.4	3.1

Delta Dental MO

Group	Standard	With Access	# With Access	# Without Access	# of Providers	Distance to 1	Distance to 2
Dentist	2 in 10 miles	95.20%	1864	93	84,839	1.4	1.6
Orthodontists	1 in 10 miles	86.00%	1683	274	6,316	2.5	2.8

Metlife

Group	Standard	With Access	# With Access	# Without Access	# of Providers	Distance to 1	Distance to 2
Dentist	2 in 10 miles	96.40%	1344	50	114,586	1.7	1.9
Orthodontists	1 in 10 miles	85.80%	1196	198	29,013	2.9	

Sunlife

Group	Standard	With Access	# With Access	# Without Access	# of Providers	Distance to 1	Distance to 2
Dentist	2 in 10 miles	97.10%	1353	41	111,874	1.6	1.8
Orthodontists	1 in 10 miles	88.00%	1227	167	7,439	2.7	3.5

United Healthcare

Group	Standard	With Access	# With Access	# Without Access	# of Providers	Distance to 1	Distance to 2
Dentist	2 in 10 miles	97.70%	1362	32	85,132	1.7	1.9
Orthodontists	1 in 10 miles	88.40%	1232	162	5,014	5	6

Dental Disruption



Top 25 Utilized Dental Providers		
Group	# In-Network	# Out-of-Network
Ameritas	16	9
Blue KC	19	6
Cigna <i>*based off highest discount network</i>	13	12
Dental Dental of MO <i>*based off highest discount network</i>	21	4
Metlife	23	2
Sun Life	16	9
United Healthcare	19	6

Vision Geo Access



Ameritas							
Group	Standard	With Access	# With Access	# Without Access	Access Points	Distance to 1	Distance to 2
Vision	2 in 10 miles	94.80%	1,811	100	169,315	2.9	3

BlueKC							
Group	Standard	With Access	# With Access	# Without Access	Access Points	Distance to 1	Distance to 2
Vision Urban	2 in 10 miles	100.00%	864	0	170,322	2.1	2.1
Vision Suburban	1 in 20 miles	98.60%	1032	15		3.6	3.7

Cigna							
Group	Standard	With Access	# With Access	# Without Access	Access Points	Distance to 1	Distance to 2
Vision	2 in 10 miles	94.90%	1813	98	168,693	2.2	2.2

Surency Vision							
Group	Standard	With Access	# With Access	# Without Access	Access Points	Distance to 1	Distance to 2
Vision	2 in 10 miles	90.50%	1729	182	170,322	2.7	2.7

Delta Dental of MO							
Group	Standard	With Access	# With Access	# Without Access	Access Points	Distance to 1	Distance to 2
Vision	2 in 10 miles	91.50%	1790	167	200,325	3.6	3.7

Eyemed							
Group	Standard	With Access	# With Access	# Without Access	Access Points	Distance to 1	Distance to 2
Vision	2 in 10 miles	92.80%	980	76	145,165	2.8	2.8

Sunlife							
Group	Standard	With Access	# With Access	# Without Access	Access Points	Distance to 1	Distance to 2
Vision	2 in 10 miles	92.00%	1759	152	115,115	2.6	2.6

United Healthcare							
Group	Standard	With Access	# With Access	# Without Access	Access Points	Distance to 1	Distance to 2
Vision	2 in 10 miles	97.40%	1862	49	165,229	1.1	1.1

Vision Disruption



Top 25 Utilized Vision Providers		
Group	# In-Network	# Out-of-Network
Ameritas	EyeMed: 21 VSP: 24	EyeMed: 4 VSP: 1
Blue KC	22	3
Cigna	24	1
Delta Dental of MO	22	3
Eyemed	22	3
Sunlife	24	1
Surency Vision	22	3
United Healthcare	14	11

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-743 A Resolution reappointing Ron Bruch, James Conley, and John Szturo to the Tax Increment Financing Commission

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. TIF Comm Res Bruch, Conley Szturo 8.5

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION REAPPOINTING RON BRUCH, JAMES CONLEY, AND JOHN SZTURO TO THE TAX INCREMENT FINANCING COMMISSION FOR THE CITY OF INDEPENDENCE, MISSOURI

WHEREAS, the City Council of the City of Independence, Missouri, did pursuant to Ordinance No. 8668, passed on the 18th day of April, 1985, create the Independence Tax Increment Financing Commission within and for the City of Independence, Missouri; and,

WHEREAS, the Tax Increment Financing Commission was revised to bring it into compliance with the 1991 amendments to Section 99.800 - 99.865 RSMo by the passage of Ordinance No. 12226 and to bring it into compliance with the 1997 amendments by Ordinance No. 13802 and by Ordinance No. 13838; and,

WHEREAS, three terms have expired, creating vacancies; and

WHEREAS, the City Council deems it advisable to reappoint Ron Bruch, James Conley, and John Szturo to said commission because of their qualities of leadership, temperance, judgment, and interest in the area of working toward the orderly growth of Independence by application of the provisions within the Real Property Tax Increment Allocation Redevelopment Act of the State of Missouri; and,

WHEREAS, said individuals are duly qualified to so serve, according to the Charter and ordinances of this City, and the Council wishes to affirm the individual appointment made by Councilmember Brice Stewart;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby appoints the following individual(s) to the Tax Increment Financing Commission to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

Name	Address	Term Expiration
Ron Bruch	3024 S. Viking Ct.	11/16/2025
James Conley	14916 Tomasha Dr.	11/16/2026
John Szturo	15001 E. 44 th St. S	11/16/2026

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-744 A Resolution reappointing Dan McGraw and Madalyn Osborn to the Sustainability Commission

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. McGraw and Osborn Reappt Res 8.5

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION APPOINTING DAN MCGRAW AND MADALYN OSBORN TO THE
SUSTAINABILITY COMMISSION OF THE CITY OF INDEPENDENCE

WHEREAS, the Sustainability Commission was created on September 17, 2018, by Resolution No. 6367 to advise the City Council on information regarding sustainable growth and development, the preservation of natural resources, strategies around litter reduction and recycling, and additional things that contribute to enhancing the appearance of the public realm; and

WHEREAS, two vacancies have been created; and,

WHEREAS, the City Council deems it necessary and advisable to reappoint Dan McGraw and Madalyn Osborn as members of the Sustainability Commission of the City of Independence, Missouri, and;

WHEREAS, said individuals are duly qualified to so serve, according to the Charter and ordinances of this City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby appoints the following person(s) to the Sustainability Commission of the City of Independence, Missouri each to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Dan McGraw	3511 S. Woodbury	10/1/2026
Madalyn Osborn	4916 S. Shrank Dr.	10/1/2026

PASSED THIS ____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-745 A Resolution reappointing Diane Keyser and Kay Douglas to the Park Commission

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Keyser and Douglas Reappt Park Comm 8.5

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION APPOINTING DIANE KEYSER AND KAY DOUGLAS AS MEMBERS OF
THE PARK COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI

WHEREAS, the City Council of the City of Independence, Missouri, has established a Park Commission within the City of Independence by the provisions in Article 9 of Chapter 1 of the “Code of the City of Independence, Missouri”; and,

WHEREAS, two terms have expired creating vacancies; and,

WHEREAS, the City Council deems it necessary and advisable to appoint Diane Keyser and Kay Douglas to said Independence Park Commission because of their qualities of leadership temperance, judgment, and interest in promoting public education, use and knowledge regarding the City’s Parks and Recreation Programs; and,

WHEREAS, said individuals are qualified to serve, according to the Charter and ordinances of this City and the Council does hereby affirm the individual appointments made by each Councilmember;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby appoints the following individuals to the Park Commission of the City of Independence, Missouri, each to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Diane Keyser	1201 W. 36 th St. N.	9/1/2026
Kay Douglas	1028 W. Waldo Ave.	9/1/2026

PASSED THIS ____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-746 A Resolution reappointing David Campbell to the Tree Commission

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Campbell Reappt Tree Comm 8.5

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION REAPPOINTING DAVID CAMPBELL AS A MEMBER OF THE TREE
COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI

WHEREAS, the City Council of the City of Independence, Missouri, did pursuant to Ordinance No. 14144 passed on the 1ST day of March, 1999, create the Tree Commission with and for the City of Independence, Missouri, by enacting a Section 13.02.011 of the “Code of the City of Independence, Missouri”, and,

WHEREAS, David Campbell was a member of the Tree Commission and his term has expired, and

WHEREAS, the City Council deems it advisable to reappoint David Campbell to said Tree Commission because of their qualities of leadership, temperance, judgment, and interest in fostering good personnel administration for employees of the City of Independence; and,

WHEREAS, said individual is duly qualified to serve, according to the Charter and ordinances of this City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby reappoints the following individual to the Tree Commission, to serve without compensation for the indicated term or until duly succeeded by another person properly reappointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
David Campbell	5109 S. Conway Ct.	August 1, 2027

PASSED THIS _____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-747 A Resolution reappointing Joseph Flick to the Industrial Development Authority

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Flick Reappt to Industrial Development Authority 8.5

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION REAPPOINTING JOSEPH FLICK TO THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF THE CITY OF INDEPENDENCE, MISSOURI

WHEREAS, the City Council of the City of Independence, pursuant to Ordinance No. 4826, passed on the 21st day of November 1977, created the Industrial Development Authority of the City of Independence, Missouri; and,

WHEREAS, one expiration of term of office has created a vacancy; and,

WHEREAS, the City Council deems it necessary and advisable to reappoint Joseph Flick to fill such vacancies because of their qualities of leadership, temperance, and judgment and interest in the common sense approach to building and engineering regulations in the City of Independence, Missouri; and,

WHEREAS, said individual is qualified to serve, according to the Charter and ordinances of this City,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby reappoints the following individual to the Industrial Development Authority of the City of Independence, Missouri, to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Joseph Flick	3904 S. Grant Ave.	11/30/2026

PASSED THIS ____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-748 A Resolution reappointing Christine Hughes to the Board of Ethics

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Hughes Reappt Board of Ethics 8.5

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION REAPPOINTING CHRISTINE HUGHES AS A MEMBER OF THE BOARD
OF ETHICS OF THE CITY OF INDEPENDENCE, MISSOURI

WHEREAS, the City Council of the City of Independence, pursuant to Article 2, Section 2.10, of the Charter of the City of Independence, Missouri, has the authority to appoint or elect members of the Board of Ethics of the City of Independence, Missouri; and,

WHEREAS, the expiration of a term of office has created a vacancy; and,

WHEREAS, the City Council deems it necessary to reappoint Christine Hughes to said Board of Ethics, because of their qualities of leadership, temperance, and judgment to fill the vacancy; and,

WHEREAS, said individual is qualified to serve, according to the Charter and ordinances of this City,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby reappoints the following individual to the Board of Ethics of the City of Independence, Missouri, to serve without compensation for the indicated term or until duly succeeded by another person appropriately appointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Christine Hughes	3309 Argonne Ave.	7/1/2027

PASSED THIS _____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-749 A Resolution appointing Michael Young to the Planning Commission

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Michael Young Resolution for Planning Commission

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION APPOINTING MICHAEL YOUNG AS A MEMBER OF THE CITY
PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI

WHEREAS, the City Council of the City of Independence, pursuant to Ordinance No. 427, passed on the 27th day of September, 1963, as amended (Section 1.18.001 of the City Code) and the City Charter, Article 12, Section 12.1, create the Planning Commission of the City of Independence, Missouri; and,

WHEREAS, one resignation has created a vacancy; and,

WHEREAS, the City Council deems it necessary and advisable to appoint Michael Young to the City Planning Commission because of their qualities of leadership, temperance, and judgment to fill the vacancy; and,

WHEREAS, said individual is qualified to serve, according to the Charter and ordinances of this City,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby appoints the following individual to the City Planning Commission of the City of Independence, Missouri, each to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Michael Young	10704 E. 15 th St. South	July 1, 2028

PASSED THIS ____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-750 A Resolution reappointing Wesley Epperson to the Street Improvement Oversight Committee

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Epperson Reappt SOIC Res 8.5

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION REAPPOINTING WESLEY EPPERSON TO THE STREET
IMPROVEMENT OVERSIGHT COMMITTEE

WHEREAS, the City Council of the City of Independence, pursuant to Resolution No. 4530, passed on the 20th day of July, 1998, created the Street Improvement Oversight Committee within and for the City of Independence, Missouri; and,

WHEREAS, by passage of Resolution 4538, on September 8, 1998, the City Council named the first seven members of the Street Improvement Oversight Committee; and,

WHEREAS, due to the expiration of a term of office, a vacancy has been created; and

WHEREAS, the City Council deems it advisable to reappoint Wesley Epperson to said Street Improvement Oversight Committee because of their qualities of leadership, temperance, judgment, and interest in promoting public education regarding street projects, and appropriate expenditure of the City's Capital Improvement Sales Tax; and,

WHEREAS, said individual is qualified to serve, according to the Charter and ordinances of this City, and the Council wishes to affirm the individual appointment; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby reappoints the following individual to the Street Improvement Oversight Committee of the City of Independence, Missouri, to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Wesley Epperson	3600 S. Poplar Ave.	10/1/2025

PASSED THIS _____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-751 A Resolution appointing Angie Judy to the FIFA World Cup Advisory Committee

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Angie Judy Resolution to FIFA Advisory Committee

BILL NO. _____
RESOLUTION NO. _____

A RESOLUTION APPOINTING ANGIE JUDY TO THE INDEPENDENCE FIFA WORLD
CUP ADVISORY COMMITTEE

WHEREAS, Kansas City has officially been selected as a host city for the 2026 FIFA World Cup and is the only host city in the Midwest; and,

WHEREAS, the City Council of the City of Independence, Missouri, did pursuant to Resolution No. 6984, passed on the 7th day of February, 2024, create the Independence FIFA World Cup Advisory Committee with and for the City of Independence, Missouri; and

WHEREAS, the City Council of the City of Independence, Missouri, agreed upon the appointment of 21 members who are residents in the Kansas City metropolitan area to this Committee, and;

WHEREAS, the City Council deems it advisable to appoint the following individual to said Independence FIFA World Cup Advisory Committee; and,

WHEREAS, this individual shall serve on this Committee until it is dissolved; and,

WHEREAS, said individual is qualified to serve, according to the Charter and ordinances of this City, and the Council does hereby affirm the appointment of this individual,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby appoints the following individual to the Independence FIFA World Cup Advisory Committee of the City of Independence, Missouri, each to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Address</u>
Angie Judy	702 N. Union

PASSED THIS ____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-752 A Resolution appointing members to the Independence General Obligation Bond Committee

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. GO Bond Committee Member Appt Resolution (2)

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION APPOINTING MEMBERS TO THE INDEPENDENCE GENERAL
OBLIGATION BOND COMMITTEE

WHEREAS, on April 15, 2024, the City Council of the City of Independence entered into an agreement with Olsson Studio to provide project management services to promote the General Obligation Bond; and,

WHEREAS, the agreement states that the City Council would create a Citizen Advisory Committee consisting of 20-30 citizens, appointed by the City Council members, to work with Olsson Studios in promoting the General Obligation Bond; and,

WHEREAS, said individuals are qualified to serve, according to the Charter and ordinances of this City, and the Council does hereby affirm the appointments of these individuals made by each Councilmember,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council of the City of Independence, Missouri, hereby appoints the following individual to the Independence General Obligation Bond Advisory Committee of the City of Independence, Missouri, each to serve without compensation throughout the course of the committee or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Appointed by</u>	<u>Organization or Address</u>
Libet Ojeda	Perkins	10921 E. 8 th St
GK Callahan	Perkins	9509 E. 13 th St. S
Jana Evans	Perkins	3403 N. Delaware
Richard McKei	Vaught	3804 S. Haden Dr.
Teri Mertell	Vaught	13704E. 39 th St. S
Shannon Driskell	Vaught	16200 E. 32 nd St. S
Glenda Bailey	Wiley	1918 S. Drumm Ave.
Kate Beem	Wiley	629 N. Union St.
Nick Huff	Wiley	16709 E. George Franklyn Dr.
Lucy Young	Stewart	2320 S. Viking Dr.
Mark Simcosky	Stewart	1720 S. Ann Court
Kelly Freeland	Stewart	19208 E. 29 th Terr. Ct. S.

Doug Cowan	McCandless	404 N Noland Road
Michelle Crumbaugh	McCandless	117 E College
Alversia Pettigrew	McCandless	811 N. Delaware
Danielle Dupree	Rowland	4424 S Huntington Way
Jeff Rogers	Rowland	1316 W 29 th St. S
Jeff McLaughlin	Rowland	3224 Aztec Ct.
Dr. Dale Herl	Fears	18013 E 29 th Terrace Ct S
Larry Blick	Fears	18008 E 29 th Terrace Ct S
Randall Pratt	Fears	429 NW Cottonwood Dr.

PASSED THIS ____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

 City Clerk

APPROVED AS TO FORM AND LEGALITY:

 City Counselor

REVIEWED BY:

 City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-753 A Resolution Directing the City Manager to develop and present recommendations to establish the Independence Convention and Visitor's Bureau.

Recommendations:

Staff recommends approval of the resolution.

Background:

In November 2023, the City Manager contracted with Karen Hibbard, retired Vice-President of the Manhattan, Kansas Chamber of Commerce/Director of Visit Manhattan, to review the current status of tourism activities in the City of Independence and to make recommendations on how best to organize this function to maximize the City's convention and visitor activities. Ms. Hibbard spent six months meeting with stakeholders, visiting the various historic sites, museums, cultural centers, and convention and entertainment facilities located within Independence.

On July 8th, 2024, Ms. Hibbard presented findings and recommendations from her engagement to the City Council. Ms. Hibbard has recommended that the City establish a stand-alone visitor's bureau focused on supporting and promoting tourism activities. This action would extract tourism responsibilities from the Parks & Recreation Department, where it has resided since being merged in 2014.

If approved, the City Manager would be required to present recommendations regarding the organization, staffing, and operating budget for the Independence Convention and Visitor's Bureau by November 12, 2024.

Emergency Justification:**Fiscal Impact:**

On February 2nd, 2002, the Transient Guest Tax was approved by public vote at a tax rate of 6.5%. This tax is to be paid on the gross daily rent due from or paid by transient guests of all hotels and motels, short-term rentals, bed and breakfast inns and campgrounds. The Fiscal Year 2024-24 Adopted Budget includes revenues totaling \$2,372,550 in the Tourism Fund. The City Manager would be responsible for presenting an operating budget for the Independence Convention and Visitor's Bureau for City Council consideration by November 12, 2024.

Council Action:

Department / City Manager /
Contact

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Independence CVB Resolution

BILL NO. _____

RESOLUTION NO. _____

DIRECTING THE CITY MANAGER TO DEVELOP AND PRESENT
RECOMMENDATIONS TO ESTABLISH THE INDEPENDENCE CONVENTION AND
VISITOR'S BUREAU.

WHEREAS, the City of Independence takes great pride in its robust historic sites and premier convention and visitor assets; and,

WHEREAS, on February 2nd, 2002, the Transient Guest Tax was approved by public vote at a tax rate of 6.5%; and,

WHEREAS, this tax is to be paid on the gross daily rent due from or paid by transient guests of all hotels and motels, short-term rentals, bed and breakfast inns and campgrounds; and,

WHEREAS, the Fiscal Year 2024-24 Adopted Budget includes revenues totaling \$2,372,550 in the Tourism Fund; and,

WHEREAS, the Transient Guest Tax and related tourism activities are overseen by the Tourism Commission; and,

WHEREAS, the Tourism Commission serves as an advocate for the tourism industry in Independence by educating residents and businesses about the economic, cultural, and historic value of tourism in Independence; promoting cooperation and communication among tourism sites; and addressing issues that affect tourism; and,

WHEREAS, the Tourism Commission advises and recommends policies, procedures, and programs that benefit tourism in Independence by helping to support the Tourism Division objectives and providing regular feedback to the Parks Recreation Tourism Department; and,

WHEREAS, the Tourism Commission is composed of nine members, designated by the City Council, based upon recommendations from the Commission and representing the following organizations and entities: one member each from the Chamber of Commerce, Independence Square Merchants Association, Independence Economic Development Council, Truman Library, Attractions Coalition, Hotel & Lodging Alliance, Church of Jesus Christ of Latter-Day Saints Visitors' Center and two At-Large members; and,

WHEREAS, in 2014 the Department of Tourism was made a division of the newly-formed Parks/Recreation/Tourism Department; and,

WHEREAS, in November 2023, the City Manager contracted with Karen Hibbard, retired Vice-President of the Manhattan, Kansas Chamber of Commerce/Director of Visit Manhattan, to review the current status of tourism activities in the City of Independence and to make recommendations on how best to organize this function to maximize the City's convention and visitor activities; and,

WHEREAS, Ms. Hibbard spent six months meeting with stakeholders, visiting the various historic sites, museums, cultural centers, and convention and entertainment facilities located within Independence; and,

WHEREAS, on July 8th, 2024, Ms. Hibbard presented findings and recommendations from her engagement to the City Council; and,

WHEREAS, Ms. Hibbard has recommended that the City establish a stand-alone visitor's bureau focused on supporting and promoting tourism activities; and,

WHEREAS, the City Council desires to further explore and evaluate this recommendation;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager is directed to develop recommendations to establish the Independence Convention & Visitor's Bureau.

SECTION 2. That these recommendations shall include, but not be limited to, staffing and personnel, operating budget, and necessary steps to set up a stand-alone bureau.

SECTION 3. That the City Manager's recommendations shall include the continued operation of and oversight by the Tourism Commission.

SECTION 4. That these recommendations shall be presented to the City Council for consideration no later than November 12, 2024.

PASSED THIS ____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-754 A resolution approving a Preliminary Plat of Behavioral Health in Independence, Missouri.

Recommendations:

Commissioner O'Neil made a motion to recommend approval of the Preliminary Plat of Behavioral Health with the following conditions:

1. Situs Addresses for the Lots and Tracts on the Final Plat shall be as follows:

Lot 1 20501 E. 42nd Street S.

Lot 2 will be 20500 E. 42nd Street S.

2. Label storm lines E, B, C and D.

3. Label private sanitary lines.

4. Commercial lots will need to follow water quality Best Management Practices (BMP's) and City Specifications as per engineering approval. These can be built during the development phase or building permit phase.

A second to the motion was made by Commissioner Ashbaugh. The City Planning Commission voted as follows:

Commissioner Wiley - Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Absent

Commissioner O'Neil – Yes

Commissioner Ashbaugh – Yes

Commissioner Torres - Yes

The motion passed with a recommendation for approval to be forwarded to the City Council for consideration. Staff concurs with the recommendation of the Planning Commission.

Background:

PROJECT DESCRIPTION: A request by Sean Ray, of Kimley-Horn, to approve a Final Plat the property located at 20441 E. 42ND Street S. (to be readdressed as 20501 and 20500 E. 42nd Street S.).

PROPOSAL:

The project entails the construction of a new Behavioral Health Facility on 8.36-acres of the remaining unplatted Trinity Development. Lot 2, north of E. 42nd Street S., will remain undeveloped at this time.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed two lot plat will be a 12.37-acre property, consisting of the unplatted remainder

of the Trinity Development located northeast of the intersection E. Valley View Parkway and E. Trinity Place.

CHARACTERISTICS OF THE AREA:

The Trinity Development contains restaurant, hotel, banking, office, multiple-family, library and medical uses. To the north Lot 2 is Interstate 70. The properties to the west of Lot 2 are a vacant lot and a hotel. To the west of Lot 1 is a children's hospital. To the east of both proposed lots is a nursing home. To the south of Lot 1 across E. Trinity Place is an undeveloped property.

The topography to the rises to the west. The new subdivision will be located in the relatively flat Little Blue Valley.

PROPOSED DEVELOPMENT:

The proposed development project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534-square foot one-story facility will provide treatment for 120 inpatients.

The 8.36-acre site will include parking for 180 vehicles, drop-off for passenger vehicles and ambulances, truck loading and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with additional landscaping. A schematic design of detention areas has been developed.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improve...major commercial corridors."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Mixed Uses for this site. The Guiding Principles state the need to, "Ensure that opportunities for convenient and concentrated commercial developments are provided to support both the local and regional market."

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Water, sanitary and electrical services are available along the E. 42nd Street S. and E. Trinity Place rights-of-way and nearby easements.

Stream Buffers and Flood Plain Area:

There are not any Stream Buffer zones within the plat area. However, portions of Lot 1 are within both the 100 and 500-year flood plains.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

All development engineering must be designed in accordance with City of Independence standards and specifications prior to approval of the final plat.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Resolution 24-310-03
2. Staff Report 24-310-03
3. Narrative
4. Application
5. Preliminary Plat
6. Zoning Map
7. Comp Plan Map
8. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION APPROVING A PRELIMINARY PLAT OF BEHAVIORAL HEALTH IN INDEPENDENCE, MISSOURI.

WHEREAS, the City is in receipt of an application for a preliminary plat; and,

WHEREAS, the Planning Commission did recommend approval of the application.

WHEREAS, the application is forwarded to the City Council for their consideration.

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the Preliminary Plat was consistent with the requirements in Section 14-702.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the preliminary plat for Behavioral Health located at 20501 and 20500 E. 42nd Street S., and being a part of the Section 28, Township 49, Range 31, in Independence, Jackson County, Missouri and being more particularly described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 12, TRINITY 2ND PLAT, LOTS 6-12, A SUBDIVISION OF LAND AS RECORDED AT THE JACKSON COUNTY, MISSOURI RECORDER OF DEEDS OFFICE; THENCE NORTH 88°20'54" EAST, 521.31 FEET; THENCE ALONG A CURVE TO THE RIGHT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 215.00 FEET, AN ARC LENGTH OF 162.85 FEET, TO THE NORTHERLY CORNER OF EAST TRINITY PLACE, AS NOW ESTABLISHED, AND AS SHOWN ON THE FINAL PLAT OF, TRINITY WOODS, SECOND PLAT- LOT 4, A SUBDIVISION OF LAND AS RECORDED IN SAID OFFICE, THENCE, ALONG THE WESTERLY AND NORTHERLY SIDE OF SAID EAST TRINITY PLACE, THE FOLLOWING SIX (6) COURSES, SOUTH 41°44'45" WEST, 50.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 48°15'15" EAST, A RADIUS OF 165.00 FEET, AN ARC LENGTH OF 240.12 FEET; THENCE, TANGENT TO THE LAST DESCRIBED CURVE, SOUTH 35°07'38" WEST, 146.71 FEET; THENCE ALONG A CURVE TO THE RIGHT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 238.50 FEET, AN ARC LENGTH OF 228.41 FEET; THENCE, TANGENT TO THE LAST DESCRIBED CURVE, NORTH 90°00'00" WEST, 359.35 FEET; THENCE, ALONG A CURVE TO THE LEFT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 145.33 FEET TO THE SOUTHEAST CORNER OF LOT 23, TRINITY 3RD PLAT, LOTS 22-23, A SUBDIVISION OF LAND AS RECORDED AT SAID OFFICE; THENCE ALONG THE EAST LINE OF SAID LOT 23, NORTH 06° 19'30" WEST, 278.14 FEET TO THE SOUTHEAST CORNER OF LOT 22 OF SAID TRINITY 3RD PLAT, LOTS 22-23; THENCE, ALONG THE EAST LINE OF SAID LOT 22, NORTH 01°39'06" WEST, 209.82 FEET TO A POINT ON THE SOUTH LINE OF EAST 42ND STREET SOUTH, AS NOW ESTABLISHED; THENCE ALONG THE SOUTH LINE OF SAID EAST 42ND STREET SOUTH, NORTH 88°20'54" EAST, 157.30 FEET; THENCE, ALONG THE EAST LINE OF SAID EAST 42ND STREET SOUTH, NORTH 01 °39'06" WEST, 50.00 FEET TO THE POINT OF BEGINNING.

be and the same is hereby approved with the condition listed below:

1. All development engineering must be designed in accordance with City of Independence standards and specifications prior to approval of the final plat.

A copy of said preliminary plat is attached hereto and forms a part of this resolution as though fully set forth herein.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: UHS Behavioral Health Facility

CASE NUMBER/REQUEST: **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.

APPLICANT: UHS Behavioral Health Facility

OWNER: Universal Health Services

LOCATION: 20441 E. 42nd Street S.

SITE ACREAGE: 12.37-acres

NUMBER OF LOTS: 2-lots

PROPERTY ZONING: C-2 (General Commercial)

SURROUNDING ZONINGS/LAND USES:

North: Interstate 70...Freeway
East: C-2 (General Commercial)...nursing home
South: C-2 (General Commercial)...vacant land
West: C-2 (General Commercial)...childrens hospital

CURRENT USE: Undeveloped land

FURTHER ACTION:

Following action by the Planning Commission, this Preliminary Plat request is scheduled for consideration by the City Council on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Preliminary Plat subject to the conditions listed below:

1. Situs Addresses for the Lots and Tracts on the Final Plat shall be as follows:
Lot 1 20501 E. 42nd Street S.
Lot 2 will be 20500 E. 42nd Street S.
2. Label storm lines E, B, C and D.
3. Label private sanitary lines.
4. Commercial lots will need to follow water quality Best Management Practices (BMP's) and City Specifications as per engineering approval. These can be built during the development phase or building permit phase.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Sean Ray, of Kimley-Horn, to approve a Preliminary Plat the property located at 20441 E. 42ND Street S. (to be readdressed as 20501 and 20500 E. 42nd Street S.

Current Zoning: C-2 (General Commercial)

Current Use: Undeveloped lots

Acreage: 12.37-acres

Proposed Use: Mental health facility

Number of lots Two lots

PROPOSAL:

The project entails the construction of a new Behavioral Health Facility on 8.36-acres of the remaining unplatted Trinity Development. Lot 2, north of 42nd Street, will remain undeveloped at this time.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed two lot plat will be a 12.37-acre property, consisting of the unplatted remainder of the Trinity Development located northeast of the intersection Valley View Parkway and Trinity Place.

CHARACTERISTICS OF THE AREA:

The Trinity Development contains restaurant, hotel, banking, office, multiple-family, library and medical uses. To the north Lot 2 is Interstate 70. The properties to the west of Lot 2 are a vacant lot and a hotel. To the west of Lot 1 is a children's hospital. To the east of both lots is a nursing home. To the south of Lot 1 is an undeveloped property.

The topography rises to the west. The new subdivision will be located in the relatively flat Little Blue Valley.

PROPOSED DEVELOPMENT:

The proposed development project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534-square foot one-story facility will provide treatment for 120 inpatients.

The 8.36-acre site will include parking for 180 vehicles, drop-off for passenger vehicles and ambulances, truck loading and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with additional landscaping. A schematic design of detention areas has been developed.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improve...major commercial corridors."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Mixed Uses for this site. The Guiding Principles state the need to, "Ensure that opportunities for convenient and concentrated commercial developments are provided to support both the local and regional market."

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Water, sanitary services and electrical services are available along the 42nd Street and Trinity Place rights-of-way and easements.

Stream Buffers and Flood Plain Area:

There are not any Stream Buffer zones within the plat area. However, portions of Lot 1 are within both the 100 and 500-year flood plains.

Right-of-Way to be Dedicated:

The street to be built will be dedicated public right-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

EXHIBITS

1. Narrative
2. Application
3. Preliminary Plat
4. Zoning Map
5. Comprehensive Plan Map

October 26, 2023

Joshua Garrett
Community Development, Planning Division
111 East Maple Avenue
Independence, Missouri 64050

Joshua-

We are submitting plans for the UHS Behavioral Health Facility at roughly 20441 East 42nd Street South. This application is for both a Preliminary Plan and Preliminary Development Plan.

This project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534 GSF one-story facility will provide treatment for 120 inpatients configured in five units comprised of sleeping rooms, day rooms, consult, and clinical support spaces. All the patients will have access to secured exterior activity yards containing different types of amenities. The facility will also provide the following departments: Administration, Outpatient, Admissions, Recreational Therapy including a half-court gymnasium, Dietary including a commercial kitchen and dining for patient and staff use, as well as ancillary support spaces.

The 8.36 acre site includes parking for 180 vehicles, dropoff for passenger vehicles and ambulances, truck loading, and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with minimal additional landscaping. Preliminary site landscaping is shown to meet code requirements, and schematic design of detention areas has been developed.

A new roadway connection between East 42nd Street South and East Trinity Place is shown, along with new public sidewalks. These construction plans will be submitted as part of a public improvement package.

Please reach out with any questions.



Sean Ray
Landscape Architect / Project Applicant
Kimley-Horn
805 Pennsylvania Avenue, Suite 150
Kansas City, Missouri 64105

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☒ Preliminary Plat ☒ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☒ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

UHS Behavioral Health Facility

Project Name

20441 E 42nd Street S (TBD)

Project Address/Location

78,534	8.36 AC	2	No
Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Steam Buffer (Yes or No)
C-2	C-2	None	Behavioral Health Facility
Existing Zoning	Proposed Zoning	Existing Land Use	Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☒ Completed & Signed Application Form	☒ One 24" x 36" set of plans for Land Sub. & Site Dev.
☒ Application Fee	☒ One PDF copy of a plat map or site plan
☒ Cover Letter Describing Details of Project	☒ Legal Description of the property in question

Contact Information

Applicant

Sean Ray	Kimley-Horn
Name	Company
805 Pennsylvania Avenue, Suite 150, KC MO 64105	
Address	
816-319-2182	sean.ray@kimley-horn.com
Phone	Email

Architect/Engineer/Surveyor/Other: Architect

Charles Hill	Stengel Hill Architecture
Name	Company
613 West Main Street, Louisville KY 40202	
Address	
502-893-1875	chip@stengelhill.com
Phone	Email

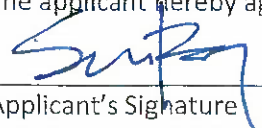
Owner

Brad Durham	Universal Health Services
Name	Company
367 South Gulph Road, King of Prussia PA 19406	
Address	
610-768-3300	brad.durham@uhsinc.com
Phone	Email

Architect/Engineer/Surveyor/Other:

Name	Company
Address	
Phone	Email

The applicant hereby agrees that the information provided above is accurate.


Applicant's Signature

10/26/2023
Date

Owner's Signature

Date

PRELIMINARY PLAT



LEGAL DESCRIPTION

LOT 1
8.36 ± ACRES

LOT 2
4.01 ± ACRES

TRINITY 2ND PRIZE
1.075 6-12
1971

EASEMENTS, UTILITIES, COVENANTS AND RESTRICTIONS
PER QUIT-CLAIM DOCUMENT NO. 200650089720

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

$$\frac{2.47}{1.00} = 2.47$$

STB

M: 318672
S: 864066

1

2-003

BEHAVIORAL HEALTH

PRELIMINARY PLAT

UWS
Environmental Health Services, Inc.

SCALE: AS NOTED

DESIGNED BY: LCA

DRAWN BY: LCA

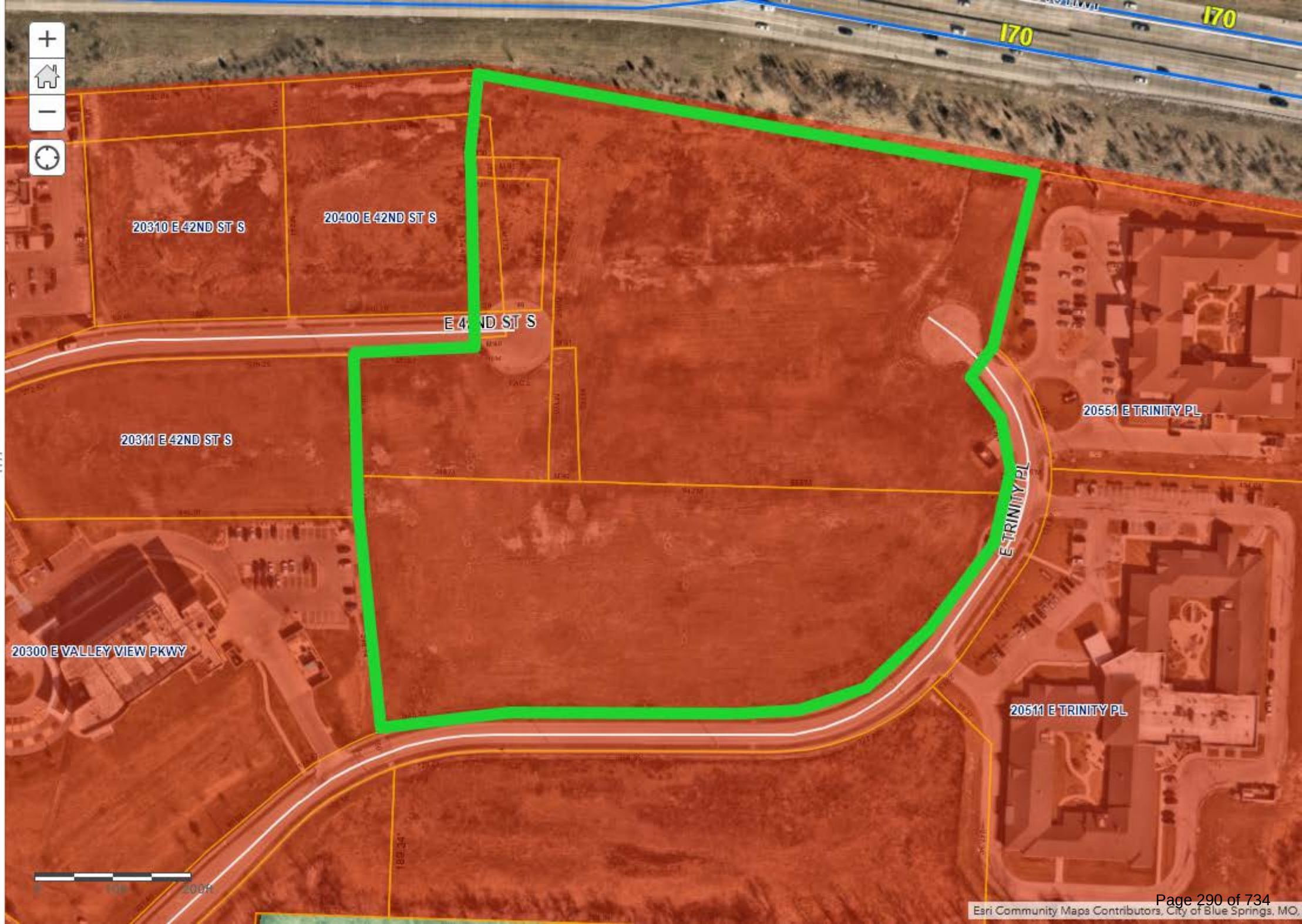
Kimley»Horn

No.		REVISIONS		DATE	BY

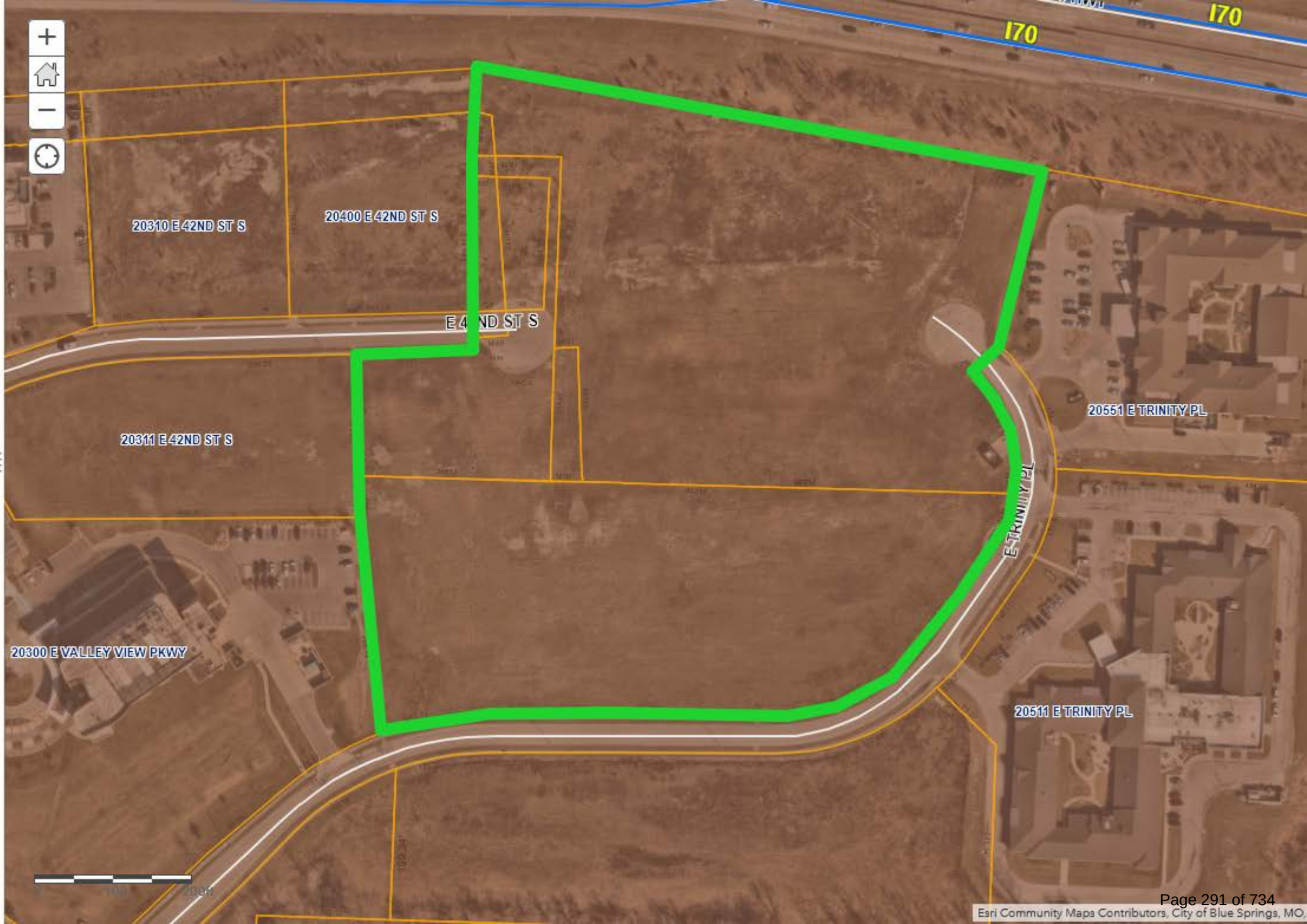


Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL



- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural





City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, June 11, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 5, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-125-04 – Rezoning/PUD – 300, 306 & 315 W. Maple Ave – A request by Polly’s Pop to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

The Planning Commission will conduct full public hearing on this application. The City Council will only hear new information that was not presented at the Planning Commission’s public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Witness my hand this 21st day of May, 2024.

Tom Scannell, Community Development Director

The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

One Insertion: May 25, 2024

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-064 **2R** An ordinance approving a rezoning from district C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and a preliminary development plan for the properties located at 300 and 315 W. Maple Avenue. **2R**

Recommendations:

Commissioner Ashbaugh made a motion to recommend approval of case 24-125-04, the rezoning and PUD of the properties at 300 and 315 W. Maple Avenue, with the following conditions:

1. The permissible uses for this property includes all C-2 uses permitted by right, plus limited manufacturing, wholesaling, and warehousing as defined in Article 2 of the Unified Development Ordinance.
2. The existing free-standing sign at 315 W. Maple Avenue shall be removed or reused.

A second to the motion was made by Commissioner Wiley. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes
Commissioner Ferguson – Yes
Commissioner McClain – Abstain
Commissioner Nesbitt – Yes
Commissioner O’Neil – Yes
Commissioner Torres – Yes
Commissioner Wiley – Yes

The motion was approved, and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

A request by Calvin Hays, Polly’s Pop, LLC, to rezone the property at 300 and 315 W. Maple Avenue from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) to accommodate and facilitate the growth of Polly’s Pop’s business.

PROPERTY HISTORY:

Both properties were originally platted by the original Town of Independence Plat in 1827. The property north of Maple Avenue was replatted in 1909 to create the alleyway that lies to the north of the building. Like the majority of properties in and around the Independence Square, these properties have been used for commercial purposes for the majority, if not the entirety,

of their existence. As such, the property was zoned C-2 (General Commercial) in 1965 when the City of Independence introduced zoning. The properties have remained C-2 since the original adoption of zoning. The buildings on the properties have had various uses over the years. The property south of Maple Avenue (315 W. Maple) had at one point been a hardware store, but now has been vacant for many years. In 2016, the property north of Maple (300 W. Maple) was selected to be the location of the resurrected Polly's Pop manufacturing facility. As the regional demand for Polly's Pop has grown, so too has the scope of manufacturing and warehousing for this property.

The second story of the building at 300 W. Maple has been and is currently being utilized as apartment spaces. Residential uses on the second floor (or higher) are allowed for commercially zoned properties.

PHYSICAL CHARACTERISTICS OF PROPERTY:

Both properties have the typical appearance of a downtown commercial building. The property on the north side of Maple Avenue is comprised of three buildings. The western most building has the Polly's Pop storefront with the brand logo on the sign. The other two buildings on the property are both two-story buildings comprised of different shades of brick. Currently, they both appear vacant with plywood in the windows.

The property at 315 W. Maple, the proposed warehouse space, is currently vacant. It also has large windows on the façade of the property that are covered to conceal the interior of the building. A worn-out sign that reads "True Value Hardware" sits on the building's east façade. A freestanding sign with no message abuts Maple Street. The building is a single story from the entrance along Maple Avenue. However, on the south side of the building, along Lexington Avenue, the building is two-stories. The south façade has a different appearance and design than the north façade of the structure. The brick appears to be a darker shade and the doorway is surrounded by stone.

CHARACTERISTICS OF THE AREA:

The other buildings in the area are of a similar aesthetic and design. They appear to be typical of downtown settings. To the south and east of the subject properties lies a large parking that accommodates the United States Post Office building on Lexington Avenue.

PROPOSAL:

Since the reintroduction of Polly's Pop in 2016, the business has been rather successful. The various flavors of Polly's Pop are now widely available at restaurants and retailers throughout the region. Polly's Pop has had to increase the scope of their production to meet the demand for their products. As they've grown their business, the scale of manufacturing has exceeded what is allowed in C-2 (General Commercial) districts. Polly's Pop is looking to further expand its operations by adding four additional diet soda flavors to their roster, in addition to two new product lines: Pioneer Springs Water and a barbecue sauce called Polly-Q. The proposed Planned Unit Development for these properties will allow limited manufacturing, as defined in Article 2 of the Unified Development Ordinance. This will allow Polly's Pop to continue manufacturing their products at the current location.

Naturally, as Polly's Pop expands its manufacturing capacity, the need for additional warehouse space grows as well. Ken McClain, the owner of Polly's Pop, owns the property at 315 W. Maple Avenue across the street from the current Polly's Pop location. They would like to utilize this property to expand their existing warehouse space. This building would be used to store pre-production materials, in addition to final products waiting to be shipped. Similar to manufacturing, warehousing is not a permitted use in C-2 districts. Rather than attempting to rezone the property to I-1 (Industrial), which would open the property to more intensive uses, the applicant seeks to allow for warehousing and wholesaling as part of the Planned Unit Development. This would allow Polly's Pop to continue to use part of their existing facility for warehouse space and to expand their warehouse to the property at 315 W. Maple Avenue.

The second floor of the building at 300 W. Maple Avenue is currently being used as apartment space. This is allowable in C-2 districts under the definition of "Mixed Use." This type is mixed commercial and residential use is not allowed in Industrial districts. If the property were to be rezoned to an Industrial zoning to accommodate the manufacturing and warehouse use, the ability to use the second floor for residential purposes would be lost, which is counter to the intention of the Comprehensive Plan. By adding a PUD to the existing C-2 zoning, the ability to use the second floor for residential purposes will be retained.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

An initiative of the strategic plan is to improve the visual appearance and reduce blight of the City's commercial corridors. By allowing for the expanded use of these properties, a previously vacant building will be utilized for the first time in many years. This will improve the visual appearance and reduce the blight of the area.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Mixed-Use land uses for this site. By designating this property as C-2/PUD, as opposed to rezoning to an Industrial designation, the vision of the comprehensive plan is preserved. This would allow for the continued residential uses in the upper floors of the property and keep any future use of the property compatible with mixed-used neighborhoods.

Historic and Archeological Sites:

There are no apparent historical or archaeological sites located on these properties.

Public Utilities:

All utilities are present on the property.

CIP Investments:

Currently, there are no CIP investments in this area.

REVIEW CRITERIA:

Recommendations and decisions for the proposed planned unit development rezoning and its associated preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. The consistency with the Comprehensive Plan. The City Comprehensive Plan recommends Mixed-Use land uses for this site.

2. The consistency with the PUD standards of Section 14-902, including the statement of purpose. Section 14-902 allows design and permitted use flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in keeping with that concept as it allows for a flexibility of uses in a lower zoning district.

3. The nature and extent of Common Open Space in the PUD. There is no common space being provided with this commercial project.

4. The reliability of the proposals for maintenance and conservation of Common Open Space. No common space is being provided.

5. The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan. Not applicable, this is a proposed commercial project.

6. The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment. Public services in the area are adequate to serve this project, which isn't expected to be a significant user of utilities, except for perhaps water. This proposed project will not adversely affect the street network in the vicinity more than many other commercial uses. In our staff review of the application, the City's traffic engineer did not see any issues with forklifts crossing the street as described by the applicant.

7. The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area. The proposed use of these properties will not have an adverse effect on the adjacent properties.

8. Whether potential adverse impacts have been mitigated to the maximum practical extent. Mitigation efforts have been planned by the property owner to reduce impacts to the area. These efforts include improving the appearance of the property from its existing state.

9. Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations. With the use of a PUD designation, it's possible to restrict the permissible uses on the property to those of a lower zoning district with the exception of the applicant's proposed use. This will provide some assurance that future use of the site will not be used for some objectionable use permitted in a higher zoning, such as C-3 (Service Commercial) or I-1 (Industrial).

10. The sufficiency of the terms and conditions proposed to protect the interest of the public

and the residents of the PUD in the case of a plan that proposes development over a period of years. As this is a relatively small project, it will be developed in a single phase.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-125-04
2. Staff Report 24-125-04
3. Cover Letter
4. Application
5. Notification Letter
6. Address List
7. Notification Area Map
8. Affidavit
9. Aerial Photograph and Pictures
10. Comp Plan Map
11. Zoning Map
12. Planning Commission Meeting Minutes 6-11-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO C-2/PUD (GENERAL COMMERCIAL/PLANNED UNIT DEVELOPMENT) AND A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTIES LOCATED AT 300 AND 315 W. MAPLE AVENUE.

WHEREAS, the application submitted by Calvin Hays, General Manager of Polly’s Pop, LLC, requesting approval of a rezoning from District C-2 (General Commercial) to C-2/PUD (General Commercial Planned Unit Development) was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held public hearings for the consideration of the request on June 11, 2024, and rendered a report to the City Council with its vote to recommend approval of this application passed by a vote of six (6) affirmative votes, zero (0) negative votes, and one (1) member choosing to abstain from voting; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning and preliminary development plan for the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning and preliminary development plan was consistent with the review criteria in Section 14-701-02 and 14-703-05 respectively; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described tracts of real estate is hereby rezoned from District C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) shall be subject to the regulations of said district:

Tract 1: Paxton and Rose’s; Lots 1, 2, 3, and 4

Tract 2: Independence Old Town; The West 50 feet of the East 67.5 feet of Lot 45

SECTION 2. That the Preliminary Development Plan, is attached hereto and is incorporated by reference as if fully set out herein, is hereby approved with the following conditions:

- 1) The permissible uses for this property includes all C-2 uses permitted by right, plus limited manufacturing, wholesaling, and warehousing as defined in Article 2 of the Unified Development Ordinance.
- 2) The existing free-standing sign at 315 W. Maple Avenue shall be removed or reused.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 4. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before the City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 11, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Polly's Pop Warehouse Expansion

CASE NUMBERS/REQUEST: **Case 24-125-04 – Rezoning/PUD – 300, 306 & 315 W. Maple Ave** – A request by Polly's Pop to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

APPLICANT: Calvin Hays, Polly's Pop General Manager

OWNER: Ken McClain, MCProperties, LLC

PROPERTIES ADDRESSES: 300 & 315 W. Maple Avenue, Independence, MO 64050

SURROUNDING ZONING/LAND USE:

N/E/S/W: C-2 (General Commercial) / Various Commercial Land Use / Mixed Use

PUBLIC NOTICE:

- Revised letters to adjoining property owners – May 23, 2024
- Public notice published in the Independence Examiner – May 21, 2024
- Signs posted on property – May 24, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on July 15, 2024 and the public hearing/second reading on August 5, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request and the preliminary development plan with the following conditions:

1. The permissible uses for this property includes all C-2 uses permitted by right, plus limited manufacturing, wholesaling, and warehousing as defined in Article 2 of the Unified Development Ordinance.
2. The existing free-standing sign at 315 W. Maple Avenue shall be removed or reused.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Calvin Hays, Polly's Pop, LLC, to rezone the property at 300 and 315 W. Maple Avenue from C-2 (General Commercial) to C-2/PUD (General

Commercial/Planned Unit Development) to accommodate and facilitate the growth of Polly’s Pop’s business.

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	C-2/PUD
Proposed Use:	Limited Manufacturing and Warehousing / Residential Apartments	Total Acreage:	0.43 Acres

PROPERTY HISTORY:

Both properties were originally platted by the original Town of Independence Plat in 1827. The property north of Maple Avenue was replatted in 1909 to create the alleyway that lies to the north of the building. Like the majority of properties in and around the Independence Square, these properties have been used for commercial purposes for the majority, if not the entirety, of their existence. As such, the property was zoned C-2 (General Commercial) in 1965 when the City of Independence introduced zoning. The properties have remained C-2 since the original adoption of zoning. The buildings on the properties have had various uses over the years. The property south of Maple Avenue (315 W. Maple) had at one point been a hardware store, but now has been vacant for many years. In 2016, the property north of Maple (300 W. Maple) was selected to be the location of the resurrected Polly’s Pop manufacturing facility. As the regional demand for Polly’s Pop has grown, so too has the scope of manufacturing and warehousing grown for this property.

The second story of the building at 300 W. Maple is has been and is currently being utilized as apartment spaces. Residential uses on the second floor (or higher) are allowed for commercially zoned properties.

PHYSICAL CHARACTERISTICS OF PROPERTY

Both properties have the typical appearance of a downtown commercial building. The property on the north side of Maple Avenue is comprised of three buildings. The western most building has the Polly’s Pop storefront with the brand logo on the sign. The other two buildings on the property are both two story buildings comprised of different shades of brick. Currently, they both appear vacant with plywood in the windows.

The property at 315 W. Maple, the proposed warehouse space, is currently vacant. It also has large windows on the façade of the property that are covered to conceal the interior of the building. A worn-out sign that reads “True Value Hardware” sits on the building’s east façade. A freestanding sign with no message abuts Maple Avenue. The building is a single story from the entrance along Maple Avenue. However, on the south side of the building, along Lexington Avenue, the building is two stories. The south façade has a different appearance and design than the north façade of the structure. The brick appears to be a darker shade and the doorway is surrounded by stone.

CHARACTERISTICS OF THE AREA

The other buildings in the area are of a similar aesthetic and design. They appear to be typical of downtown settings. To the south and east of the subject properties lies a large parking that accommodates the United States Post Office building on Lexington Avenue.

PROPOSAL:

Since the reintroduction of Polly's Pop in 2016, the business has been successful. The various flavors of Polly's Pop are now widely available at restaurants and retailers throughout the region. Polly's Pop has had to increase the scope of their production to meet the demand for their products. As they've grown their business, the scale of manufacturing has exceeded what is allowed in C-2 (General Commercial) districts. Polly's Pop is looking to further expand its operations by adding four additional diet soda flavors to their roster, in addition to two new product lines: Pioneer Springs Water and a barbecue sauce called Polly-Q. The proposed Planned Unit Development for these properties will allow limited manufacturing, as defined in Article 2 of the Unified Development Ordinance. This will allow Polly's Pop to continue manufacturing their products at the current location.

Naturally, as Polly's Pop expands its manufacturing capacity, the need for additional warehouse space grows as well. Ken McClain, the owner of Polly's Pop, owns the property at 315 W. Maple Avenue across the street from the current Polly's Pop location. They would like to utilize this property to expand their existing warehouse space. This building would be used to store pre-production materials, in addition to final products waiting to be shipped. Similar to manufacturing, warehousing is not a permitted use in C-2 districts. Rather than attempting to rezone the property to I-1 (Industrial), which would open the property to more intensive uses, the applicant seeks to allow for warehousing and wholesaling as part of the Planned Unit Development. This would allow Polly's Pop to continue to use part of their existing facility for warehouse space and to expand their warehouse to the property at 315 W. Maple Avenue.

The second floor of the building at 300 W. Maple Avenue is currently being used as apartment space. This is allowable in C-2 districts under the definition of "Mixed Use." This type is mixed commercial and residential use is not allowed in Industrial districts. If the property were to be rezoned to an Industrial zoning to accommodate the manufacturing and warehouse use, the ability to use the second floor for residential purposes would be lost, which is counter to the intention of the Comprehensive Plan. By adding a PUD to the existing C-2 zoning, the ability to use the second floor for residential purposes will be retained.

ANALYSIS

The Proposal's Consistency with *Independence for All*, Strategic Plan:

An initiative of the strategic plan is to improve the visual appearance and reduce blight of the City's commercial corridors. By allowing for the expanded use of these properties, a previously vacant building will be utilized for the first time in many years. This will improve the visual appearance of the area.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Mixed-Use land uses for this site. By designating this property as C-2/PUD, as opposed to rezoning to an Industrial designation, the vision of the comprehensive plan is preserved. This would allow for the continued residential uses in the upper floors of the property and keep any future use of the property compatible with mixed-used neighborhoods.

Historic and Archeological Sites:

There are no apparent historic issues with this property.

Public Utilities:

As this is a long-established neighborhood, all utility services are existing.

REVIEW CRITERIA

Recommendations and decisions for proposed planned unit development rezoning and its associated preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**
The City Comprehensive Plan recommends Mixed-Use land uses for this site.
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**
Section 14-902 allows design and permitted use flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in keeping with that concept as it allows for a flexibility of uses in a lower zoning district.
3. **The nature and extent of Common Open Space in the PUD.**
There is no common space being provided with this commercial project.
4. **The reliability of the proposals for maintenance and conservation of Common Open Space.**
No common space is being provided.
5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.**
Not applicable, this is a proposed commercial project.
6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.**
Public services in the area are adequate to serve this project which isn't expected to a significant user of utilities, except for perhaps water. This proposed project will not adversely affect the street network in the vicinity more than many other commercial uses. In our staff review of the application, the City's traffic engineer did not see any issues with forklifts crossing the street as described by the applicant.
7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.**
The proposed use of these properties will not have an adverse effect on the adjacent properties.

8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.**
Mitigation efforts have been planned by the property owner to reduce impacts to the area. These efforts include improve the appearance of the property from its existing state.

9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.**

With the use of a PUD designation, it's possible to restrict the permissible uses on the property to those of a lower zoning district with the exception of the applicant's proposed use. This will provide some assurance that future use of the site will not be used for some objectionable use permitted in a higher zoning, such as C-3 (Service Commercial) or I-1 (Industrial).

10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**

As this is a relatively small project, it will be developed in a single phase.

EXHIBITS

1. Cover Letter
2. Application
3. Notification letter
4. Mailing list
5. Notification Are Map
6. Mailing affidavit
7. Aerial photo
8. Aerial Photos and Pictures
9. Comprehensive plan map
10. Zoning map

Polly's Pop PUD Rezoning Application Cover Letter

Contact: Calvin Hays

Position: General Manager

Email: GM.PollysPop@gmail.com

Phone: 816-216-8065

Polly's Pop was a staple of Independence, MO, from 1923-1967. Ken and Cindy McClain reopened in 2016, making it a household name again. Now, it is sold in most major grocery outlets, as well as many businesses including restaurants and retails all over the Kansas City Metro area.

Our current location, 306 W Maple Avenue, is located right off of the Independence Square. There, we have served the community since 2016. We offer walk-in tours, engage in community involvement, and provide countless donations to local businesses and school districts. Last summer, ISA started Popfest in our honor. In return, the community has embraced the resurgence of Polly's Pop, which has forced us to increase production, additionally expanding our line of diets, and bringing on new lines of Water and BBQ Sauce.

The never-ending support from the community has allowed Polly's Pop to expand. This July, Polly's Pop is coming out with not only 4 more diet flavors, but 2 brand new product lines. The first line is Pioneer Spring Water. Independence water supply is ranked top 5 in the nation, and we are on a mission to make the Independence water supply available across the nation with Pioneer Spring Water.

The second is Polly-Q BBQ Sauce. Made with Polly's Pop flavors such as Pineapple, Peach, and even Root Beer, Polly-Q will add a unique sauce option to the "BBQ Capital" of the United States.

The most pressing issue we face at this time is a lack in warehouse space. This proposal aims to get the correct PUD Zoning changes to make this expansion possible. Ken McClain, owner of Polly's Pop among many other square businesses, owns the building directly across the street from Polly's Pop, 315 W Maple Ave. We seek the right to use this building as an expansion of our warehousing facility to help with the storage of pre-production materials used in the manufacturing process of these new products, as well as the storage of final products post-production.

Given that this building will only be used for warehousing, there will be no employee stationed in that building throughout the day. The close distance from the current facility allows all employees to be stationed in 306 W Maple Ave, only going across the street to transport product an estimated 3 times per week, according to our production schedule.

This warehouse is ideal for Polly's Pop, as it is in close proximity to our production facility. There is a clear passageway for the forklift to travel next to our office building on the paved pathway ended by a decline ramp, across the street safely with a forklift spotter, and directly into the new warehouse. This pathway does not conflict with any of the parking spots of the office building, and has ample room to stop until the spotter gives the "all clear" that no cars are coming. This section of Maple Avenue is a one-way road, from West to East, with the low speed limit of 20MPH, making it easy to spot and navigate safely. As mentioned above, the forklift will need to travel to and from the new warehouse only 3 times a week; Tuesday, Wednesday, and Thursday, as those are the days production is in process and product will be transported.

The layout of the inside will be simple and neat. Along the left wall, there is space for 16 rows of pallets, 4 pallets per row extruding away from the wall. Those 16 will be made up of our 12 current flavors of Polly's Pop, as well as our 4 new diets. The right wall will consist of the same pallet organization structure for original, sparkling, and 3 flavors of Pioneer Spring Water. In addition, the right side will also store the 3 flavors of Polly-Q Sauce. The remaining space will be reserved for overflow inventory, as well as 2 boxes of each 4-pack carrying case design.

Not only is this new warehouse space ideal for Polly's Pop expansion, it also has the opportunity to be very beneficial to the Independence Square District. Currently, the building is unoccupied with no signage or visual appeal, and has remained in this condition for over 5 years. We plan to change that by adding the wording of "Independence Bottling Company", the new branding over Polly's Pop, Pioneer Spring Water, and Polly-Q Sauce. In addition to the wording on the building, the empty sign on the left of the lot will be removed. Lastly, we plan to decorate the inside-window display on our current warehouse with Pioneer Spring Water branding. Currently, there is a plywood backing with no visual appeal. Once we start producing Pioneer Spring Water, that window display will portray an aesthetic branding display that adds to the classic look of the Independence Square.

The timeline of this project is relatively short, as most of the cleaning of the inside of the building has been completed in preparation. The building will be ready to house product, which we plan to move over immediately following approval. As for the outside, Signage will be completed in 6-7 weeks of PUD Rezoning approval, as quoted by 2 local signage companies.

With the passing of this Rezoning PUD, the new renovations will add aesthetic value to the Independence Square District, changing an unoccupied building into a well-developed building-front, as well as allowing for the expansion of Independence Bottling Co. enabling new unique products to hit the local market for the community to enjoy.

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☒ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☒ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Polly's Pop Warehouse Expansion
Project Name

315 W. Maple Ave. Independence, MO. 64050
Project Address/Location

6500 .19 1
Sq. Ft. of Building Acreage Number of Lots/Tracts Steam Buffer (Yes or No)

C2 C2 PUD Empty Building warehouse/fix up outside
Existing Zoning Proposed Zoning Existing Land Use Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☒ Completed & Signed Application Form	☒ One 24" x 36" set of plans for Land Sub. & Site Dev.
☒ Application Fee	☒ One PDF copy of a plat map or site plan
☒ Cover Letter Describing Details of Project	☒ Legal Description of the property in question

Contact Information

Applicant		Owner	
<u>Calvin Hays</u>	<u>Polly's Pop</u>	<u>Ihen McClain</u>	<u>Polly's Pop</u>
Name	Company	Name	Company
<u>306 W Maple Ave. Indip. MO.</u>		<u>306 W. Maple Ave Indip. MO.</u>	
Address		Address	
<u>(816) 216-8665</u>	<u>Gm. PollysPop@gmail.com</u>	<u>(816) 836-5050</u>	<u>ihbm@hfmlegal.com</u>
Phone	Email	Phone	Email
Architect/Engineer/Surveyor/Other: _____		Architect/Engineer/Surveyor/Other: _____	
Name _____ Company _____		Name _____ Company _____	
Address _____		Address _____	
Phone _____ Email _____		Phone _____ Email _____	

The applicant hereby agrees that the information provided above is accurate.

<u>[Signature]</u>	<u>April 25, 2024</u>	<u>[Signature]</u>	<u>April 25, 2024</u>
Applicant's Signature	Date	Owner's Signature	Date

Property Owner Notification Letter

City of Independence, Missouri

Date: 5-7-2024

Case No. 24-125-04

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☐ Rezoning ☒ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezoning 300, 306, & 315 W. Maple Ave to allow
for limited manufacturing and warehousing.

Applicant: Calvin Hays and Ken McClain

Location of Property: 300, 306, & 315 W. Maple Ave

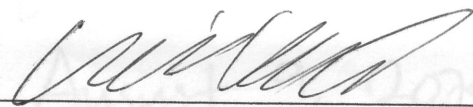
Planning Commission Meeting Date: June 11th, 2024, at 6:00 p.m.

City Council Meeting Date: August 5th, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.


Applicant (or Owner/Agent)

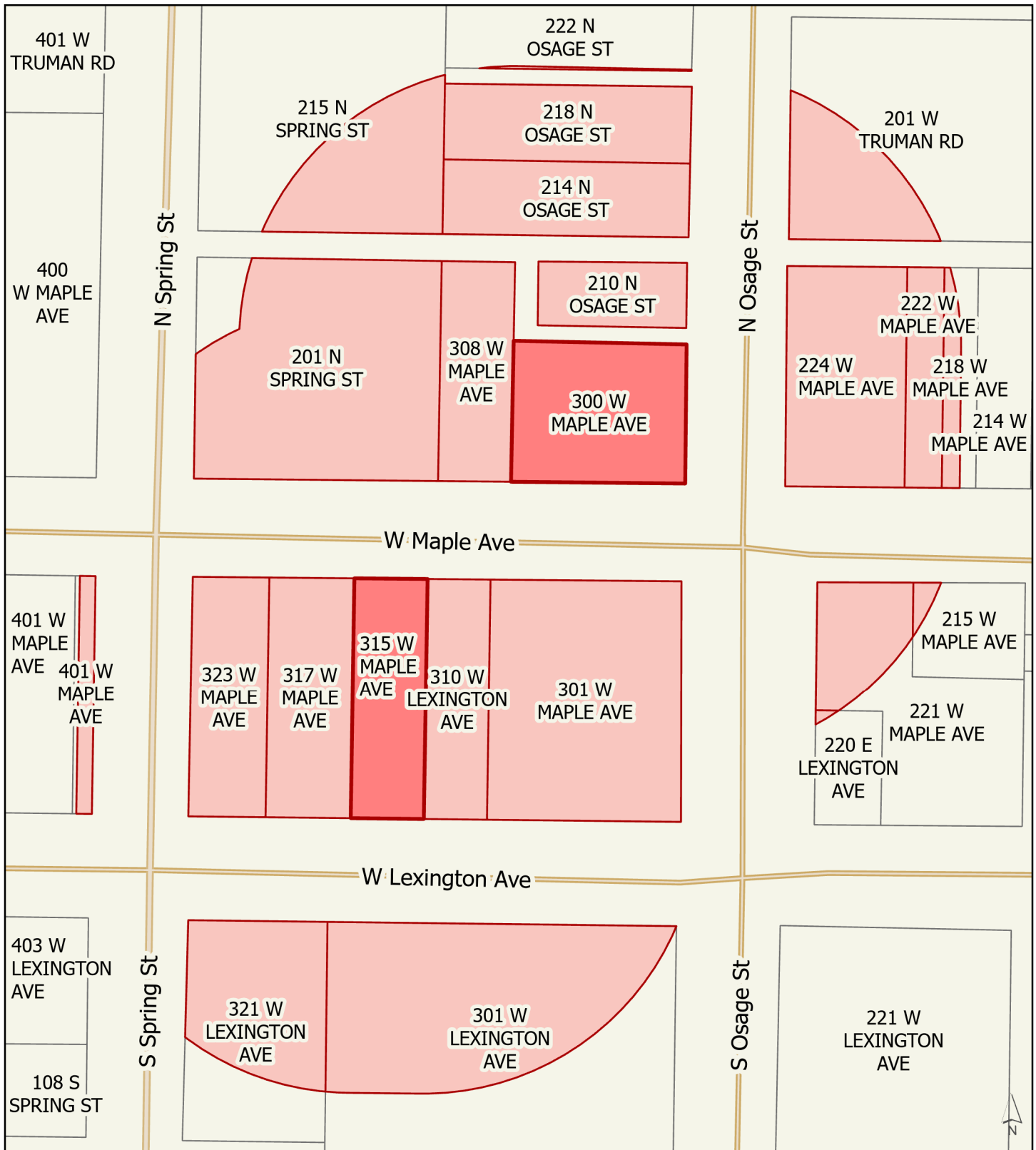
For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
DIBLER DENNIS E & SANDRA L	P O BOX 743	GRANDVIEW	MO	64030
HUFFMAN MICHAEL & KATHLEEN	222 W MAPLE ST	INDEPENDENCE	MO	64050
JACKSON COUNTY MISSOURI DOR BLDG SERVS	415 E 12TH	KANSAS CITY	MO	64106
JJJM LAW PROPERTIES LLC	1124 MAIN SQ STE 204	BLUE SPRINGS	MO	64015
MAPLE STATION LLC	9 SE 3RD ST 212	LEES SUMMIT	MO	64063
MCCLAIN KEN & PIERCE DANIEL & CHELSEA	511 N DELAWARE ST	INDEPENDENCE	MO	64050
SCHULTZ JAMES G & CARYL A	13000 E 38TH TER S	INDEPENDENCE	MO	64055
SERAPHIC ENTERPRISES LLC	9 SE 3RD ST	LEES SUMMIT	MO	64063
SOUTHWESTERN BELL TELEPHONE	1010 PINE ST ROOM 9E-L-01	ST. LOUIS	MO	63101
TRADE SERVICES GROUP INTERNATIONAL LLC	1232 W 65TH ST	KANSAS CITY	MO	64113
UNITED STATES OF AMERICA	5700 BROADMOOR, RM 920	MISSION	KS	66202
WEBER RIVKA T-TRUSTEE	10122 HEMLOCK DR	INDEPENDENCE	MO	66212

Notification Area

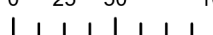
24-125-04

300, 306, & 315 W. Maple Avenue, Independence, MO 64050



 Subject Property

 185 ft Buffer Area

0 25 50 100 Feet


Prepared by Joshua Garrett, Community Development
Date: 5/7/2024

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-125-04

I, Calvin Hays, of lawful age being first duly sworn upon oath, state:

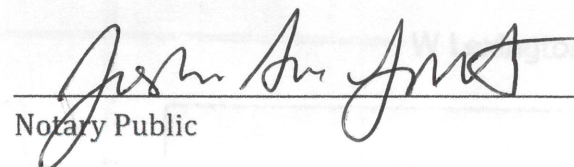
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 23 day of May, 2024.

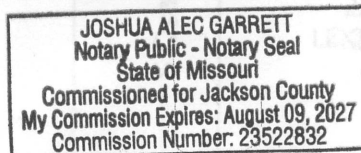


Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 23 day of May, 2024.


Notary Public

August 9, 2027
Commission Expiration Date



Subject Property

185 ft Buffer Area



KEY

1. Current Production Facility
 2. Current Warehouse
 3. Proposed Warehouse Extension
 4. CRM/MRG Accounting Offices (Siegfried Building)
-  Forklift Route



In the above image: A large "Independence Bottling Co." lettering sign will be placed on the front of the building, as shown. In addition, the sign to the left of the property will be removed completely.

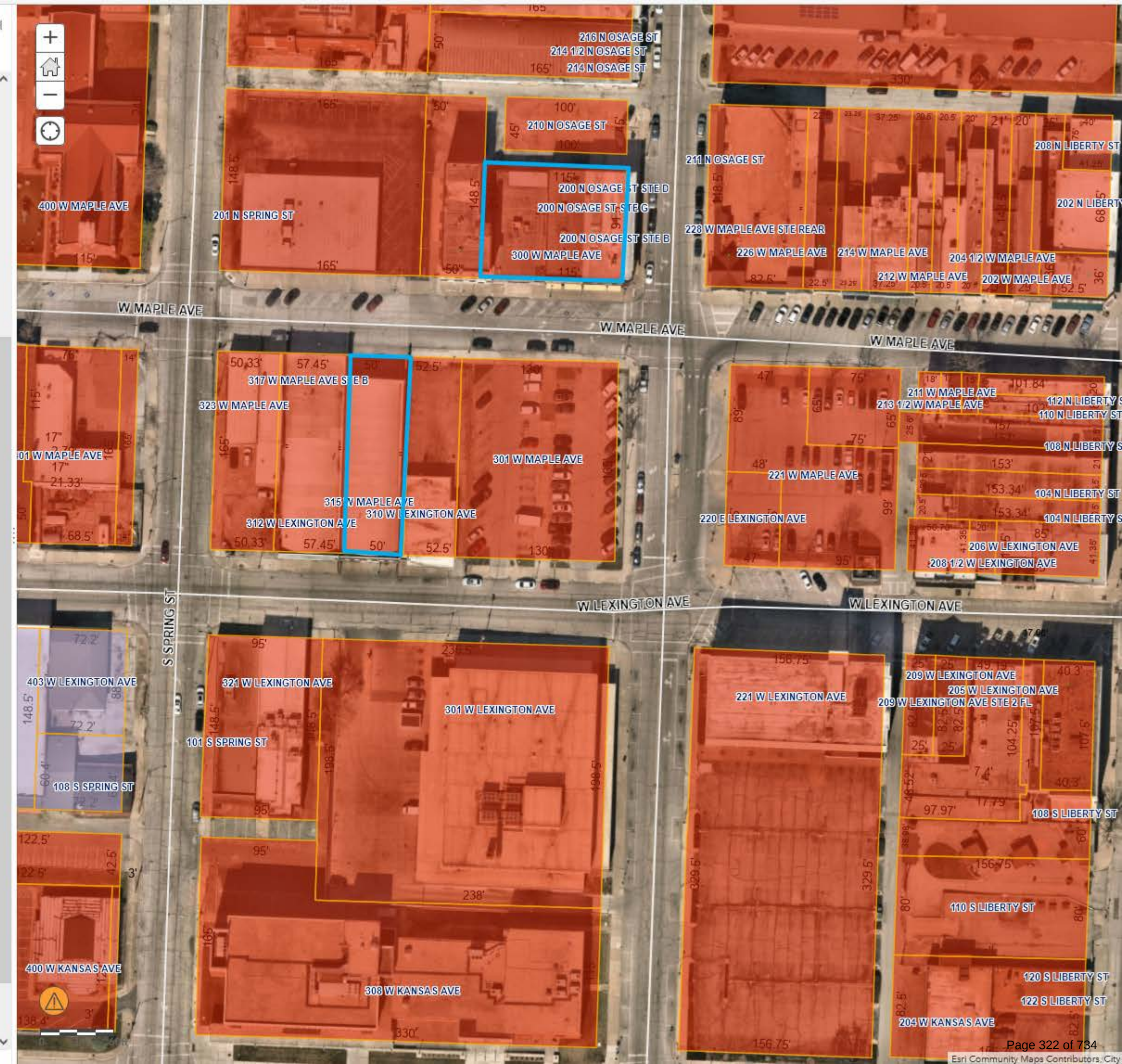


In the above image: The Blue in the windows represents a new Pioneer Spring Water display to show through the windows. Currently, there is no design, only a brown plywood backing.



Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A





City Planning Commission Minutes

June 11, 2024 6:00 PM,

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/11/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order. Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

ROLL CALL

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – May 14, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

CASE WITHDRAWN

This case was withdrawn by the applicant.

Chairwoman McClain noted this case was withdrawn.

1. **Case 24-400-08 – Short Term Rental – 9609 Linwood Blvd** – A request by Heidi Hoggatt for a Short-Term Rental.

CASES TO BE CONTINUED – Staff requests these cases be continued to the June 25, 2024 meeting.

1. **Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Commissioner Edward Nesbitt made a motion to continue the case to the June 25, 2024 meeting. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

2. **Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Commissioner Edward Nesbitt made a motion to continue the case to the June 25, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-125-04 – Rezoning/PUD – 300, 306 & 315 W. Maple Ave** – A request by Polly's Pop to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Chairperson McClain stated that due to a conflict of interest, she will recuse herself. Vice-Chair Nesbitt presided over this case.

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. He outlined the conditions.

Applicant Comments

Calvin Hayes, 146 S. Oxford Ave, stated they've had a big demand for new products and this change would be for additional storage and manufacturing. He clarified this will not look like a warehouse, but will be branded for Polly's Pop and have the ascetic of the Independence Square.

In response to Commissioner O'Neill's question, Mr. Hayes stated they don't anticipate traffic issues on Maple Street.

In response to Vice-Chair Nesbitt's question, Mr. Hayes described the current location and plans for appearance improvements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 1.

OTHER BUSINESS

1. **Case 24-400-10 – Short Term Rental – 16008 E. 25th St S** – A request by Tarus Edwards for a Short-Term Rental.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated the applicant, requested to allow six (6) people. Commissioner Wiley requested that staff review the allowed number of occupants based on the number of rooms prior to bringing the case before the Commission.

Applicant Comments

Loretha Hayden, 7001 Lakeshore Drive, Raytown stated she helps Mr. Edwards manage the property along with his mother, Willie Ferguson, 14200 E 49th Street Apartment 410, Kansas City. She stated when the home is not being rented out, Mr. Edwards stays at the property. When rented, he resides with Ms. Hayden or Ms. Ferguson. She also requested that the number of occupants be increased to (10) ten.

In response to Commissioner Nesbitt's question, Ms. Hayden stated they have been operating since early 2024, prior to receiving notice they needed to register the rental.

Public Comments

Lorri McCoy, 16000 E 25th St South, stated there have been numerous noise issues coming from this house and does not support the approval of this rental.

In response to Commissioner Nesbitt's question, Ms. Hayden advised she is aware of a party and Mr. Edwards drove by the property twice, knocked on the door and advised the renters that parties are not allowed. She described the security device which allows two-way communication and would install a noise monitoring system.

In response to Commissioner Ashbaugh's question, Ms. Hayden stated there is a chain link fence and a row of trees along the fence line.

Commissioner Wiley requested the applicant to provide proposed tenants with good neighbor's guidelines prior to renting them the property.

City Prosecutor, Mitch Langford went over the noise disturbance ordinance and stated it is difficult to enforce.

Mr. Garrett reviewed the revocation guidelines should violations continue. He noted these complaints are reported to the Regulated Industries Division. Mr. Garrett stated a summary of Short-term Rental code will accompany the approval letter sent to the applicant going forward.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

2. **Case 24-400-13 – Short Term Rental – 3822 S. Kiger Rd** – A request by Lucas Gibson for a Short-Term Rental.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Lucas Gibson, 19405 E State Route 78, reviewed the history of the home and thought the management company had received the proper City approval. He stated he would like to increase the total occupancy to 10 (6 adults & 4 children). Mr. Gibson said they have been operating for two years and Airbnb collects the Transient Guest Tax and sends it to the City.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Jose Torres seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE

Next meeting June 25, 2024

Mr. Arroyo stated they can provide training on Short-term Rentals. Staff will provide a summary of the City Code for the Commissioners at the dais. Mr. Arroyo reviewed the Short-term Rental application process and how staff makes a determination to recommend or not recommend approval.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-065 **2R** An ordinance finding, determining, and declaring the necessity of acquiring general utility easements for the E. Heidelberger Rd. Bridge Replacement Project (Project No. 112203); 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. **2R**

Recommendations:

Council approval is recommended.

Background:

Approval of this ordinance will allow City staff to proceed with easement acquisitions for the E. Heidelberger Bridge Replacement Project (No. 112203). This project will replace a bridge located on E. Heidelberger Road. This bridge has been deemed unsafe for vehicular traffic and is currently closed. This project is funded by the Emergency Transportation Projects CIP (No. 112203).

Emergency Justification:**Fiscal Impact:**

There is no anticipated fiscal impact to the City for these easements. Funding for Emergency Transportation Projects (No. 112203) is included in the FY 24-25 adopted budget, page number 182, account number 7011-5406.

Council Action:

**Department /
Contact**

Municipal Services /

REVIEWERS

Lisa Reynolds
Jeremy Cover
Meagan Borth
Zachary Walker

Susanne Holland

ATTACHMENTS:

1. Heidelberg Bridge Replacement Easement Acquisition Ordinance

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE FINDING, DETERMINING, AND DECLARING THE NECESSITY OF ACQUIRING GENERAL UTILITY EASEMENTS FOR THE E. HEIDELBERGER RD. BRIDGE REPLACEMENT PROJECT (PROJECT NO.112203); 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.

WHEREAS, the City Council of the City of Independence, Missouri, pursuant to advice and recommendation of the Municipal Services Director, deems it necessary, advisable and in the public interest to obtain general utility easements in accordance with the plans and specifications as approved for construction, operation and maintenance of E Heidelberg Rd Bridge Replacement Project (No. 112203), together with all appurtenances, thereto, along, over, under, upon, across and through certain tracts of land within Independence, Jackson County, Missouri; and,

WHEREAS, the City has authority by virtue of Section 82.240 of the Revised Statutes of the State of Missouri, 1969, as amended, and Section 1.3 and 1.4 of the Charter of the City of Independence, Missouri, revised August 8, 1978, to acquire private property by eminent domain proceedings for any public or municipal use, including the uses or purposes stated herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That it is hereby found, determined and declared that it is necessary for the purpose of construction, operation and maintenance of improved E Heidelberg Rd Bridge Replacement Project (No. 112203) for the City of Independence, Missouri, to acquire by purchase or eminent domain proceedings general utility easements for such public improvements, including, but not limited to, the right to construct curbs, drives, trails, sidewalks and storm sewers, together with all appurtenances thereunto belonging along, over, under, upon, across and through the following described tracts of land, all of which are situated in Independence, Jackson County, Missouri; to wit:

Tract 1

General Utility Easement

A Tract of land for the purpose of a drainage easement, being part of the Southeast Quarter of the Southeast Quarter of Section 30, Township SO North, Range 30 West, in the City of Independence, Jackson County, Missouri, said Tract being more particularly described by Joseph

H. McLaughlin, PLS - 2012018392, with BHC, CLS 2006009875-F, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of the Southeast Quarter, of the Southeast Quarter, of Section 30, Township SO North, Range 30 West, having a bearing of North 88° 12' 33" West, and referenced to Missouri State Plane Coordinate System, West Zone, NAD83.)

Commencing at the Southeast Comer of said Southeast Quarter;

Thence North 88° 12' 33" West, on the South line of said Southeast Quarter, also being the North Right-of-Way line of East Heidelberger Road as now established, 1017.97 feet, to the POINT OF BEGINNING of said Tract herein described;

Thence continuing North 88° 12' 33" West, on said South line, 90.05 feet;

Thence North 55° 06' 05" East, departing said South line, 31.62 feet;

Thence South 87° 11' 43" East, 40.00 feet;

Thence South 51° 50' 45" East, 30.67 feet, to the POINT OF BEGINNING, said Tract containing 1,206 feet or 0.0277 acres.

Tract 2:

General Utility Easement

A Tract of land for the purpose of a drainage easement, being part of the Northeast Quarter of the Northeast Quarter, of Section 31, Township SO North, Range 30 West., in the City of Independence, Jackson County, Missouri, said Tract being more particularly described by Joseph H. McLaughlin, PLS - 2012018392, with BHC, CLS 2006009875-F, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North line of the Northeast Quarter, of the Northeast Quarter, of Section 31, Township 50 North, Range 30 West, having a bearing of North 88° 12' 33" West, and referenced to Missouri State Plane Coordinate System, West Zone, NAD83.)

Commencing at the Northeast. Comer of said Northeast. Quarter;

Thence North 88° 12' 33" West, on the North line of said Northeast Quarter, also being the North Right-of-Way line of East. Heidelberger Road as now established, 1043.02 feet;

Thence South 02° 46' 27" West, departing said North line, 50.00 feet, to a point on the South Right-of-Way line of said East Heidelberger Road, also being the POINT OF BEGINNING of said Tract herein described;

Thence continuing South 02° 46' 27" West, 11.80 feet;

Thence North 87° 11' 43" West, 40.00 feet;

Thence North 02° 48' 17" East, 11.10 feet, to a point on said South Right-of-Way line;

Thence South 88° 12' 33" East, on said South Right-of-Way line, 40.00 feet, to the POINT OF BEGINNING, said Tract containing 458 feet or 0.0105 acres .

SECTION 2. That the City Manager and his designates are hereby authorized and directed to negotiate with the owners of the properties herein described for the purchase of general utility easements relating to said lands.

SECTION 3. That in the event of failure to negotiate the proper compensation to be paid for such general utility easements and temporary construction and grading easements and the acquisition thereof by purchase, the City Counselor and his designates are hereby authorized and directed to institute eminent domain proceedings for the purpose of acquiring such general utility easements and temporary construction and grading easements in the manner provided by law.

SECTION 4. That the City Manager is hereby authorized to request proposals, if required, for surveys, appraisals, and necessary title reports for said property.

SECTION 5. That the improvements herein referred to shall be of the nature described herein and shall be done in accordance with the plans and specifications as completed, hereby approved, and on file in the office of the Municipal Services Director.

SECTION 6. That the City Manager of the City of Independence, Missouri, is here by authorized and directed to execute necessary documents, to pay and disburse funds, within appropriations authorized for this project, to property owners, others holding property rights and escrow agents pursuant to negotiated agreements for purchase of said general utility easements and temporary construction and grading easements, all in accordance with established acquisition procedure and approved appraisals.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council

of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED – FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-066 **1R** An Ordinance approving an emergency purchase order to ShinYoung Electric Company, LTD in the amount of \$1,446,710 for Single-Phase and Three-Phase Pad Mounted Transformers for IPL; ***and declaring an emergency (five affirmative votes required to approve) 1R***

Recommendations:

Staff recommends approval.

Background:

Staff is seeking approval of an emergency purchase order in the amount of \$1,446,710 to ShinYoung Electric Company, LTD, for the purchase of single-phase and three-phase pad mounted transformers for current and future projects and end of life replacements.

IPL continues to struggle with supply chain issues and getting transformers with the correct specifications in a timely manner and for an affordable cost. This purchase will provide the correct transformers needed within an acceptable time frame and price point.

In addition, IPL is asking to allow appropriations transferred from IPL reserves, for the full amount of the purchase to replenish the fiscal year 2024-2025 budgeted amount in our Warehouse & Stores, Inventory Purchases account (0206122.5314).

Approval of this item authorizes the Purchasing Manager to issue change orders up to a total of ten (10) percent of the original authorized amount, so long as appropriations are available from reserves.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$1,446,710. Funding for the pad mounted transformers will be taken from the fiscal year 2024-25 budget, page 269, account number 0206122.5314, Warehouse & Stores, Inventory Purchases, IPL Fund 020. IPL is seeking an appropriation for the entire \$1,446,710 from IPL reserves to replenish the budgeted amount in fiscal year 2024-2025.

Council Action:

REVIEWERS

Khristina Irvine
Meagan Borth
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Ordinance Pad Mounted Transformers Emergency P.O
2. Shin Young Quote for IPL (FOB Destination)
3. Transformer Drawing #1
4. Transformer Drawing #2

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING ISSUANCE OF AN EMERGENCY PURCHASE ORDER TO SHINYOUNG ELECTRIC COMPANY, LTD FOR THE PURCHASE OF SINGLE PHASE AND THREE PHASE PAD MOUNTED TRANSFORMERS FOR \$1,446,710.00; AUTHORIZING FUTURE CHANGE ORDERS NOT TO EXCEED \$144,671.00; AND APPROPRIATING \$1,591,381.00 FROM THE POWER & LIGHT RESERVE FUND BALANCE TO FUND THIS PURCHASE.

WHEREAS, The City Council of the City of Independence, Missouri, finds it necessary to fund these emergency transformer purchases for the Power & Light Department; and,

WHEREAS, The City Council of the City of Independence, Missouri, understands that the Power and Light Department is still being affected by the ongoing supply chain issue with some transformers being very unattainable; and,

WHEREAS, ShinYoung Electric Company, LTD has provided a quote with a 30-day timeframe for the transformers, but will not complete our order until an emergency purchase order is authorized; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, shall be and is hereby authorized and directed to issue an emergency purchase order to ShinYoung Electric Company, LTD for a sum of One Million Four Hundred Forty-Six Thousand Seven Hundred Ten Dollars and Zero Cents (\$1,446,710.00) providing for the cost of the Singe Phase and Three Phase Pad Mounted Transformers.

SECTION 2. That the City Manager is authorized to approve future change orders to the purchase order as may be necessary to cover additional costs of transformer purchase, due to the 30 day quote, as long as the total of all such change orders does not exceed One Hundred Forty-Four Thousand Six Hundred Seventy-One Dollars and Zero Cents (\$144,671.00) as deemed appropriate by the City Manager, and provided a copy of each change order is approved by the City Manager, is identified as being authorized by this ordinance and is filed with the City Clerk.

SECTION 3. That the City Manager is further authorized to appropriate up to One Million Five Hundred Niney-One Thousand Three Hundred Eighty-One Dollars and Zero Cents (\$1,591,381.00) from the Power & Light's reserve fund balance to fund this purchase. This will be a new appropriation separate from the approved Power & Light's FY 2024-2025 budget.

SECTION 4. That this ordinance, in the judgment of the Council, is deemed to be of an urgent nature and that its immediate passage is necessary for the preservation of the public peace, property, health, safety and welfare of the residents of Independence and should become effective immediately upon the date of its passage by the City Council. Therefore, this emergency ordinance is consistent with the facts outlined above.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF
THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

QUOTE



REFERENCE NO: 20240524 DATE: 2024.05.24 TO: FREDERICK USA PROJECT: CITY OF INDEPENDENCE POWER & LIGHT DEPARTMENT				SHINYOUNG ELECTRIC		
Business Registration No.		606-81-55715				
President		Geum Jong Kim				
Address		1493-4 Songjeong-Dong, Gangseo-Gu Busan, Korea				
Tel		82 (51) 831-2245		Fax 82 (51) 831 2250		
E-mail		shinyoung@acesy.co.kr				
Validity		30 days from July 09, 2024				

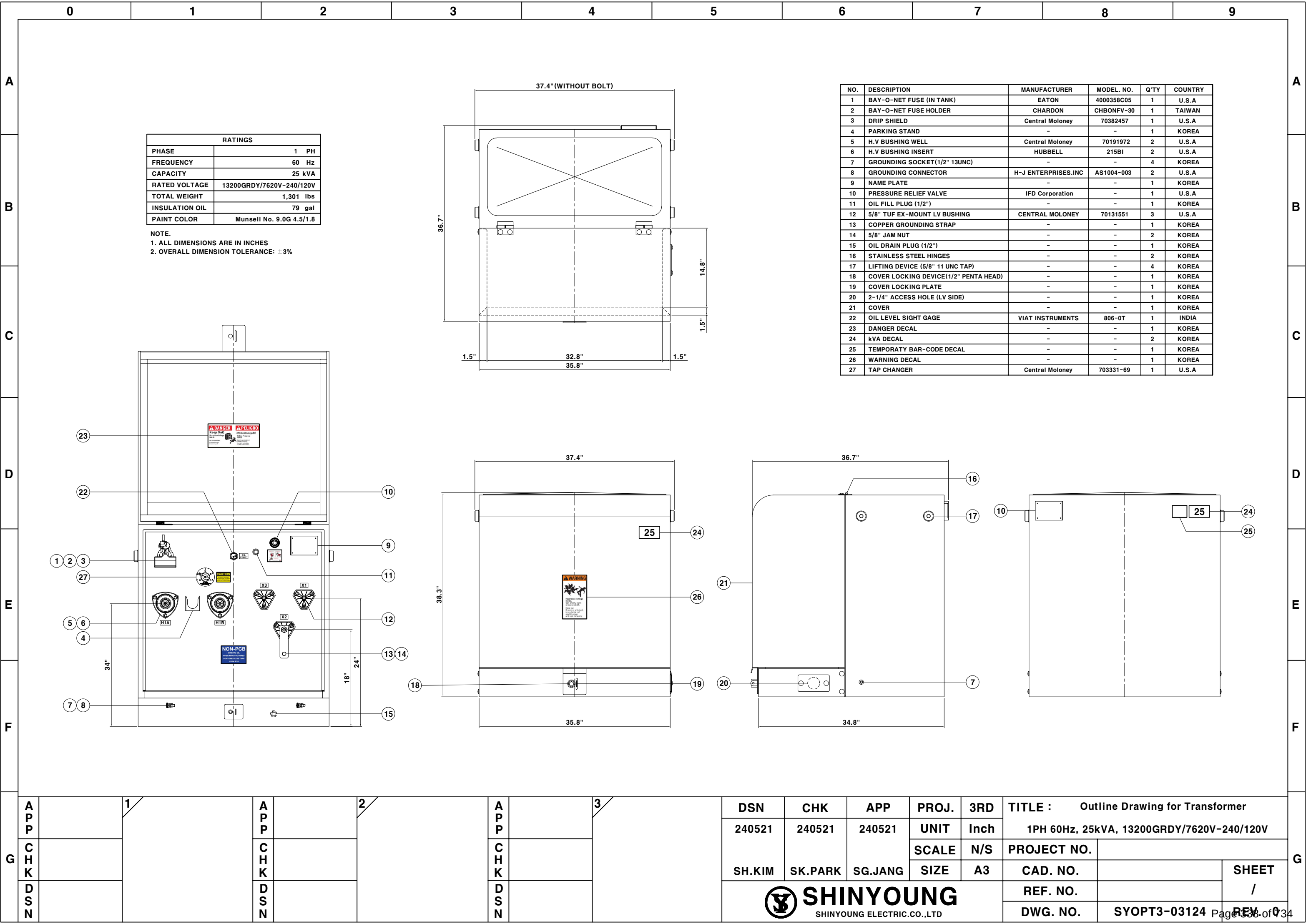
No	Production	Capacity	Q'ty	Unit Price(USD)	Total Price(USD)	REMARK
1	Pad Mounted Transformer	1Ø 60Hz 25kVA 13200V-240/120V	19	6,020	114,380	DDP (FOB Destination) Delivered on flatbed trucks to the site
2	Pad Mounted Transformer	1Ø 60Hz 37.5kVA 13200V-240/120V	35	6,380	223,300	
3	Pad Mounted Transformer	1Ø 60Hz 50kVA 13200V-240/120V	11	6,490	71,390	
3	Pad Mounted Transformer	1Ø 60Hz 167kVA 13200V-240/120V	3	10,156	30,468	
5	Pad Mounted Transformer	3Ø 60Hz 150kVA 13200V-208/120V	4	18,620	74,480	
6	Pad Mounted Transformer	3Ø 60Hz 225kVA 13200V-208/120V	2	20,006	40,012	
7	Pad Mounted Transformer	3Ø 60Hz 300kVA 13200V-208/120V	16	21,090	337,440	
8	Pad Mounted Transformer	3Ø 60Hz 300kVA 13200V-480/277V	8	19,840	158,720	
9	Pad Mounted Transformer	3Ø 60Hz 500kVA 13200V-480/277V	4	26,350	105,400	
10	Pad Mounted Transformer	3Ø 60Hz 750kVA 13200V-480/277V	6	30,360	182,160	
13	Pad Mounted Transformer	3Ø 60Hz 1500kVA 13200V-480/277V	2	54,480	108,960	
TOTAL Q'TY			110			

REMARK

 Winding material primary to secondary: Aluminum to Aluminum
 Core: Amorphouse
 DDP Quote above is based on delivery from Busan port to 1722 E 23rd St.S Independence, MO 64057
 Warranty Period: Two years after delivery to the site

Sub Total(USD)	1,446,710
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SHINYOUNG ELECTRIC CO.,LTD



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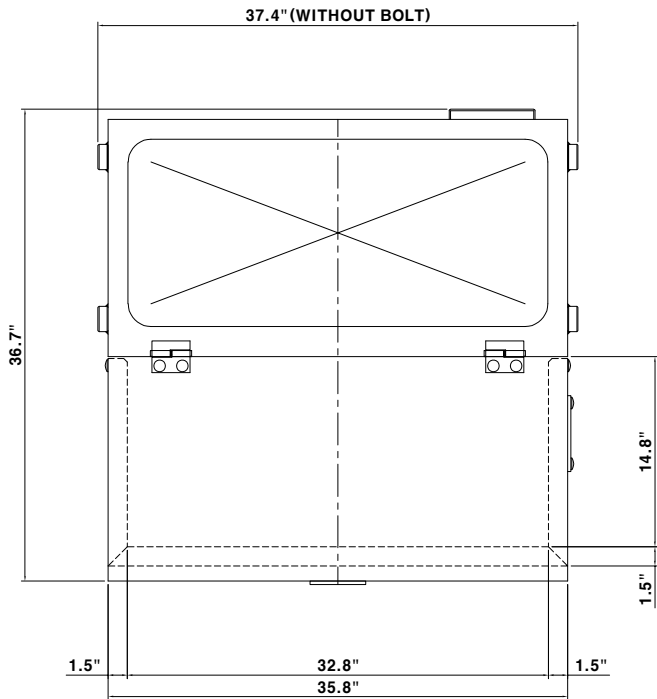
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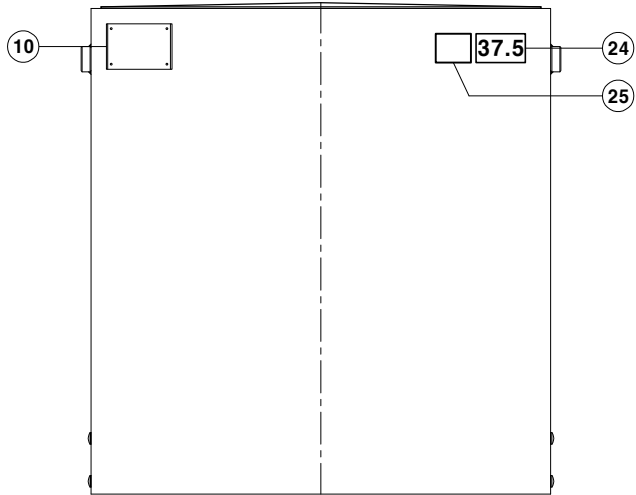
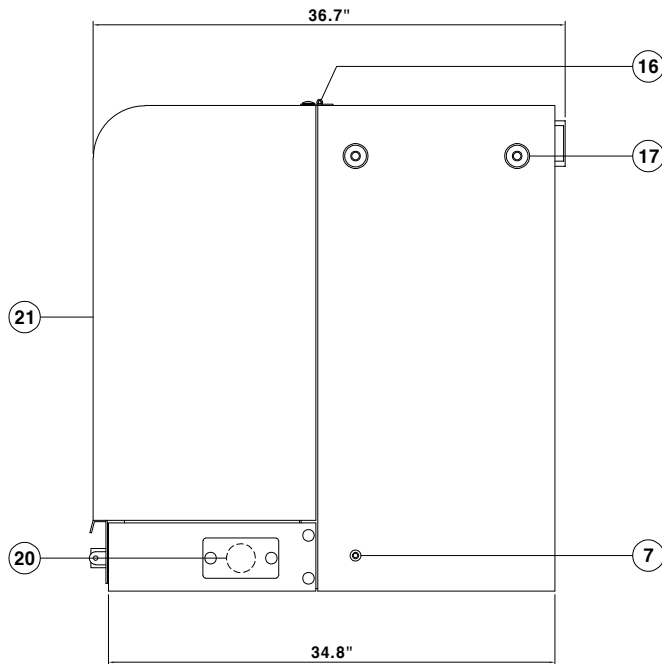
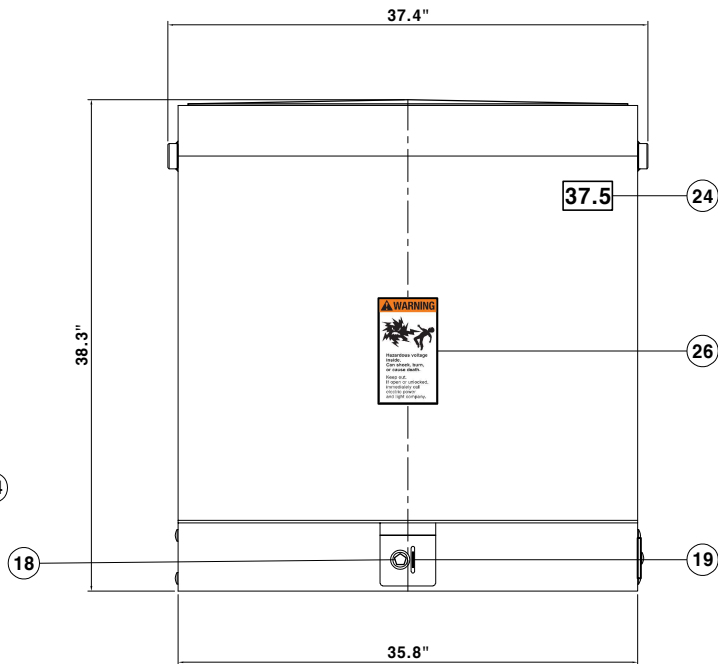
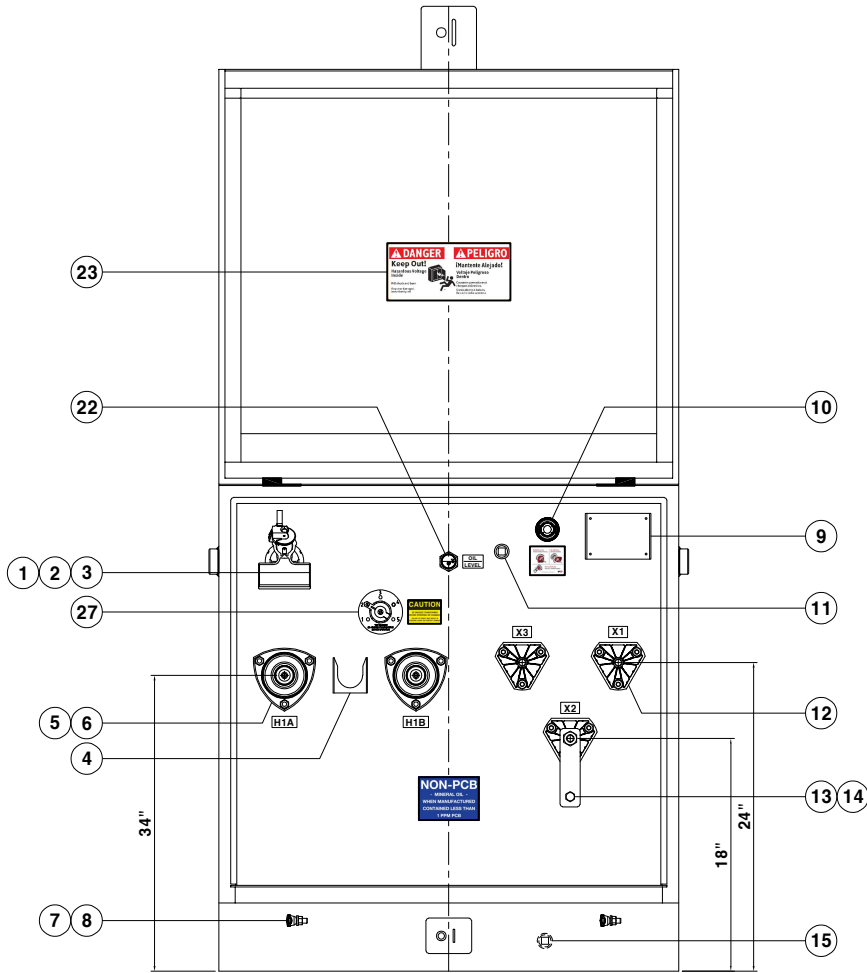
G

RATINGS		
PHASE	1	PH
FREQUENCY	60	Hz
CAPACITY	37.5	kVA
RATED VOLTAGE	13200GRDY/7620V-240/120V	
TOTAL WEIGHT	1,356	lbs
INSULATION OIL	77	gal
PAINT COLOR	Munsell No. 9.0G 4.5/1.8	

NOTE.
1. ALL DIMENSIONS ARE IN INCHES
2. OVERALL DIMENSION TOLERANCE: ±3%

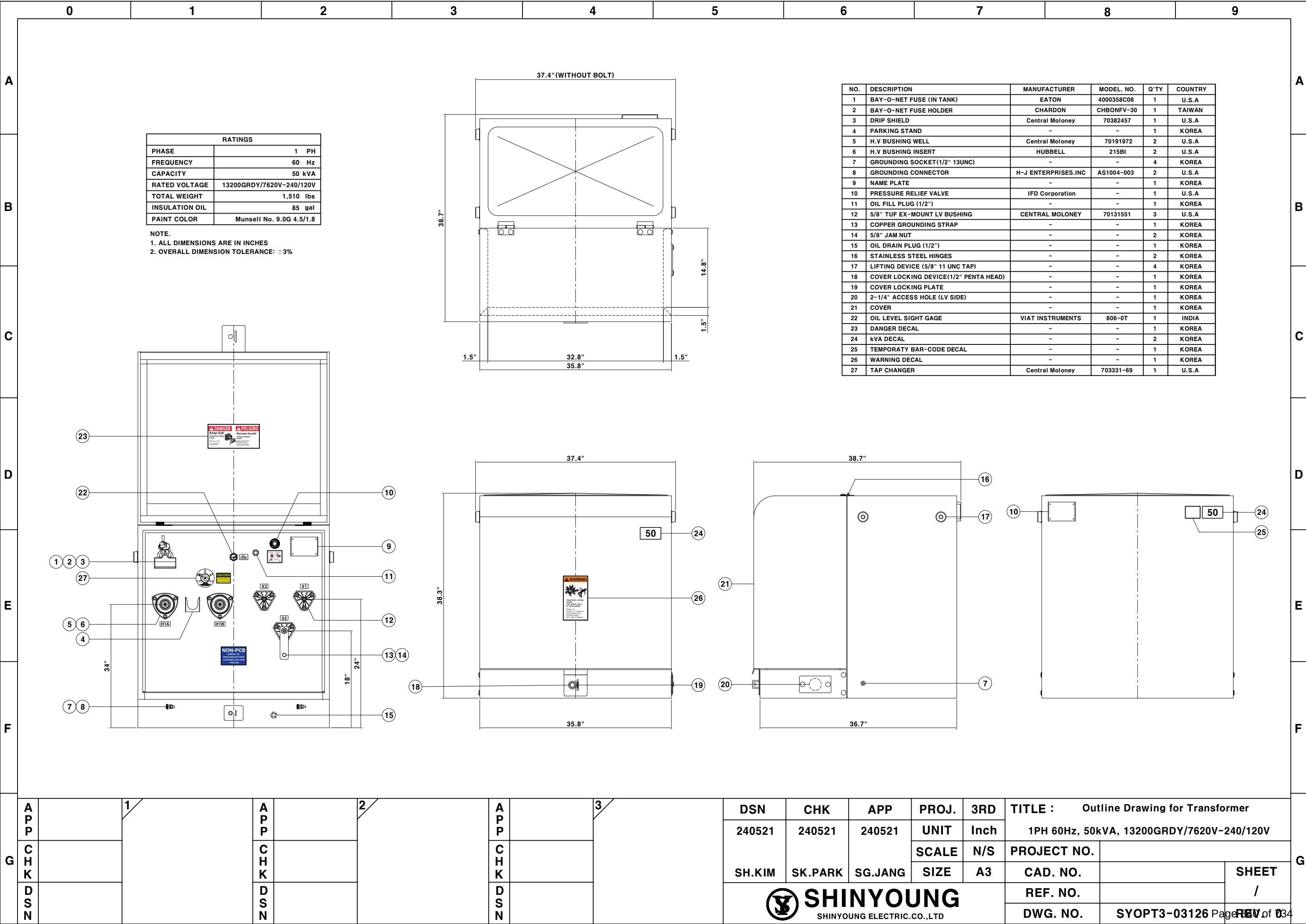


NO.	DESCRIPTION	MANUFACTURER	MODEL. NO.	Q'TY	COUNTRY
1	BAY-O-NET FUSE (IN TANK)	EATON	4000358C08	1	U.S.A
2	BAY-O-NET FUSE HOLDER	CHARDON	CHBONFV-30	1	TAIWAN
3	DRIP SHIELD	Central Moloney	70382457	1	U.S.A
4	PARKING STAND	-	-	1	KOREA
5	H.V BUSHING WELL	Central Moloney	70191972	2	U.S.A
6	H.V BUSHING INSERT	HUBBELL	215BI	2	U.S.A
7	GROUNDING SOCKET(1/2" 13UNC)	-	-	4	KOREA
8	GROUNDING CONNECTOR	H-J ENTERPRISES.INC	AS1004-003	2	U.S.A
9	NAME PLATE	-	-	1	KOREA
10	PRESSURE RELIEF VALVE	IFD Corporation	-	1	U.S.A
11	OIL FILL PLUG (1/2")	-	-	1	KOREA
12	5/8" TUF EX-MOUNT LV BUSHING	CENTRAL MOLONEY	70131551	3	U.S.A
13	COPPER GROUNDING STRAP	-	-	1	KOREA
14	5/8" JAM NUT	-	-	2	KOREA
15	OIL DRAIN PLUG (1/2")	-	-	1	KOREA
16	STAINLESS STEEL HINGES	-	-	2	KOREA
17	LIFTING DEVICE (5/8" 11 UNC TAP)	-	-	4	KOREA
18	COVER LOCKING DEVICE(1/2" PENTA HEAD)	-	-	1	KOREA
19	COVER LOCKING PLATE	-	-	1	KOREA
20	2-1/4" ACCESS HOLE (LV SIDE)	-	-	1	KOREA
21	COVER	-	-	1	KOREA
22	OIL LEVEL SIGHT GAGE	VIAT INSTRUMENTS	806-0T	1	INDIA
23	DANGER DECAL	-	-	1	KOREA
24	kVA DECAL	-	-	2	KOREA
25	TEMPORATY BAR-CODE DECAL	-	-	1	KOREA
26	WARNING DECAL	-	-	1	KOREA
27	TAP CHANGER	Central Moloney	703331-69	1	U.S.A



A P P C H K D S N		1		A P P C H K D S N		2		A P P C H K D S N		3	
				A P P C H K D S N				A P P C H K D S N			

DSN	CHK	APP	PROJ.	3RD	TITLE : Outline Drawing for Transformer					
240521	240521	240521	UNIT	Inch	1PH 60Hz, 37.5kVA, 13200GRDY/7620V-240/120V					
			SCALE	N/S	PROJECT NO.					
SH.KIM	SK.PARK	SG.JANG	SIZE	A3	CAD. NO.				SHEET	
SHINYOUNG SHINYOUNG ELECTRIC.CO.,LTD					REF. NO.				/	
					DWG. NO.		SYOPT3-03125			

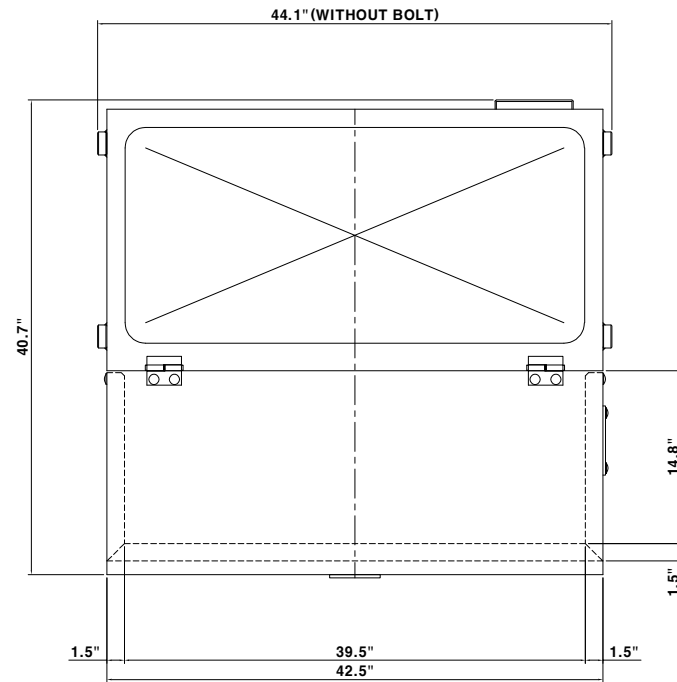


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	CHK				CHK					CHK		UNIT	Inch	1PH 60Hz, 50kVA, 13200GRDY/7620V-240/120V			
	DSN				DSN					DSN		SCALE	N/S	PROJECT NO.			
												SIZE	A3	CAD. NO.		SHEET	
												SHINYOUNG			REF. NO.		/
												SHINYOUNG ELECTRIC.CO.,LTD			DWG. NO.	SYOPT3-03126	Page 1 of 3

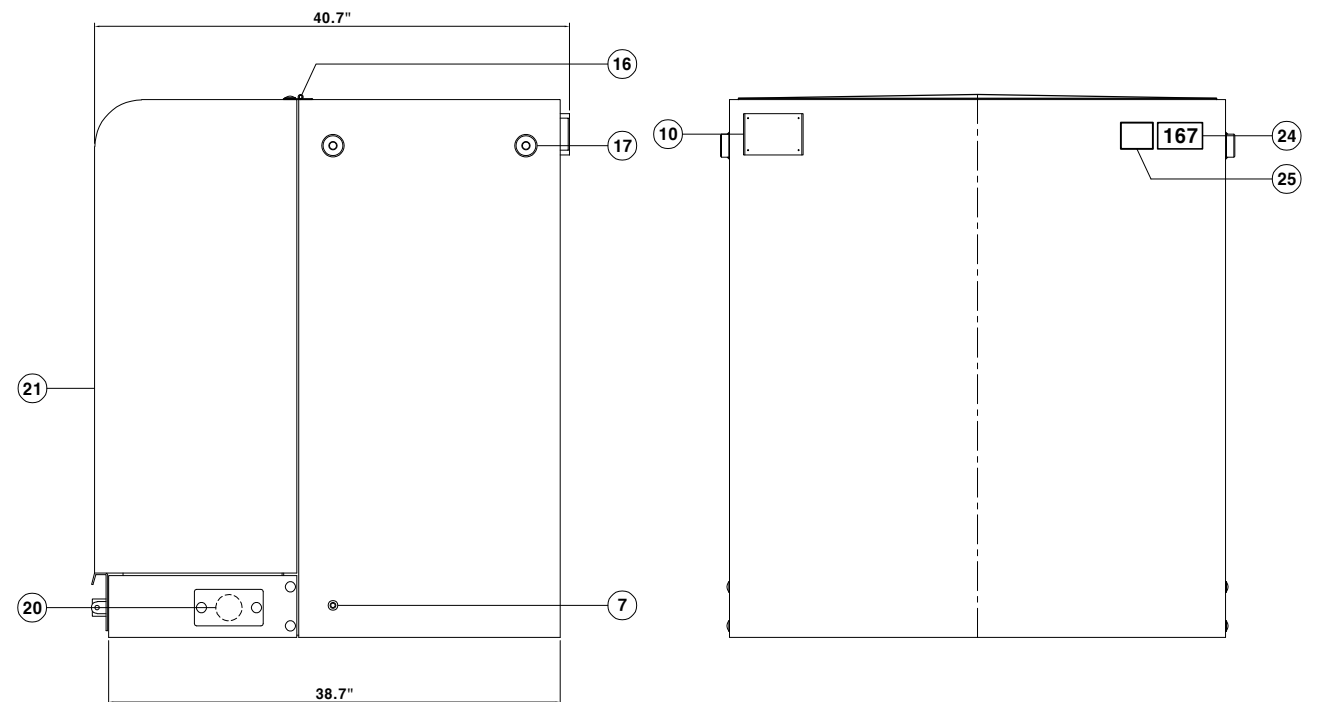
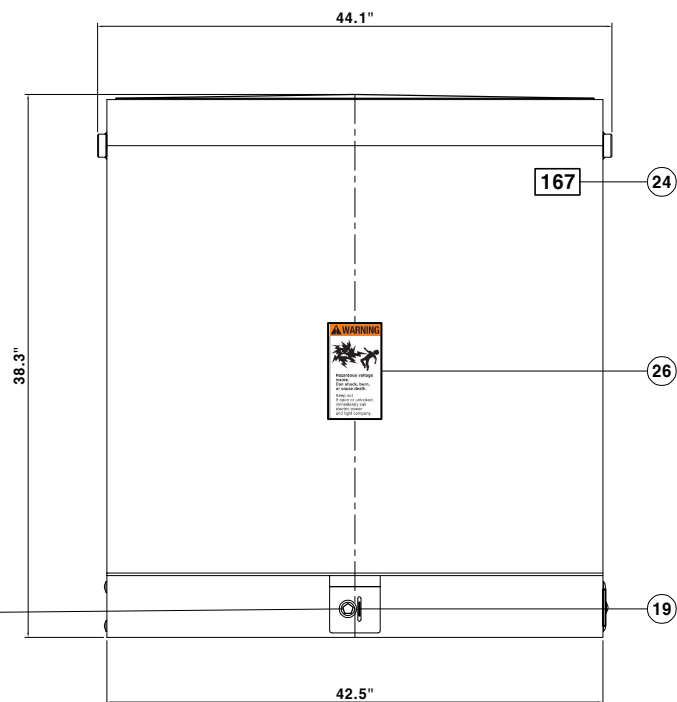
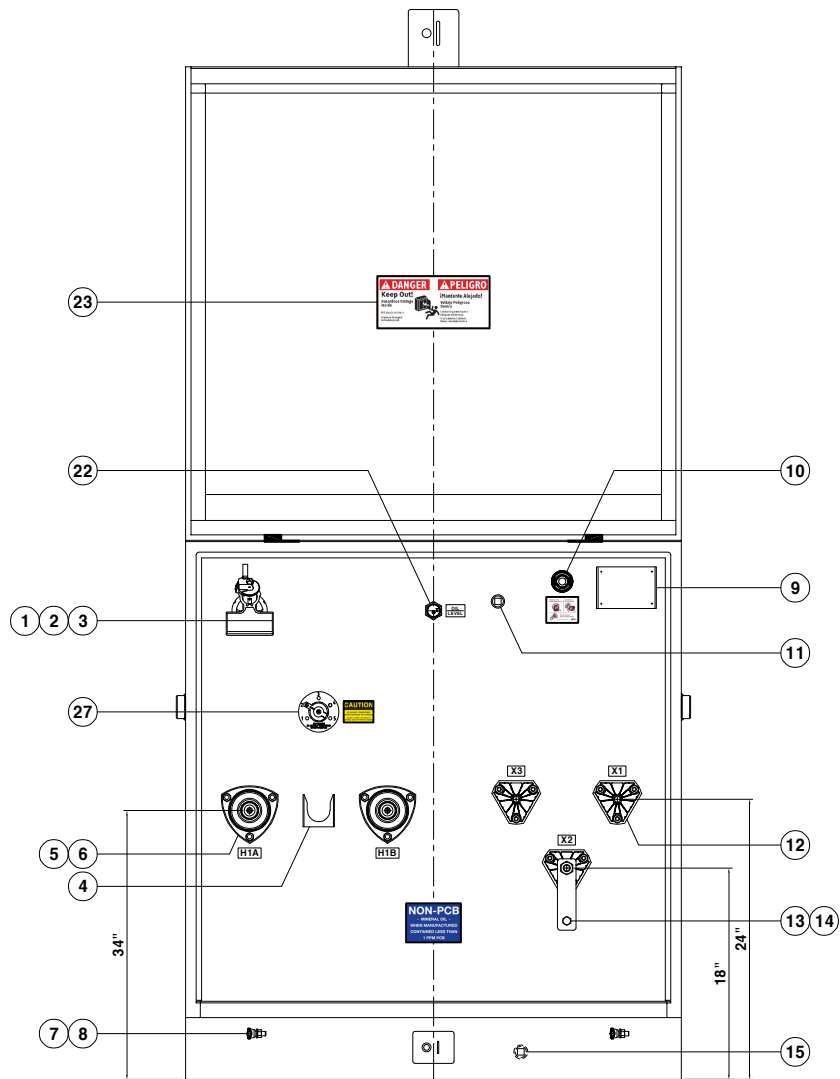
RATINGS	
PHASE	1 PH
FREQUENCY	60 Hz
CAPACITY	167 kVA
RATED VOLTAGE	13200GRDY/7620V-240/120V
TOTAL WEIGHT	2,557 lbs
INSULATION OIL	128 gal
PAINT COLOR	Munsell No. 9.0G 4.5/1.8

NOTE.

1. ALL DIMENSIONS ARE IN INCHES
2. OVERALL DIMENSION TOLERANCE: $\pm 3\%$

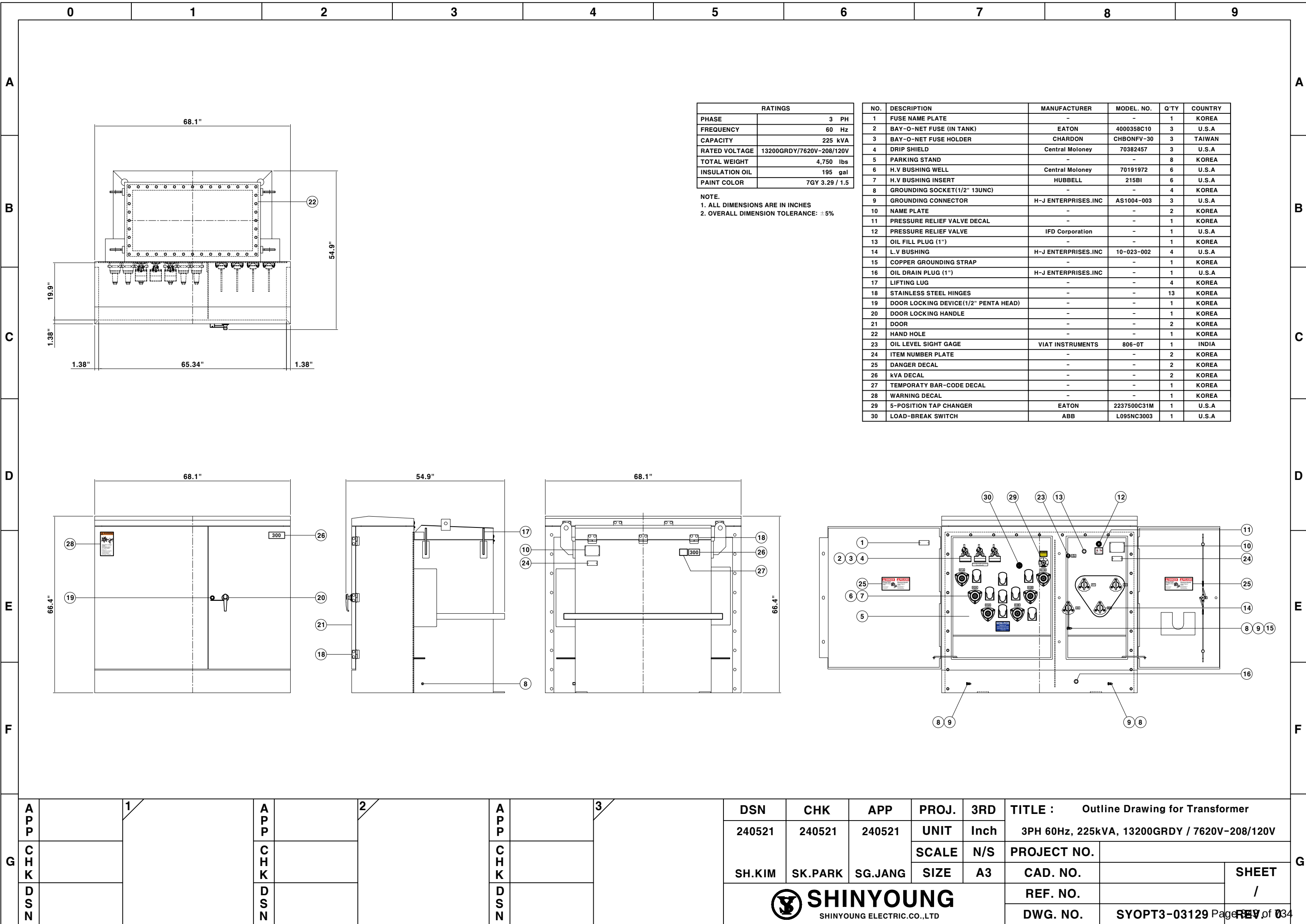


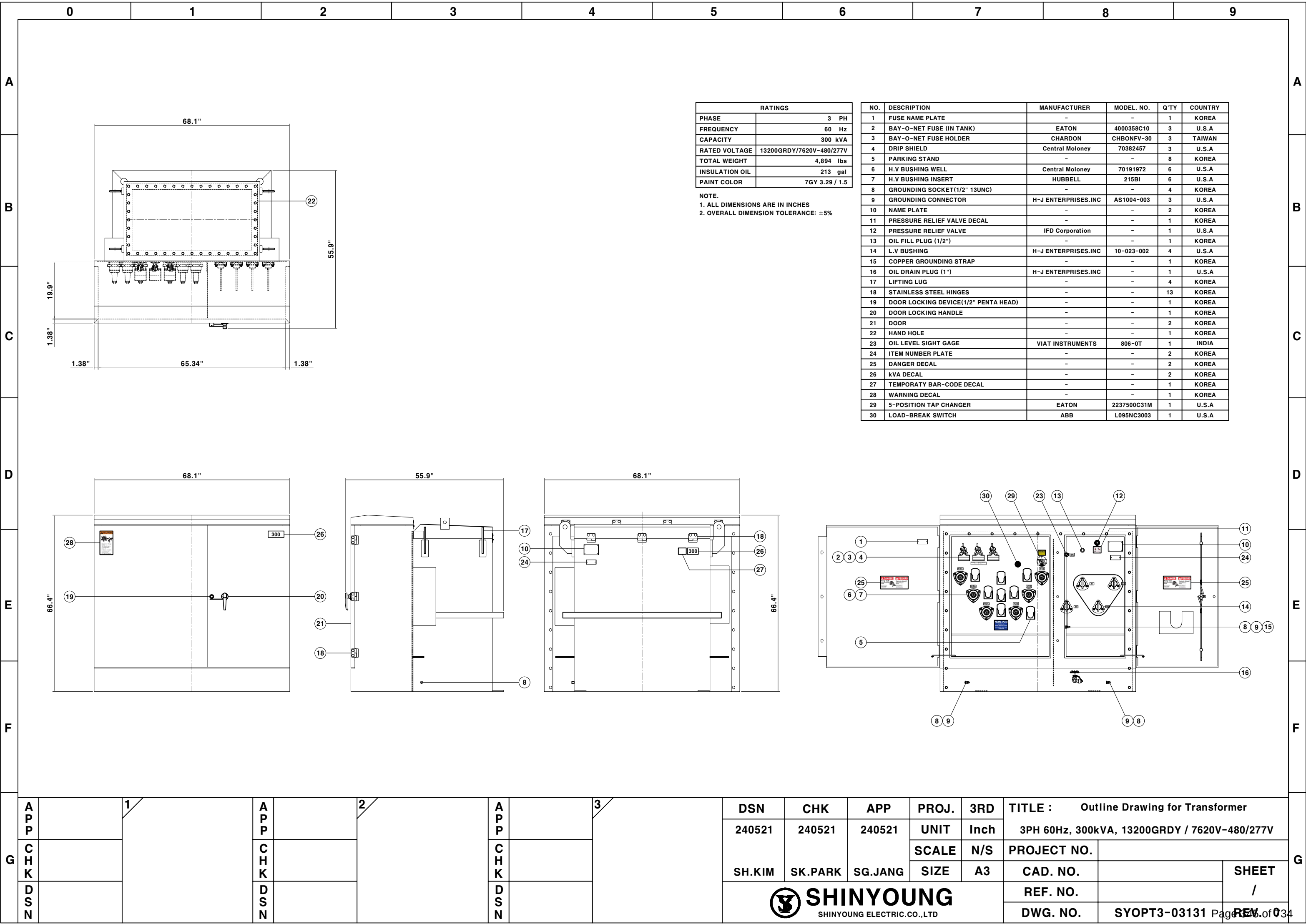
NO.	DESCRIPTION	MANUFACTURER	MODEL. NO.	Q'TY	COUNTRY
1	BAY-O-NET FUSE (IN TANK)	EATON	4000358C12	1	U.S.A
2	BAY-O-NET FUSE HOLDER	CHARDON	CHBONFV-30	1	TAIWAN
3	DRIP SHIELD	Central Moloney	70382457	1	U.S.A
4	PARKING STAND	-	-	1	KOREA
5	H.V BUSHING WELL	Central Moloney	70191972	2	U.S.A
6	H.V BUSHING INSERT	HUBBELL	215BI	2	U.S.A
7	GROUNDING SOCKET(1/2" 13UNC)	-	-	4	KOREA
8	GROUNDING CONNECTOR	H-J ENTERPRISES.INC	AS1004-003	2	U.S.A
9	NAME PLATE	-	-	1	KOREA
10	PRESSURE RELIEF VALVE	IFD Corporation	-	1	U.S.A
11	OIL FILL PLUG (1/2")	-	-	1	KOREA
12	1" TUF EX-MOUNT LV BUSHING	CENTRAL MOLONEY	70133352	3	U.S.A
13	COPPER GROUNDING STRAP	-	-	1	KOREA
14	1" JAM NUT	-	-	2	KOREA
15	OIL DRAIN PLUG (1/2")	-	-	1	KOREA
16	STAINLESS STEEL HINGES	-	-	2	KOREA
17	LIFTING DEVICE (5/8" 11 UNC TAP)	-	-	4	KOREA
18	COVER LOCKING DEVICE(1/2" PENTA HEAD)	-	-	1	KOREA
19	COVER LOCKING PLATE	-	-	1	KOREA
20	2-1/4" ACCESS HOLE (LV SIDE)	-	-	1	KOREA
21	COVER	-	-	1	KOREA
22	OIL LEVEL SIGHT GAGE	VIAT INSTRUMENTS	806-0T	1	INDIA
23	DANGER DECAL	-	-	1	KOREA
24	kVA DECAL	-	-	2	KOREA
25	TEMPORATY BAR-CODE DECAL	-	-	1	KOREA
26	WARNING DECAL	-	-	1	KOREA
27	TAP CHANGER	Central Moloney	70333169	1	U.S.A

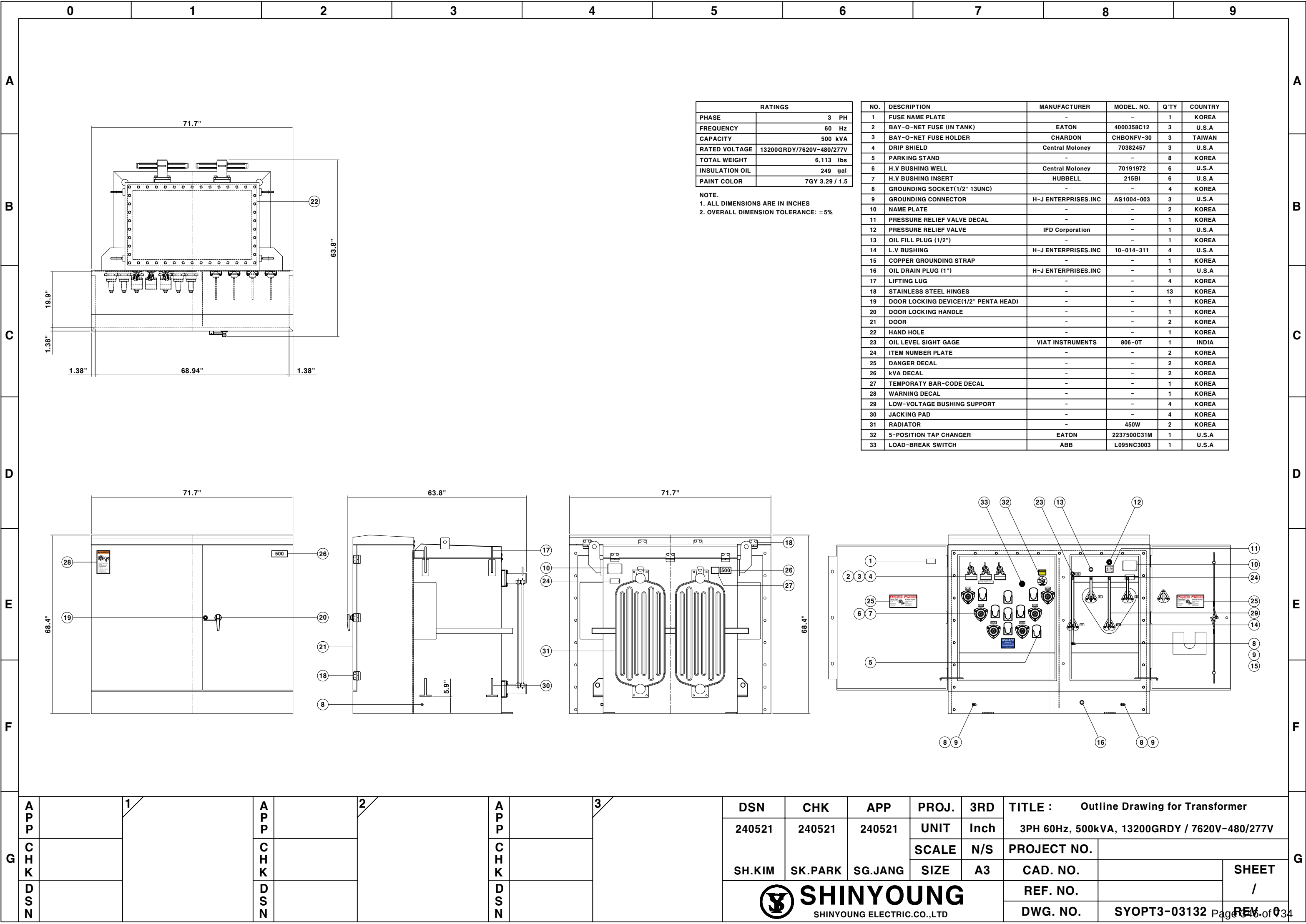


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												SCALE	N/S	PROJECT NO.		
C H K			C H K			C H K			SH.KIM	SK.PARK	SG.JANG	SIZE	A3	CAD. NO.		SHEET
D S N			D S N			D S N			SHINYOUNG SHINYOUNG ELECTRIC.CO.,LTD					REF. NO.		/
					DWG. NO.	SYOPT3-03127		Page 034						REV of 034		

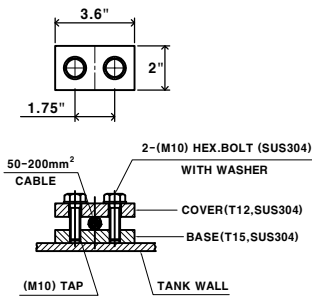
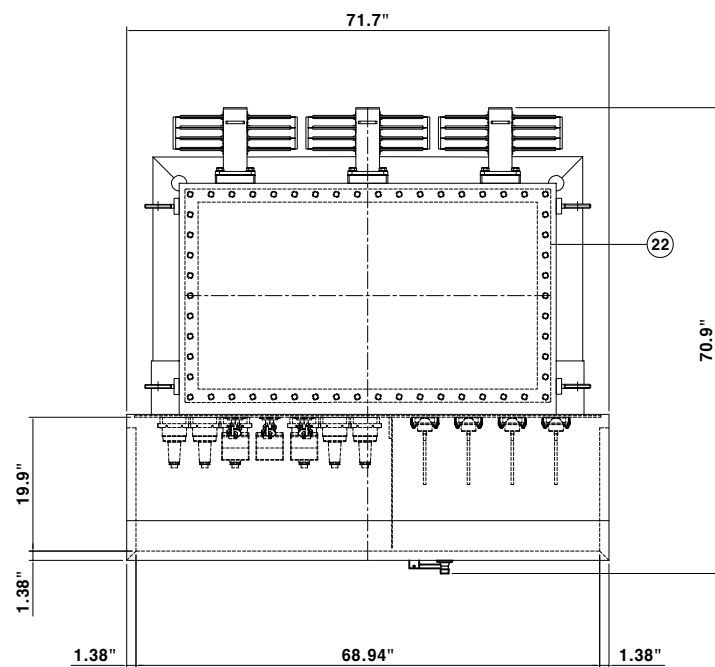
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D										
E										
F										
G	APP CHK DSN		1	APP CHK DSN		2	APP CHK DSN		3	DSN
						DSN	CHK	APP	PROJ.	3RD
						240521	240521	240521	UNIT	Inch
						SH.KIM	SK.PARK	SG.JANG	SCALE	N/S
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										Page 127 of 134





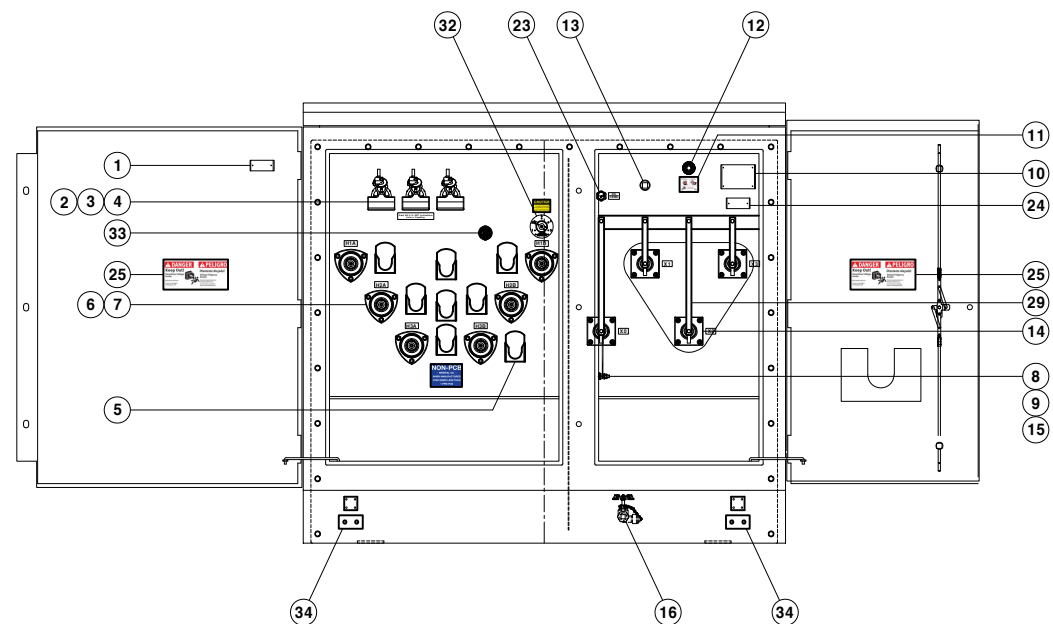
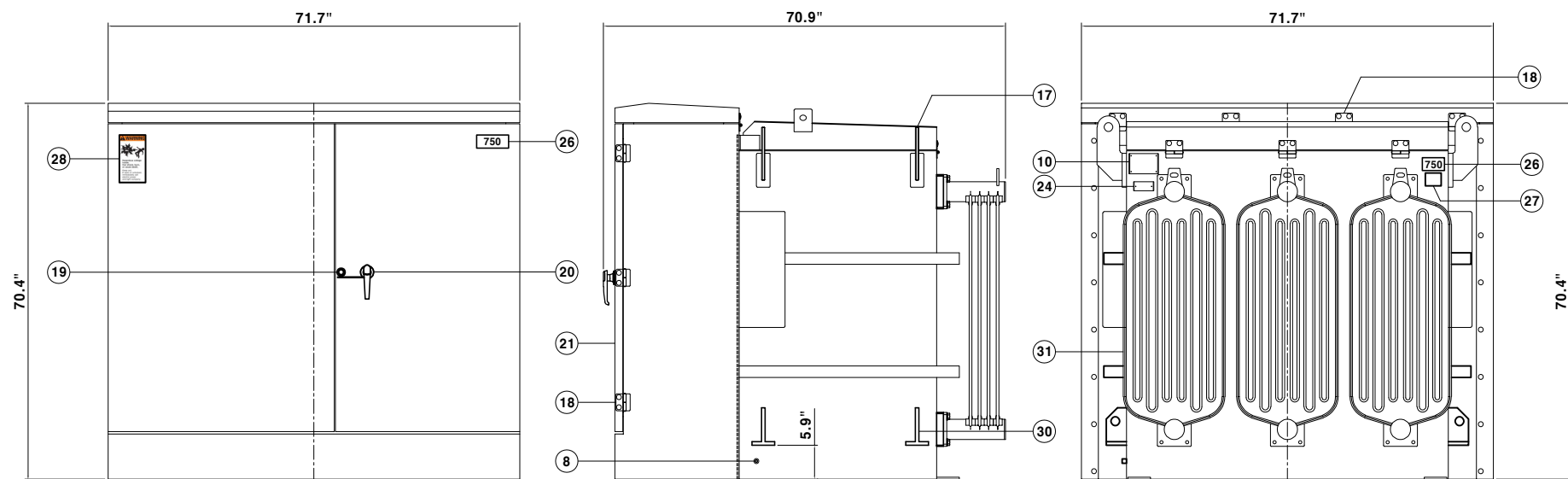
**SHINYOUNG**
SHINYOUNG ELECTRIC.CO.,LTD

Page 16 of 134

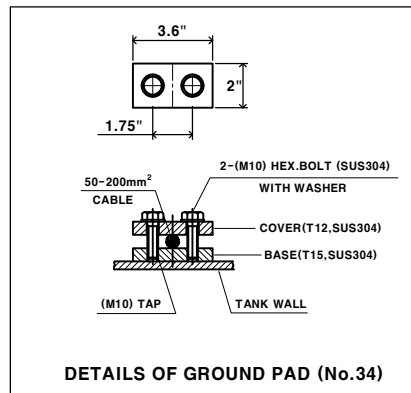
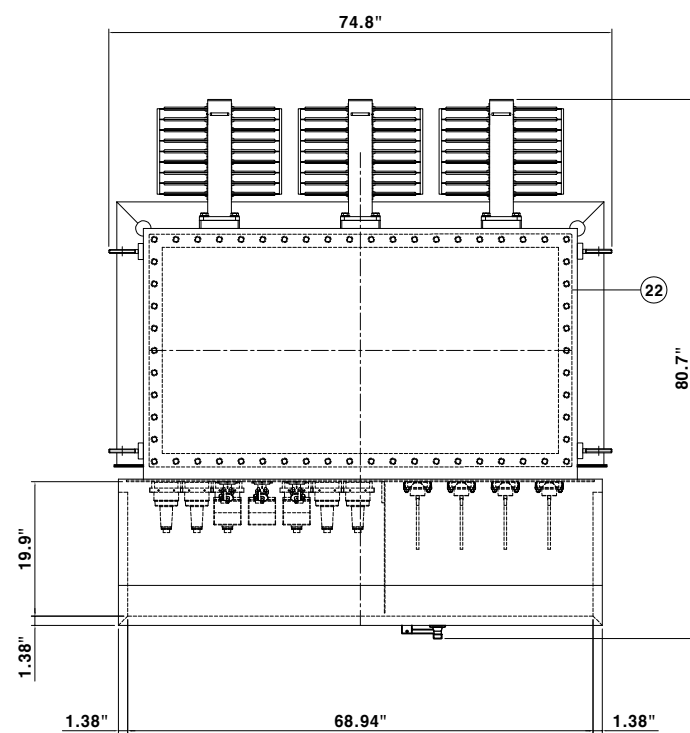


RATINGS	
PHASE	3 PH
FREQUENCY	60 Hz
CAPACITY	750 kVA
RATED VOLTAGE	13200GRDY/7620V-480/277V
TOTAL WEIGHT	7,716 lbs
INSULATION OIL	348 gal
PAINT COLOR	7GY 3.29 / 1.5

NOTE.
1. ALL DIMENSIONS ARE IN INCHES
2. OVERALL DIMENSION TOLERANCE: $\pm 5\%$

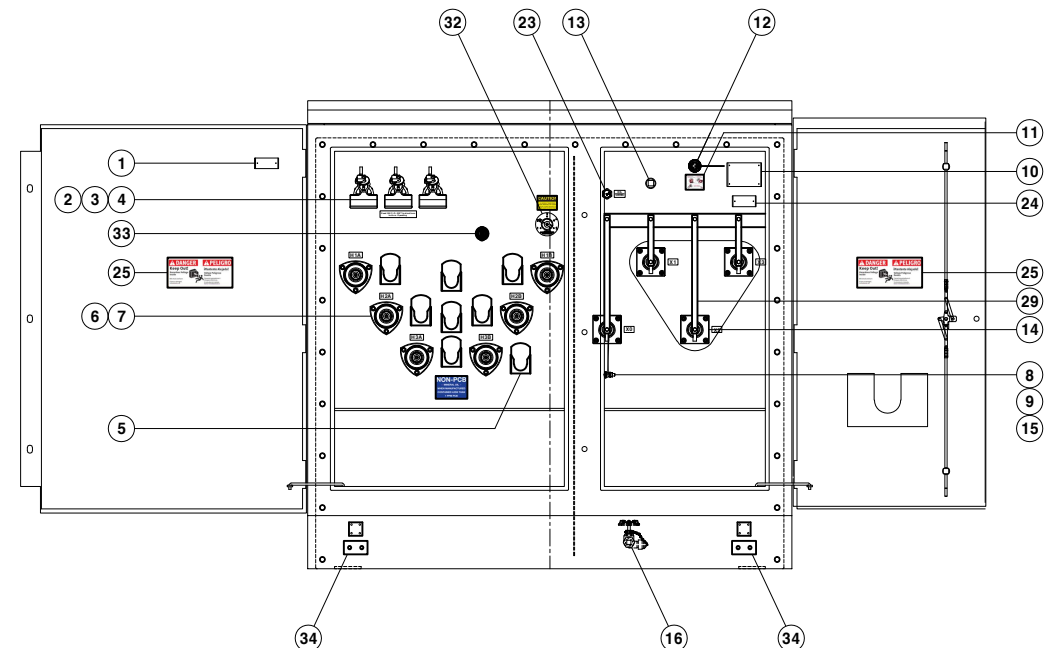
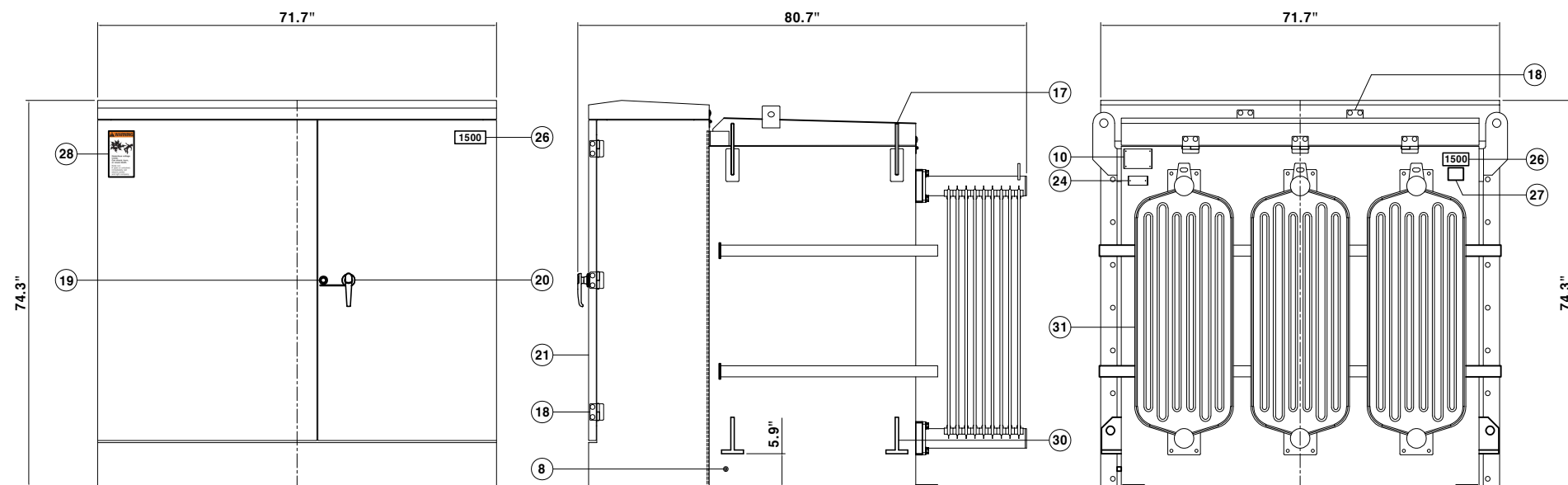


A P P		1	A P P		2	A P P		3	DSN	CHK	APP	PROJ.	3RD	TITLE : Outline Drawing for Transformer		
									240521	240521	240521	UNIT	Inch	3PH 60Hz, 750kVA, 13200GRDY / 7620V-480/277V		
												SCALE	N/S	PROJECT NO.		
C H K			C H K			C H K			SH.KIM	SK.PARK	SG.JANG	SIZE	A3	CAD. NO.		SHEET
D S N			D S N			D S N			 SHINYOUNG SHINYOUNG ELECTRIC.CO.,LTD					REF. NO.		/
														DWG. NO.	SYOPT3-03133	



RATINGS	
PHASE	3 PH
FREQUENCY	60 Hz
CAPACITY	1500 kVA
RATED VOLTAGE	13200GRDY/7620V-480/277V
TOTAL WEIGHT	11,036 lbs
INSULATION OIL	458 gal
PAINT COLOR	7GY 3.29 / 1.5

NO.	DESCRIPTION	MANUFACTURER	MODEL. NO.	Q'TY	COUNTRY
1	FUSE NAME PLATE	-	-	1	KOREA
2	BAY-O-NET FUSE (IN TANK)	EATON	4000358C18	3	U.S.A
3	BAY-O-NET FUSE HOLDER	CHARDON	CHBONFV-30	3	TAIWAN
4	DRIP SHIELD	Central Moloney	70382457	3	U.S.A
5	PARKING STAND	-	-	8	KOREA
6	H.V BUSHING WELL	Central Moloney	70191972	6	U.S.A
7	H.V BUSHING INSERT	HUBBELL	215BI	6	U.S.A
8	GROUNDING SOCKET(1/2" 13UNC)	-	-	4	KOREA
9	GROUNDING CONNECTOR	H-J ENTERPRISES.INC	AS1004-003	3	U.S.A
10	NAME PLATE	-	-	2	KOREA
11	PRESSURE RELIEF VALVE DECAL	-	-	1	KOREA
12	PRESSURE RELIEF VALVE	IFD Corporation	-	1	U.S.A
13	OIL FILL PLUG (1/2")	-	-	1	KOREA
14	L.V BUSHING	H-J ENTERPRISES.INC	10-021-004	4	U.S.A
15	COPPER GROUNDING STRAP	-	-	1	KOREA
16	OIL DRAIN VALVE AND SAMPLER (1")	H-J ENTERPRISES.INC	DV1000-001-FB	1	U.S.A
17	LIFTING LUG	-	-	4	KOREA
18	STAINLESS STEEL HINGES	-	-	13	KOREA
19	DOOR LOCKING DEVICE(1/2" PENTA HEAD)	-	-	1	KOREA
20	DOOR LOCKING HANDLE	-	-	1	KOREA
21	DOOR	-	-	2	KOREA
22	HAND HOLE	-	-	1	KOREA
23	OIL LEVEL SIGHT GAGE	VIAT INSTRUMENTS	806-0T	1	INDIA
24	ITEM NUMBER PLATE	-	-	2	KOREA
25	DANGER DECAL	-	-	2	KOREA
26	KVA DECAL	-	-	2	KOREA
27	TEMPORATY BAR-CODE DECAL	-	-	1	KOREA
28	WARNING DECAL	-	-	1	KOREA
29	LOW-VOLTAGE BUSHING SUPPORT	-	-	4	KOREA
30	JACKING PAD	-	-	4	KOREA
31	RADIATOR	-	450W	3	KOREA
32	5-POSITION TAP CHANGER	EATON	2237500C31M	1	U.S.A
33	LOAD-BREAK SWITCH	ABB	L095NC3003	1	U.S.A
34	GROUND PAD	-	-	2	KOREA



A P P		1	A P P		2	A P P		3	DSN	CHK	APP	PROJ.	3RD	TITLE : Outline Drawing for Transformer		
									240521	240521	240521	UNIT	Inch	3PH 60Hz, 1500kVA, 13200GRDY / 7620V-480/277V		
												SCALE	N/S	PROJECT NO.		
C H K			C H K			C H K			SH.KIM	SK.PARK	SG.JANG	SIZE	A3	CAD. NO.		SHEET
D S N			D S N			D S N			 SHINYOUNG SHINYOUNG ELECTRIC.CO.,LTD					REF. NO.		/
					DWG. NO.	SYOPT3-03134		Page 146 of 134								

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-067 **1R** An Ordinance finding, determining and declaring the necessity of acquiring general utility easements, temporary access easements, and temporary construction easements for the Rock Creek Watershed CMP Repair and Replacement CIP Project (Project No. 132402); 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, ***and declaring an emergency. (five affirmative votes required to approve)*** **1R**

Recommendations:

Council approval is recommended.

Background:

Approval of this ordinance will allow City Staff to proceed with easement acquisitions for the Rock Creek CMP Repair and Replacement Project (No. 132402). This American Relief Plan Act (ARPA) funded stormwater project will address the corrosion and structural failure of existing corrugated metal storm drainage pipes throughout the Rock Creek Watershed.

Emergency Justification:

The Rock Creek CMP Repair and Replacement Project (No. 132402) is eligible for ARPA grant funding administered through the Missouri Department of Natural Resources (MDNR) in the amount of \$5,000,000. Per ARPA requirements, these funds must be fully encumbered for construction no later than December 31, 2024, with a mandatory 30-day advertisement for bids. Phase II of this project is currently several weeks behind schedule, with Staff having only recently received the easement specifications needed to complete the project. In order to meet the timetable set forth by ARPA, City Staff request this item be considered as an emergency ordinance.

Fiscal Impact:

The potential fiscal impact to the City is approximately \$60,000. Funding for the Rock Creek CMP Pipe Repair and Replacement Project (No. 132402) is included in the FY 24 adopted budget, page number 182, account number 0137013-5406. This project is eligible for up to \$5,000,000 in ARPA grant fund reimbursement through MDNR with 20% in matching City funds up to \$1,000,000.

Council Action:

REVIEWERS

Lisa Reynolds
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Rock Creek Phase II Emergency Ordinance (1)
2. Rock Creek Project Boundary

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING GENERAL UTILITY EASEMENTS, TEMPORARY ACCESS EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE ROCK CREEK WATERSHED CMP REPAIR AND REPLACEMENT CIP PROJECT (PROJECT NO. 132402); 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, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Independence, Missouri, pursuant to advice and recommendation of the Municipal Services Director, deems it necessary, advisable and in the public interest to obtain general utility easements, temporary access easements, and temporary construction easements in accordance with the plans and specifications as approved for construction, operation and maintenance of the Rock Creek Watershed CMP Repair and Replacement CIP Project (No. 132402), together with all appurtenances, thereto, along, over, under, upon, across and through certain tracts of land within Independence, Jackson County, Missouri; and,

WHEREAS, the City has secured federal grant funding for said project through the American Relief Plan Act (ARPA) in the amount of \$5,000,000 which must be fully encumbered for construction no later than 12/31/2024; and,

WHEREAS, the City has authority by virtue of Section 82.240 of the Revised Statutes of the State of Missouri, 1969, as amended, and Section 1.3 and 1.4 of the Charter of the City of Independence, Missouri, revised August 8, 1978, to acquire private property by eminent domain proceedings for any public or municipal use, including the uses or purposes stated herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That it is hereby found, determined and declared that it is necessary for the purpose of construction, operation and maintenance of rock Creek Watershed CMP Repair and Replacement CIP Project (No. 132402) for the City of Independence, Missouri, to acquire by purchase or eminent domain proceedings temporary construction grading easements, general utility easements, and temporary access easements, including, but not limited to, the right to construct curbs, drives, trails, sidewalks and storm sewers, together with all appurtenances thereunto belonging along, over, under, upon, across and through the following described tracts of land, all of which are situated in Independence, Jackson County, Missouri; to wit:

Parcel 1

Temporary Construction Easement Description

All that part of Lot 23, Crysler Meadows, a platted subdivision lying in the Southeast Quarter of Section 15, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 10, 2024, as follows:

COMMENCING at the Northeast corner of said Lot 23; thence South 02 degrees 05 minutes 52 seconds West, on the East line of said Lot 23, a distance of 1.49 feet to the POINT OF BEGINNING #1; thence continuing South 02 degrees 05 minutes 52 seconds West, on said East line, a distance of 9.83 feet to a point; thence North 87 degrees 54 minutes 08 seconds West, departing said East line, a distance of 11.11 feet to a point; thence North 02 degrees 46 minutes 16 seconds East a distance of 9.83 feet to a point; thence South 87 degrees 54 minutes 08 seconds East a distance of 10.99 feet to the POINT OF BEGINNING, containing 109 Square Feet, or 0.0025 Acres, more or less.

And also...

BEGINNING #2 at the Southeast corner of said Lot 23; thence North 87 degrees 54 minutes 33 seconds West, on the South line of said Lot 23, a distance of 6.12 feet to a point; thence North 77 degrees 19 minutes 50 seconds East, departing said South line, a distance of 6.09 feet to a point of curvature on the East line of said Lot 23; thence in a Southerly direction, on said East line, on a non-tangent curve to the left whose initial tangent bears South 06 degrees 00 minutes 43 seconds East, having a radius of 150.00 feet, through a central angle of 00 degrees 35 minutes 57 seconds, an arc distance of 1.57 feet to the POINT OF BEGINNING, containing 5 Square Feet, or 0.0001 Acres, more or less.

The above-described easements contain an aggregate total of 114 Square Feet or 0.0026 Acres, more or less.

Tract 2:

Temporary Construction Easement Description

All that part of Lot 24, Crysler Meadows, a platted subdivision lying in the Southeast Quarter of Section 15, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 10, 2024, as follows:

BEGINNING at the Northeast corner of said Lot 24; thence in a Southerly direction, on the East line of said Lot 24, on a curve to the left whose initial tangent bears South 06 degrees 36 minutes 41 seconds East, having a radius of 150.00 feet, through a central angle of 03 degrees 58 minutes 52 seconds, an arc distance of 10.42 feet to a point; thence South 77 degrees 49 minutes 09

seconds West, departing said East line, a distance of 5.89 feet to a point; thence North 12 degrees 39 minutes 23 seconds West a distance of 11.90 feet to a point; thence North 77 degrees 19 minutes 50 seconds East a distance of 0.71 feet to a point on the North line of said Lot 24; thence South 87 degrees 54 minutes 33 seconds East, on said North line, a distance of 6.12 feet to the POINT OF BEGINNING, containing 70 Square Feet, or 0.0016 Acres, more or less.

Parcel 3:

General Utility Easement Description

All of the South 7.50 feet LESS AND EXCEPT the West 5.00 feet thereof, of Lot 25, Crysler Meadows, a platted subdivision lying in the Southeast Quarter of Section 15, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, containing 1,124 Square Feet or 0.0258 Acres, more or less.

Temporary Construction Easement Description

All of the North 5.00 feet of the South 12.50 feet of Lot 25, LESS AND EXCEPT the West 5.00 feet thereof, Crysler Meadows, a platted subdivision lying in the Southeast Quarter of Section 15, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, containing 766 Square Feet or 0.0176 Acres, more or less.

Parcel 4:

Permanent Drainage Easement Description

All of the North 7.50 feet LESS AND EXCEPT the West 5.00 feet thereof, of Lot 26, Crysler Meadows, a platted subdivision lying in the Southeast Quarter of Section 15, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, containing 1,096 Square Feet or 0.0252 Acres, more or less.

Temporary Construction Easement Description

All of the South 5.00 feet of the North 12.50 feet of Lot 26, LESS AND EXCEPT the West 5.00 feet thereof, Crysler Meadows, a platted subdivision lying in the Southeast Quarter of Section 15, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, containing 717 Square Feet or 0.0165 Acres, more or less.

Parcel 5

Temporary Construction Easement Description

7/22/24 - crh

All that part of Lot 14, Nance's Meadows, a platted subdivision lying in the Northwest Quarter of Section 22, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, as follows:

BEGINNING at the Southeast corner of said Lot 14; thence North 87 degrees 23 minutes 04 seconds West, on the South line of said Lot 14, a distance of 31.85 feet to a point; thence North 03 degrees 02 minutes 02 seconds East, departing said South line, a distance of 75.00 feet to a point on the North line of said Lot 14; thence South 87 degrees 23 minutes 04 seconds East, on said North line, a distance of 30.39 feet to the Northeast corner of said Lot 14; thence South 01 degree 55 minutes 26 seconds West, departing said North line and on the East line of said Lot 14, a distance of 75.00 feet to the POINT OF BEGINNING, containing 2,334 Square Feet, or 0.0536 Acres, more or less.

Parcel 6

Temporary Construction Easement Description

All that part of Lot 13, Nance's Meadows, a platted subdivision lying in the Northwest Quarter of Section 22, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, as follows:

COMMENCING at the Southeast corner of said Lot 13; thence North 87 degrees 23 minutes 04 seconds West, on the South line of said Lot 13, a distance of 5.00 feet to a point on the West line of a 5-foot-wide Utility Easement as established with said Nance's Meadows plat, and the POINT OF BEGINNING; thence continuing North 87 degrees 23 minutes 04 seconds West, departing said West easement line and on said South line, a distance of 25.39 feet to a point; thence North 03 degrees 02 minutes 02 seconds East, departing said South line, a distance of 75.00 feet to a point on the North line of said Lot 13; thence South 87 degrees 23 minutes 04 seconds East, on said North line, a distance of 23.94 feet to a point on said West easement line; thence South 01 degree 55 minutes 26 seconds West, departing said North line and on said West easement line, a distance of 75.00 feet to the POINT OF BEGINNING, containing 1,850 Square Feet, or 0.0425 Acres, more or less.

Parcel 7

Temporary Construction Easement Description

All that part of Lot 12, Nance's Meadows, a platted subdivision lying in the Northwest Quarter of Section 22, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, as follows:

COMMENCING at the Southeast corner of said Lot 12; thence North 87 degrees 23 minutes 04 seconds West, on the South line of said Lot 12, a distance of 5.00 feet to a point on the West line

of a 5-foot-wide Utility Easement as established with said Nance's Meadows plat, and the POINT OF BEGINNING; thence continuing North 87 degrees 23 minutes 04 seconds West, departing said West easement line and on said South line, a distance of 23.94 feet to a point; thence North 03 degrees 02 minutes 02 seconds East, departing said South line, a distance of 82.32 feet to a point on the North line of said Lot 12; thence North 87 degrees 01 minute 16 seconds East, on said North line, a distance of 22.43 to a point on said West easement line; thence South 01 degree 55 minutes 26 seconds West, departing said North line and on said West easement line, a distance of 84.51 feet to the POINT OF BEGINNING, containing 1,930 Square Feet, or 0.0443 Acres, more or less.

Parcel 8

Temporary Construction Easement Description

All that part of Lot 11, Nance's Meadows, a platted subdivision lying in the Northwest Quarter of Section 22, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, as follows:

COMMENCING at the Southeast corner of said Lot 11; thence South 87 degrees 01 minute 16 seconds West, on the South line of said Lot 11, a distance of 5.02 feet to a point on the West line of a 5-foot-wide Utility Easement as established with said Nance's Meadows plat, and the POINT OF BEGINNING; thence continuing South 87 degrees 01 minute 16 seconds West, departing said West easement line and on said South line, a distance of 22.43 feet to a point; thence North 03 degrees 02 minutes 02 seconds East, departing said South line, a distance of 111.21 feet to a point on the North line of said Lot 11; thence North 71 degrees 57 minutes 13 seconds East, on said North line, a distance of 21.48 feet to a point on said West easement line; thence South 01 degree 55 minutes 26 seconds West, departing said North line and on said West easement line, a distance of 116.61 feet to the POINT OF BEGINNING, containing 2,417 Square Feet, or 0.0555 Acres, more or less.

Parcel 9

Temporary Construction Easement Description

All that part of a Tract of land described by Missouri Warranty Deed, recorded in Document No. 2008E0002244, and being a part of Lot 27, Redford Lawn, a platted subdivision lying in the Northwest Quarter of Section 22, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 11, 2024, as follows:

BEGINNING at the Southeast corner of said Lot 27; thence North 87 degrees 23 minutes 04 seconds West, on the South line of said Lot 27, a distance of 102.61 feet to a point on the East line of a variable width General Utility Easement, as described in Document No. 2018E0059745; thence North 20 degrees 53 minutes 44 seconds West, departing said South line and on said East easement line, a distance of 91.84 feet to a point on the Westerly line of said Tract of land;

thence North 17 degrees 32 minutes 16 seconds East, departing said East easement line and on said Westerly line, a distance of 132.26 feet to a point; thence North 49 degrees 03 minutes 56 seconds East, continuing on said Westerly line, a distance of 41.82 feet to a point; thence South 47 degrees 23 minutes 06 seconds East, departing said Westerly line, a distance of 21.67 feet to a point; thence South 17 degrees 33 minutes 09 seconds West a distance of 67.75 feet to a point; thence North 73 degrees 04 minutes 54 seconds West a distance of 24.51 feet to a point; thence South 16 degrees 43 minutes 40 seconds West a distance of 31.20 feet to a point; thence South 72 degrees 42 minutes 44 seconds East a distance of 5.00 feet to a point; thence South 16 degrees 58 minutes 35 seconds West a distance of 31.77 feet to a point; thence South 73 degrees 30 minutes 50 seconds East a distance of 112.48 feet to a point on the East line of said Lot 27; thence South 01 degree 55 minutes 26 seconds West, on said East line, a distance of 78.24 feet to the POINT OF BEGINNING, containing 15,554 Square Feet, or 0.3571 Acres, more or less.

Parcel 10

Temporary Construction Easement Description

All of the South 12.00 feet of the East 80.00 feet of Lot 22, Fairmount, a platted subdivision lying in the Southwest Quarter of Section 33, Township 50 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 12, 2024, containing 960 Square Feet or 0.0220 Acres, more or less.

Parcel 11

Temporary Construction Easement Description

All of the North 2.00 feet of the East 80.00 feet, together with all of the South 11.00 feet of the North 13.00 feet of the East 46.00 feet of Lot 21, Fairmount, a platted subdivision lying in the Southwest Quarter of Section 33, Township 50 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 12, 2024, containing a combined 666 Square Feet or 0.0153 Acres, more or less.

Parcel 12

Temporary Construction Easement Description

All of the South 35.00 feet of the East 20.00 feet of Lot 33, Fairmount, a platted subdivision lying in the Southwest Quarter of Section 33, Township 50 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 12, 2024, containing a combined 700 Square Feet or 0.0161 Acres, more or less

Parcel 13

7/22/24 - crh

Temporary Construction Easement Description

All of the North 20.00 feet of Lot 34, Fairmount, a platted subdivision lying in the Southwest Quarter of Section 33, Township 50 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 12, 2024, containing a combined 2,700 Square Feet or 0.0620 Acres, more or less.

Parcel 14

Temporary Construction Easement Description

All of the South 21.00 feet of the West 12.00 feet of Lot 46, Fairmount, a platted subdivision lying in the Southwest Quarter of Section 33, Township 50 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 12, 2024, containing a combined 252 Square Feet or 0.0058 Acres, more or less.

Parcel 15

Temporary Construction Easement Description

All of the North 20.00 feet of the West 12.00 feet of Lot 45, Fairmount, a platted subdivision lying in the Southwest Quarter of Section 33, Township 50 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 12, 2024, containing a combined 240 Square Feet or 0.0055 Acres, more or less.

Parcel 16

General Utility Easement Description

All that part of an unplatted tract of land lying in the Northwest Quarter of Section 5, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 15, 2024, as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of said Section 5; thence South 01 degree 19 minutes 45 seconds West, on the East line of said Northwest Quarter, a distance of 490.63 feet to a point; thence North 88 degrees 40 minutes 15 seconds West, departing said East line, a distance of 30.00 feet to a point on the West right-of-way line of S. Brookside Avenue, as now established, and the POINT OF BEGINNING; thence South 01 degree 19 minutes 45 seconds West, on said West right-of-way line, a distance 30.77 feet to a point; thence North 89 degrees 33 minutes 55 seconds West, departing said West right-of-way line, a distance of 85.00 feet to a point; thence North 01 degree 17 minutes 30 seconds East a distance of 30.68 feet to a point; thence South 89 degrees 37 minutes 31 seconds East a distance

7/22/24 - crh

of 85.02 to the POINT OF BEGINNING, containing 2,612 Square Feet, or 0.0600 Acres, more or less.

Temporary Construction Easement Description

All that part of an unplatted tract of land lying in the Northwest Quarter of Section 5, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 15, 2024, as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of said Section 5; thence South 01 degree 19 minutes 45 seconds West, on the East line of said Northwest Quarter, a distance of 490.63 feet to a point; thence North 88 degrees 40 minutes 15 seconds West, departing said East line, a distance of 30.00 feet to a point on the West right-of-way line of S. Brookside Avenue, as now established; thence North 89 degrees 37 minutes 31 seconds West, departing said West right-of-way line, a distance of 76.34 feet to the POINT OF BEGINNING; thence continuing North 89 degrees 37 minutes 31 seconds West a distance of 8.68 feet to a point; thence South 01 degree 17 minutes 30 seconds West a distance of 30.68 feet to a point; thence South 89 degrees 33 minutes 55 seconds East a distance of 12.51 feet to a point; thence South 00 degrees 00 minutes 00 seconds East a distance of 41.56 feet to a point; thence North 89 degrees 58 minutes 11 seconds West a distance of 61.64 feet to a point; thence North 00 degrees 00 minutes 00 seconds East a distance of 128.49 feet to a point; thence North 89 degrees 05 minutes 24 seconds East a distance of 29.06 feet to a point on a non-tangent curve; thence in a Southeasterly direction on a curve to the right whose initial tangent bears South 32 degrees 40 minutes 28 seconds East, having a radius of 350.00 feet, through a central angle of 10 degrees 28 minutes 30 seconds, an arc distance of 63.99 feet to the POINT OF BEGINNING, containing 6,619 Square Feet, or 0.1519 Acres, more or less.

Temporary Access Easement Description

All that part of an unplatted tract of land lying in the Northwest Quarter of Section 5, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 15, 2024, as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of said Section 5; thence South 01 degree 19 minutes 45 seconds West, on the East line of said Northwest Quarter, a distance of 47.84 feet to a point; thence North 88 degrees 40 minutes 15 seconds West, departing said East line, a distance of 30.00 feet to a point on the West right-of-way line of S. Brookside Avenue, as now established, and the POINT OF BEGINNING; thence South 01 degree 19 minutes 45 seconds West, on said West right-of-way line, a distance of 62.83 feet to a point; thence North 82 degrees 15 minutes 04 seconds West, departing said West right-of-way line, a distance of 18.45 feet to a point; thence South 63 degrees 17 minutes 05 seconds West a distance of 73.44 feet to a point of curvature; thence in a Southwesterly and Southerly direction, on a curve to the left, having a radius of 130.00 feet, through a central angle of 53 degrees 12 minutes 25 seconds, an arc distance of 120.72 feet to a point of compound curvature; thence in a Southerly and Southeasterly direction, on a curve to the left, having a radius of 183.00 feet,

through a central angle of 44 degrees 47 minutes 06 seconds, an arc distance of 143.04 feet to a point on a tangent line; thence South 34 degrees 42 minutes 25 seconds East a distance of 55.06 feet to a point of curvature; thence in a Southeasterly direction, on curve to the right, having a radius of 325.00 feet, through a central angle of 14 degrees 45 minutes 37 seconds, an arc distance of 83.72 feet to a point on a non-tangent line; thence North 89 degrees 37 minutes 31 seconds West a distance of 31.14 feet to a point on a non-tangent curve; thence in a Northwesterly direction, on a curve to the left whose initial tangent bears North 22 degrees 11 minutes 58 seconds West, having a radius of 350.00 feet, through a central angle of 25 degrees 59 minutes 13 seconds, an arc distance of 158.75 feet to a point of compound curvature; thence in a Northwesterly direction on curve to the left, having a radius of 950.00 feet, through a central angle of 07 degrees 53 minutes 41 seconds, an arc distance of 130.90 feet to a point on a non-tangent line; thence North 30 degrees 08 minutes 57 seconds East a distance of 34.50 feet to a point on a non-tangent curve; thence in a Northeasterly direction, on a curve to the left whose initial tangent bears North 86 degrees 55 minutes 41 seconds East, having a radius of 70.00 feet, through a central angle of 41 degrees 50 minutes 41 seconds, an arc distance of 51.12 feet to a point of compound curvature; thence in a Northeasterly direction, on a curve to the left, having a radius of 328.00 feet, through a central angle of 20 degrees 28 minutes 46 seconds, an arc distance of 117.24 feet to a point on a non-tangent line; thence North 64 degrees 36 minutes 28 seconds East a distance of 123.22 feet to a point of curvature; thence in a Northeasterly and Northerly direction, on a curve to the left, having a radius of 54.00 feet, through a central angle of 57 degrees 15 minutes 55 seconds, an arc distance of 53.97 feet to a point on the Southwesterly right-of-way

line of E. Winner Road, as now established; thence South 51 degrees 33 minutes 50 seconds East, on said Southwesterly right-of-way line, a distance of 11.79 feet to the POINT OF BEGINNING, containing 25,340 Square Feet, or 0.5817 Acres, more or less.

Parcel 17

Temporary Construction Easement Description

All that part of Lot 22, Block 4, Evanston Park, a subdivision in the Northeast Quarter of Section 5, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 15, 2024, as follows:

BEGINNING #1 at the Northwest corner of said Lot 22; thence South 88 degrees 41 minutes 21 seconds East, on the North line of said Lot 22, a distance of 44.81 feet to a point; thence South 01 degree 19 minutes 56 seconds West, departing said North line, a distance of 24.28 feet to a point on the Northerly line of an existing 15-foot-wide Sewer Easement, as established in Doc. No. 2001i0104116; thence North 78 degrees 53 minutes 41 seconds West, on said Northerly easement line, a distance of 45.46 feet to a point on the West line of said Lot 22; thence North 01 degree 19 minutes 45 seconds East, departing said Northerly easement line, and on said West line, a distance of 16.55 feet to the POINT OF BEGINNING, containing 915 Square Feet, or 0.0210 Acres, more or less.

And also...

BEGINNING #2 at the Southwest corner of said Lot 22; thence North 01 degree 19 minutes 45 seconds East, on the West line of said Lot 22, a distance of 40.23 feet to a point; thence North 90 degrees 00 minutes 00 seconds East, departing said West line, a distance of 19.71 feet to a point; thence North 01 degree 19 minutes 45 seconds East a distance of 24.15 feet to a point on the Southerly line of said existing 15-foot-wide Sewer Easement; thence South 78 degrees 53 minutes 41 seconds East, on said Southerly easement line, a distance of 25.46 feet to a point; thence South 01 degree 19 minutes 58 seconds West, departing said Southerly easement line, a distance of 60.51 feet to a point on the South line of said Lot 22; thence North 88 degrees 40 minutes 15 seconds West, on said South line, a distance of 44.80 feet to the POINT OF BEGINNING, containing 2,370 Square Feet, or 0.0544 Acres, more or less.

The above-described easements contain an aggregate total of 3,285 Square Feet or 0.0754 Acres, more or less.

General Utility Easement Description

All that part of Lot 22, Block 4, Evanston Park, a subdivision in the Northeast Quarter of Section 5, Township 49 North, Range 32 West, in the City of Independence, Jackson County, Missouri, more particularly described by Michael James Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on July 15, 2024, as follows:

COMMENCING at the Southwest corner of said Lot 22; thence North 01 degree 19 minutes 45 seconds East, on the West line of said Lot 22, a distance of 40.23 feet to the POINT OF BEGINNING; thence continuing North 01 degree 19 minutes 45 seconds East, on said West line, a distance of 28.00 feet to a point on the Southerly line of an existing 15-foot-wide Sewer Easement, as established in Doc. No. 2001i0104116; thence South 78 degrees 53 minutes 41 seconds East, on said Southerly easement line, a distance of 20.00 feet to a point; thence South 01 degree 19 minutes 45 seconds West, departing said Southerly easement line, a distance of 24.15 feet to a point; thence South 90 degrees 00 minutes 00 seconds West a distance of 19.17 feet to the POINT OF BEGINNING, containing 514 Square Feet, or 0.0118 Acres, more or less.

SECTION 2. That the City Manager and his designates are hereby authorized and directed to negotiate with the owners of the properties herein described for the purchase of general utility easements relating to said lands.

SECTION 3. That in the event of failure to negotiate the proper compensation to be paid for such general utility easements and temporary construction and grading easements and the acquisition thereof by purchase, the City Counselor and his designates are hereby authorized and directed to institute eminent domain proceedings for the purpose of acquiring such general utility easements and temporary construction and grading easements in the manner provided by law.

SECTION 4. That the City Manager is hereby authorized to request proposals, if required, for surveys, appraisals, and necessary title reports for said property.

SECTION 5. That the improvements herein referred to shall be of the nature described herein and shall be done in accordance with the plans and specifications as completed, hereby approved, and on file in the office of the Municipal Services Director.

SECTION 6. That the City Manager of the City of Independence, Missouri, is here by authorized and directed to execute necessary documents, to pay and disburse funds, within appropriations authorized for this project, to property owners, others holding property rights and escrow agents pursuant to negotiated agreements for purchase of said general utility easements and temporary construction and grading easements, all in accordance with established acquisition procedure and approved appraisals.

SECTION 7. That this Ordinance, in the judgment of the City Council, is deemed to be of an urgent nature and that its immediate passage is necessary for the welfare of the residents of the City of Independence and should go into effect immediately upon the date of its passage by the City Council, with an effective date of August 5, 2024, lest these funds be in danger of forfeit. Therefore, this emergency Ordinance is consistent with the facts outlined above.

PASSED AS AN EMERGENCY THIS _____ DAY OF _____, 2024, BY THE
CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED – FORM AND LEGALITY:

City Counselor

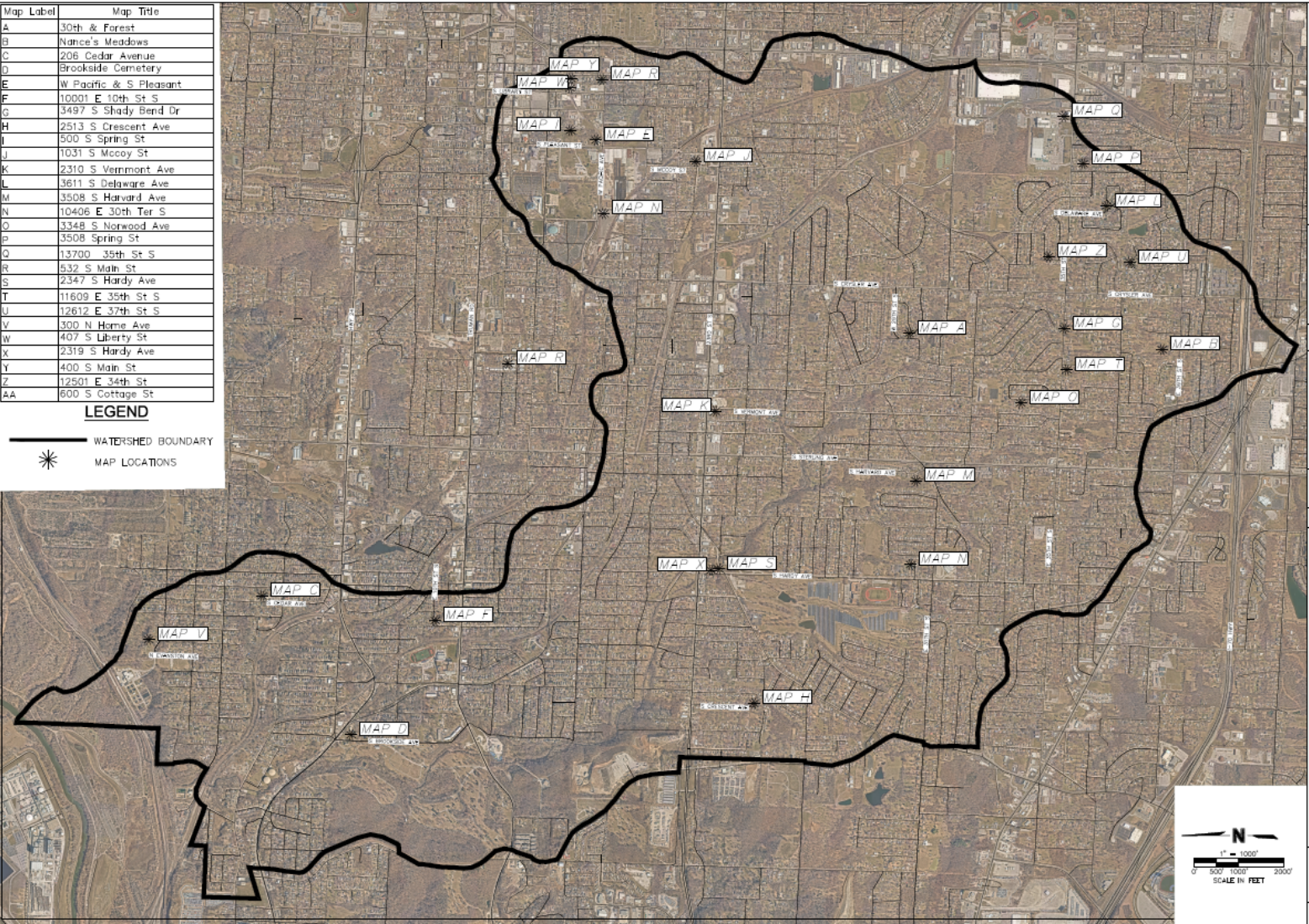
REVIEWED BY:

City Manager

Map Label	Map Title
A	30th & Forest
B	Nance's Meadows
C	206 Cedar Avenue
D	Brookside Cemetery
E	W Pacific & S Pleasant
F	10001 E 10th St S
G	3497 S Shady Bend Dr
H	2513 S Crescent Ave
I	500 S Spring St
J	1031 S McCoy St
K	2310 S Vermont Ave
L	3611 S Delaware Ave
M	3508 S Harvard Ave
N	10406 E 30th Ter S
O	3348 S Norwood Ave
P	3508 Spring St
Q	13700 35th St S
R	532 S Main St
S	2347 S Hardy Ave
T	11609 E 35th St S
U	12612 E 37th St S
V	300 N Home Ave
W	407 S Liberty St
X	2319 S Hardy Ave
Y	400 S Main St
Z	12501 E 34th St
AA	600 S Cottage St

WATERSHED BOUNDARY

MAP LOCATIONS



City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-068 **1R** An ordinance authorizing acceptance of the 2024 Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Kansas City / Overland Park DEA Task Force Initiative, and related documents, with the Kansas Bureau of investigation, for a grant award in the amount of \$163,362.00; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and authorizing certain future appropriations. **1R**

Recommendations:

The Police Department recommends approval and acceptance of this MOU and grant funding.

Background:

The Police Department first received funding to participate in the Midwest HIDTA Kansas City / Overland Park DEA Task Force in 1999 through a grant from the Office of National Drug Control Policy (ONDCP). Since that time, the department has had two detectives assigned to this Task Force full-time, to combat the manufacture and importation of methamphetamine and disrupt poly-drug trafficking organizations in the metropolitan area. In return, the department is reimbursed for part of the detectives' salaries and benefits, as well as expenses for overtime, vehicle leases, and fuel. The current contract will continue the department's involvement in the HIDTA DEA Task Force, with total reimbursement up to \$163,362.00. Additional funding has been included in the Police Department's 2023/2024 and 2024/2025 fiscal year Operating Budgets to cover the amount of salaries and benefits not covered by the grant.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$163,362.00. The Police Department will request reimbursement from the Kansas Bureau of Investigation for actual expenses on a monthly basis. This revenue will need to be deposited in the 015 Grant Fund, subledger HIDTA, and appropriated as follows:

0154550-5100	Salaries	\$74,050
0154550-5102	Overtime	\$41,414
0154550-5109	Benefits	\$20,898
0154550-5236	Leases	\$18,000
0154550-5316	Fuel	\$9,000
Total Amount		\$163,362

No local match is required. However, grant funding only partially covers the salary and benefits of the two detectives assigned to this Task Force. Supplemental funding is budgeted each year

in the Police Department's General Fund (02) Investigations (0024534) cost center to cover the balance of these two positions. For FY 2024-25, this is included on page 236 (Investigations Salary and Benefits) of the Adopted Budget.

Council Action:

**Department /
Contact**

Police Department /

REVIEWERS

Dennea Leap
Adam Dustman
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 2024 HIDTA DEA TF Ordinance
2. HIDTA 2024 MOU INDEPENDENCE PD - DEA

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE 2024 MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) MEMORANDUM OF UNDERSTANDING (MOU) FOR THE KANSAS CITY / OVERLAND PARK DEA TASK FORCE INITIATIVE, AND RELATED DOCUMENTS, WITH THE KANSAS BUREAU OF INVESTIGATION, FOR A GRANT AWARD IN THE AMOUNT OF \$163,362.00; MAKING THE NECESSARY APPROPRIATIONS; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS; AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.

WHEREAS, it is the desire of the various law enforcement agencies in the Kansas City Metropolitan Area to combine resources against individuals involved in the manufacture and distribution of methamphetamine, for the purpose of arrest, conviction and long-term incarceration of these individuals through careful application of the most effective Federal/State criminal statutes; and,

WHEREAS, the City Council does wish to accept this grant funding and has concluded the Special Conditions of the grant award can be met.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the Independence City Council hereby authorizes the City Manager to sign and execute, for and on behalf of said City, a Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Midwest HIDTA Kansas City / Overland Park DEA Task Force Initiative, and related documents, with the Kansas Bureau of Investigation, to accept a grant in the amount of One Hundred Sixty-Three Thousand Three Hundred Sixty-Two and NO/100 Dollars (\$163,362.00) to partially fund two police detectives while assigned to HIDTA and support equipment, a copy of said MOU being attached hereto, incorporated by reference thereto, and made a part hereof as though fully set out herein.

SECTION 2. That appropriations are hereby increased in the Police Department Grant Fund Operating Budget in the amount One Hundred Sixty-Three Thousand Three Hundred Sixty-Two and NO/100 Dollars (\$163,362.00) from increased grant revenues, to be received from the Kansas Bureau of Investigation, for operating costs related to participation in the Midwest HIDTA Kansas City / Overland Park DEA Task Force Initiative.

SECTION 3. That the City Manager is further authorized to approve future change orders, extensions, amendments or addendums to this agreement without Council approval, or an extension of time for completing the terms of the grant or for the receipt of additional funding for this same grant project, provided there are no changes in the terms and/or conditions or responsibilities to the City and provided each and every such change order, extension, amendment or addendum is approved by the City Manager, does not add more than 90% to the length of time of the grant or more than 50% to the original funding, is identified as being authorized by this ordinance and a copy is filed with the City Clerk.

SECTION 4. That the City Manager is hereby authorized to increase appropriations by the amount of any increased grant awards authorized by change order, extension, amendment or addendum for any increased funding under the terms of the previous section, provided a copy of that action is also provided to the Finance Department.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL
OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

I hereby certify that there is a balance,
otherwise unencumbered, to the credit of
the appropriation to which the foregoing
expenditure is to be charged, and a cash
balance, otherwise unencumbered, in the
treasury, to the credit of the fund from
which payment is to be made, sufficient
to meet the obligation hereby incurred.

Source is: As Indicated Above

Director of Finance and Administration
City of Independence, Missouri



Kansas Bureau of Investigation

Tony Mattivi
Director

Kris W. Kobach
Attorney General

July 5, 2024

Zachary Walker, City Manager
City of Independence
111 East Maple St, 3rd floor
Independence Missouri 64050

Dear Mr. Walker:

Attached for your review and signatures are documents relating to the Independence Police Department's 2024 operating budget for the Midwest HIDTA Kansas City / Overland Park DEA Task Force Initiative.

Please review the documents carefully, as signatures are required on several separate documents. Return to our office a copy of the original signature pages. After all other signatures are acquired a copy of the signature pages only will be returned for your files.

If your agency has any prior year HIDTA funds available, those funds must be exhausted before the 2024 funds can be used.

Please forward a copy of this MOU to your fiscal office.

Thank you for your continuing support of the Midwest HIDTA.

Award #: G24MW0003A

Initiative: Kansas City / Overland Park DEA Task Force

Award Maximum: \$163,362.00

Award Period: January 1, 2024 - December 31, 2025

Sincerely,

A handwritten signature in blue ink, which appears to read "Teresa Goza", is positioned above the printed name.

Teresa Goza
HIDTA Accountant IV
Kansas Bureau of Investigation

MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA (Midwest HIDTA)

MEMORANDUM OF UNDERSTANDING

KANSAS CITY/OVERLAND PARK DEA TASK FORCE

G23MW0003A

01-01-2024 / 12-31-2025

CFDA number 95.001

The Office of National Drug Control Policy (ONDCP) has awarded High Intensity Drug Trafficking area (HIDTA) funding to federal, state and local law enforcement agencies in the region comprised of the states of Kansas, Missouri, Nebraska, Iowa, South Dakota and North Dakota for the purpose of combating the manufacture and importation of methamphetamine and the disruption of poly-drug trafficking organizations. The Kansas Bureau of Investigation (KBI) has been designated as the fiscal agent for award proceeds to be distributed to state and local agencies participating in the Midwest HIDTA program within Kansas and in selected regional initiatives. These funds shall be used for purposes designated in the KANSAS CITY/OVERLAND PARK DEA TASK FORCE INITIATIVE (Appendix A) and associated budget (Appendix B), as approved by ONDCP.

Scope of Service

The services carried out under this Memorandum of Understanding shall be consistent with those contained in the initiative proposal and budget as approved for funding by ONDCP. Changes shall not be made in the subject or the proposed objectives of the initiative without prior written approval from The Midwest HIDTA State Coordinator for Kansas, the Midwest HIDTA Executive Director and the Midwest HIDTA Executive Committee.

The signatories agree to provide written notice to the KBI and to the Midwest HIDTA Kansas State Coordinator, at least (30) days in advance of any planned withdrawal from this agreement. In the event of withdrawal from this initiative by any party, all property and equipment acquired with HIDTA funds by the withdrawing party shall be re-distributed as per Midwest HIDTA policy and procedure. Upon the date specified in the written notice of withdrawal, this agreement shall become void with respect to the agency giving notice but shall remain in effect for all other participants. The KBI shall process all allowable reimbursement requests for the withdrawing agency through the date of the withdrawal.

Reprogramming of Funds

Reprogramming of funds within a HIDTA award requires different levels of approval based upon the amount to be reprogrammed and whether the reprogramming is inter-agency or inter-initiative. In all cases the recipient agency is responsible for forwarding a request for authorization for reprogramming to the KBI to be forwarded to the Midwest HIDTA State Coordinator for Kansas, the Midwest HIDTA Executive Director and Midwest HIDTA Executive Committee. The recipient agency is also responsible for maintaining detailed records of any reprogramming activities.

Reporting Requirement

All participants may be required to prepare a final report of initiative expenditures, which shall be submitted to the KBI within 30 days of the close of the program fiscal year. The financial report will be of a form approved by the KBI and shall contain a listing of expenditures/costs by cost category from the approved initiative budget (Appendix B). The report shall also contain a comparison of actual costs/expenditures against budget estimates. Failure to submit reports on a timely basis may result in the interruption or termination of the initiative funding for your agency. Detailed information on the financial reporting requirements is found in the HIDTA Program Policy and Budget Guidance (PPBG) publication and the Midwest HIDTA Policies and Standard Operating Procedures document (SOP).

G24MW0003A

Program Standards

Each agency agrees to abide by the standards and rules defined in the HIDTA Program Policy and Budget Guidance (PPBG) publication and the Midwest HIDTA Policies and Standard Operating procedures document as well as all formal written program guidance regarding financial management standards, reporting, records retention, equipment, vehicles, and procurement and supplanting requirements for any agency accepting HIDTA funds. You can download the full version from National HIDTA Assistance Center (NHAC) at nhac.org.

Assurances

Each agency agrees to abide by the terms and conditions set out in Application for Federal Assistance SF 424, Assurances - Non-Construction Programs (Appendix D) and Assurances – Construction Programs (Appendix E). Each agency will also submit the signed OMB forms, Certification Regarding Lobbying (Appendix F) and Disclosure of Lobbying Activities (Appendix G) and will abide by all applicable special conditions included as a part of the award agreement (Appendix I).

Invoicing

Each agency receiving reimbursements will invoice on the fifteenth of every month for expenditures incurred during the prior month. Reimbursement form shall be a form approved by the KBI (Appendix H) and shall contain a listing of expenditures by category. Each agency shall retain the original supporting documentation and provide a copy to the KBI with the monthly report. Each agency agrees that the NHAC and Midwest HIDTA Executive Director and Midwest HIDTA Executive Committee have the right to terminate suspend or delay any payment to sub-recipient if the reimbursements clearly fails to meet HIDTA PPBG. In the event that such an act is necessary the agency will be notified within three days of the decision.

Inventory

Equipment purchased with HIDTA funds shall be identified by cost, type and serial number and reported to the Kansas State Coordinator on the Midwest HIDTA Inventory Form (Appendix C). The Kansas State Coordinator shall maintain an inventory of all equipment purchased and provide the same to HIDTA. A copy of all inventory transactions shall be provided to the KBI. Any change to the inventory of HIDTA purchased equipment shall be reported promptly and in writing to the KBI.

Audit Readiness and Compliance

Each agency agrees to maintain appropriate and detailed records of its receipt and use of the funds, in accordance with the generally accepted accounting principles applying to government agencies. Each agency understands that it may be subject to an audit. Each agency also understands that there will be a site audit every two years for awardees that receive \$25,000 or more, and every three years for awardees that receive \$25,000 or less.

As the fiduciary, the KBI is required to provide certain information in an audit. The Single Audit Certification (Appendix K) provides part of the information needed. The Risk Assessment Tool (Appendix J) helps to ensure proper accountability and compliance with the program.

Operations

1. Individual agencies shall be responsible for the initial payment of costs for phones, pagers, travel and overtime associated with their agent/officer. All equipment purchases shall be made in accordance with the HIDTA program policy. Each agency agrees to compile those costs on a monthly basis and submit the same to the KBI for reimbursement as per the section of this document titled Invoicing. In the event all available travel funds for non-federal participants are expended, the DEA will assume responsibility for all necessary travel costs associated with this initiative. Reimbursement to each agency is limited to the amount specified in the respective funding category, for that agency, as set out in the approved initiative budget and this agreement.

2. Signatories agree to provide all required statistical, financial and programmatic documentation to the Midwest HIDTA, including but not limited to non-supplanting agreements, monthly performance reports and yearly threat assessment information.
3. Signatories agree to participate in and support all Midwest HIDTA information and intelligence programs, including but not limited to, HIDTA SAFETNET, EPIC NCLSS.
4. The signatories agree that in event that any additional funds are received from HIDTA for the benefit of the initiative, those funds shall be distributed pursuant to the written award authorizing those additional funds.
5. **Independence Police Department** shall agree to designate two commissioned officers to the Kansas City/Overland Park DEA HIDTA Task Force pursuant to the terms and conditions of the DEA document titled State and Local HIDTA Task Force Agreement.

Acceptance

Acceptance of this MOU by participating agencies is acceptance of all standards and conditions of the HIDTA Award, included as Appendix A, B, C, D, E, F, G, H, I, J and K.

Appendix A: Task Force Initiative

Appendix B: Task Force Budget

Appendix C: Midwest HIDTA Inventory Form

Appendix D: OMB Form 4040-0007, Assurances – Non-Construction Programs

Appendix E: OMB Form 4040-0009, Assurances – Construction Programs

Appendix F: OMB Form, Certification Regarding Lobbying

Appendix G: OMB Form, Disclosure of Lobbying Activities

Appendix H: HIDTA Reimbursement Form

Appendix I: HIDTA Award Agreement

Appendix J: FAPO Risk Assessment Tool

Appendix K: HIDTA Single Audit Certification

Fiscal Contact KBI:

Teresa Goza
Kansas Bureau of Investigation
15700 College Blvd., Suite 100
Lenexa, KS 66219-1473
913-609-1272
teresa.goza@kbi.ks.gov

Project Manager KBI:

Kelly Ralston, Assistant Director
Kansas Bureau of Investigation
625 Washington
Great Bend, KS 67530-5442
kelly.ralston@kbi.ks.gov

State Coordinator: Steve Riley
Midwest HIDTA
10220 NW Ambassador Dr., Suite 700
Kansas City, MO 64153
816-891-5217
sriley@midwest-hidta.org

Fiscal Contact IPD: Dennea Leap
Independence Missouri Police Department
223 N Memorial Drive
Independence, Missouri 64050
816-325-7315
dleap@indepmo.org

Participating Agency: Zachary Walker, City Manager
City of Independence
111 East Maple St, 3rd floor
Independence Missouri 64050
816-325-7019
816-325-7024 (FAX)

Participating Agency:
City of Independence Missouri

Zachary Walker, City Manager

Date

Through Independence Police Department

Adam Dustman, Chief

Date

Fiscal Agent:
Kansas Bureau of Investigation

Tony Mattivi, Director

Date

FY 2024 ENFORCEMENT INITIATIVE DESCRIPTION BUDGET PROPOSAL (INVESTIGATIVE)

HIDTA: Midwest HIDTA
INITIATIVE TITLE: Kansas City/Overland Park DEA Task Force
LEAD AGENCY(S): Drug Enforcement Administration
CO-LOCATION SITE: Overland Park, KS

DESCRIPTION

Initiative Purpose

The Kansas City/Overland Park DEA Task Force is a DEA led initiative that was created and funded in 1999. The Initiative is a cooperative partnership between federal and state and local law enforcement agencies in the Kansas City metropolitan area (KS: Johnson Co. and Wyandotte Co. / MO: Jackson Co. and Cass Co.). The Initiative is comprised of Task Force Group 41 (OCDETF Strike Force Group 1), Task Force Group 43 (OCDETF Strike Force Group 2), an intelligence group and a financial investigation contractor which all share collocated space at the DEA's Kansas City District Office. The task force focuses on significant Mexican methamphetamine and poly-drug trafficking organizations (DTOs) operating in its area of responsibility. Groups 43 and 41 are part of the multi-agency Kansas City Metropolitan OCDETF Strike Force. Group 43 also occupies space at the collocated OCDETF Strike Force, while Group 41 is host to the District of Kansas Title III (wire intercept) room in Overland Park, KS. All enforcement and investigative operations are coordinated through the deconfliction services provided by the Midwest HIDTA ISC, which assist in enhancing officer safety and increase efficiency by reducing duplication of effort.

Threat Priorities

International, regional and local DTOs affiliated with Mexican transnational criminal organizations (TCOs) that distribute methamphetamine, heroin/synthetic opioids, cocaine, as well as other drugs are the primary threat in the Initiative's area of responsibility. In addition to conducting investigations targeting PTOs, CPOTs, RPOTs, DTOs and major methamphetamine and poly-drug trafficking Mexican TCOs, the Initiative also investigates the sale and diversion of precursor and essential chemicals utilized in the manufacture of methamphetamine and the investigation of individuals and criminal organizations involved in the clandestine manufacture and distribution of poly-drugs and methamphetamine. The task force initiates investigations of DTOs operating in its area of responsibility, which primarily consists of the greater Kansas City metropolitan area.

Investigative Approach

The Kansas City/Overland Park DEA Task Force utilizes a variety of investigative techniques that include traditional undercover operations where controlled substances are purchased from investigative targets, physical and electronic surveillance, controlled deliveries and Title IIIs. HIDTA funding is used to enhance the Initiative's efforts and consists of PE/PI, salary, fringe and overtime for state and local investigators, investigative travel, investigative supplies and equipment, and various office supplies and services.

Budget Detail

2024 - Midwest

Initiative - Kansas City/Overland Park DEA Task Force

Award Recipient - Kansas Bureau of Investigation (G24MW0003A)

Resource Recipient - Kansas Bureau of Investigation

Input **\$369,569.00**

Personnel	Quantity	Amount
Investigative - Law Enforcement Officer	4	146,559.00
Total Personnel	4	\$146,559.00
Fringe	Quantity	Amount
Investigative - Law Enforcement Officer	4	42,823.00
Total Fringe	4	\$42,823.00
Overtime	Quantity	Amount
Investigative - Law Enforcement Officer	6	103,688.00
Total Overtime	6	\$103,688.00
Services	Quantity	Amount
Vehicle lease - passenger	6	45,000.00
Total Services	6	\$45,000.00
Supplies		Amount
Investigative/Operational		31,499.00
Total Supplies		\$31,499.00
Total		\$369,569.00

Midwest HIDTA Equipment Inventory
Additions/Transfers/Disposals

Purchase Date:	
Manufacturer's Serial Number:	
Manufacturer/Vendor:	
Cost:	
Purchase Condition:	
HIDTA #:	
Description:	
Purchasing Agency:	
HIDTA Funding %:	
Agency Asset #:	
Title Holder:	
Initiative:	
Custodian Agency:	
Physical Location:	
City:	
State	
Transferred From:	
Current Condition:	
Surplus Date:	
Reason for Disposal:	
Disposal Method:	
Notes:	
Name:	

View Burden Statement

OMB Number: 4040-0007
Expiration Date: 02/28/2025**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4783) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X_____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

View Burden Statement

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

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NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
- Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
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11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
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15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
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18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

OMB Number: 4040-0013
Expiration Date: 02/28/2025

1. * Type of Federal Action: ☐ a. contract ☒ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance	2. * Status of Federal Action: ☐ a. bid/offer/application ☒ b. initial award ☐ c. post-award	3. * Report Type: ☒ a. initial filing ☐ b. material change
--	--	--

4. Name and Address of Reporting Entity:
☐ Prime ☒ SubAwardee Tier if known: ☐

* Name:

* Street 1: Street 2:

* City: State: Zip:

Congressional District, if known:

5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:

* Name:

* Street 1: Street 2:

* City: State: Zip:

Congressional District, if known:

6. * Federal Department/Agency: ONDCP	7. * Federal Program Name/Description: HIDTA CFDA Number, if applicable: 95.001
--	--

8. Federal Action Number, if known:

9. Award Amount, if known:
 \$

10. a. Name and Address of Lobbying Registrant:
 Prefix * First Name Middle Name
 * Last Name Suffix
 * Street 1 Street 2
 * City State Zip

b. Individual Performing Services (including address if different from No. 10a)
 Prefix * First Name Middle Name
 * Last Name Suffix
 * Street 1 Street 2
 * City State Zip

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* Signature:

* Name: Prefix * First Name Middle Name
 * Last Name Suffix

Title: Telephone No.: Date:

Federal Use Only:

Authorized for Local Reproduction
 Standard Form - LLL (Rev. 7-97)

Midwest HIDTA Reimbursement Request Form

Agency

Independence Missouri Police Department
223 N. Memorial Drive
Independence MO 64050-3013

Ord. 18570

Dept. Code

KBI use only
S-40378-1-001
Grant # 2403

Invoice for the month of:

2024 Funding Year 01/01/2024 to 12/31/2025

Initiative: Kansas City/Overland Park DEA Task Force G24MW0003A

Enter Data in This
Column only

CFDA # 95.001

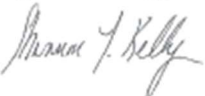
Category	Beginning Allocation	Cumulative Expenses through	Expenditures This Month	Remaining Balance
Personnel - Philip	\$ 40,450.00			\$ 40,450.00
Personnel - Pfeifer	\$ 33,600.00			\$ 33,600.00
Fringe - Philip	\$ 10,449.00			\$ 10,449.00
Fringe - Pfeifer	\$ 10,449.00			\$ 10,449.00
Overtime - Winans	\$ 20,707.00			\$ 20,707.00
Overtime - Pfeifer	\$ 20,707.00			\$ 20,707.00
Vehicle Lease - Winans	\$ 9,000.00			\$ 9,000.00
Vehicle Lease - Pfeifer	\$ 9,000.00			\$ 9,000.00
Supplies/Fuel	\$ 9,000.00			\$ 9,000.00
Total	\$ 163,362.00	\$ -	\$ -	\$ 163,362.00

Agency Authorization / Date	Midwest HIDTA Authorization/Date	KBI Authorization / Date
Adam Dustman, Chief		
Finance Officer Please Print Dennea Leap	(816) 325-7315	Fax 816-325-7316

Reimbursement forms are due by the 15th of the month.

Please attach all supporting documents

Appendix H

Executive Office of the President Office of National Drug Control Policy		Grant Agreement	
1. Recipient Name and Address Anthony Mattivi Director Kansas Bureau of Investigation 1620 SW Tyler Topeka, KS 66612-1837		4. Award Number (FAIN): G24MW0003A	
		5. Period of Performance: From 01/01/2024 to 12/31/2025	
2. Total Amount of the Federal Funds Obligated: \$3,844,727.00	6. Federal Award Date: April 29, 2024	7. Action: Initial	
2A. Budget Approved by the Federal Awarding Agency \$3,844,727.00	8. Supplement Number		
3. CFDA Name and Number: <i>High Intensity Drug Trafficking Areas Program - 95.001</i>	9. Previous Award Amount:		
3A. Project Description <i>High Intensity Drug Trafficking Areas (HIDTA) Program</i>	10. Amount of Federal Funds Obligated by this Action: \$3,844,727.00		
	11. Total Amount of Federal Award: \$3,844,727.00		
12. This Grant is non-R&D and approved subject to such conditions or limitations as are set forth on the attached pages.			
13. Statutory Authority for Grant: <i>Public Law 118-47</i>			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Office of National Drug Control Policy		15. Typed Name and Title of Authorized Official Anthony Mattivi Director Kansas Bureau of Investigation	
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date  5/3/2024	
AGENCY USE ONLY			
18. Accounting Classification Code UEI: MQ3SSN5SNG84 DUNS: 150943496 EIN: 1486029925L2		19. HIDTA AWARD <i>OND1070DB2425XX 2024 OND6113</i> <i>OND2000000000 OC 410001</i>	

GRANT CONDITIONS

A. General Terms and Conditions

1. This award is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. § 200 (the “§ 200 Uniform Requirements”), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. §3603. For this award, the § 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. §§ 66 and 70, as well as those of 2 C.F.R. §§ 215, 220, 225, and 230. For more information on the § 200 Uniform Requirements, see <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>. For specific, award-related questions, recipients should contact ONDCP promptly for clarification.
2. This award is subject to the following additional regulations and requirements:
 - 28 C.F.R. § 69 – “New Restrictions on Lobbying”
 - 2 C.F.R. § 25 – “Universal Identifier and System of Award Management”
 - Conflict of Interest and Mandatory Disclosure Requirements
 - Non-profit Certifications (when applicable)
3. Audits conducted pursuant to 2 C.F.R. § 200, Subpart F, “Audit Requirements” must be submitted no later than 9 months after the close of the grantee’s audited fiscal year to the Federal Audit Clearinghouse (fac.gov)
4. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Payment Management System (HHS-PMS). The Federal Financial Report is required to be submitted quarterly and within 90 days after the grant is closed out.
5. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
6. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the grantee, its fiscal agent(s), employees, contractors, as well as state, local, and Federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.
7. These general terms and conditions, as well as archives of previous versions of these general terms and conditions, are available online at <https://www.whitehouse.gov/ondcp/grant-programs/>.

8. Failure to adhere to the General Terms and Conditions as well as the Program Specific Terms and Conditions may result in the termination of the grant or the initiation of administrative action. ONDCP may also terminate the award if it no longer effectuates program goals or agency priorities. See 2 CFR 200.340.
9. Conflict of Interest and Mandatory Disclosures

A. Conflict of Interest Requirements

As a non-federal entity, you must follow ONDCP's conflict of interest policies for federal awards. Recipients must disclose in writing any potential conflict of interest to an ONDCP Program Officer; recipients that are pass-through entities must require disclosure from sub-recipients or contractors. This disclosure must take place immediately whether you are an applicant or have an active ONDCP award.

The ONDCP conflict of interest policies apply to sub-awards as well as contracts, and are as follows:

- i. As a non-federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of sub-awards and contracts.
- ii. None of your employees may participate in the selection, award, or administration of a sub-award or contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a sub-award or contract. The officers, employees, and agents of the non-federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from sub-recipients or contractors or parties to sub-awards or contracts.
- iii. If you have a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a sub-award or procurement action involving a related organization.

B. Mandatory Disclosure Requirement

As a non-federal entity, you must disclose, in a timely manner, in writing to ONDCP all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Non-federal entities that have received a federal award including the terms and conditions outlined in appendix XII of this part are required to report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM), currently the Federal Awardee Performance and Integrity Information System. Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 C.F.R. §180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.)

None of the funds appropriated or otherwise made available by this grant or any other Act may be used to fund a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information. This limitation shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

10. Federal Funding Accountability and Transparency (FFATA) / Digital Accountability and Transparency Act (DATA Act). Each applicant is required to (i) be registered in SAM before submitting its application; (ii) provide a valid Unique Entity Identifier number in its application; (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award; and (iv) provide all relevant grantee information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.
11. Subawards are authorized under this grant award. Subawards must be monitored by the award recipient as outlined in 2 C.F.R. § 200.331.
12. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 C.F.R. §180, dealing with all sub-awards and contracts issued under the grant.
13. As specified in 2 CFR 200.303 Internal Controls, recipient must:

- a) Establish and maintain effective internal controls over the federal award that provides reasonable assurance that federal award funds are managed in compliance with federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the guidance in “Standards for Internal Control in the federal Government,” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
 - b) Comply with federal statutes, regulations, and the terms and conditions of the Federal awards.
 - c) Evaluate and monitor the non-federal entity’s compliance with statute, regulations, and the terms and conditions of the federal award.
 - d) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
 - e) Take reasonable measures to safeguard protected personally identified information (PII) and other information ONDCP or pass-through entity designates as sensitive or the non-federal entity considers sensitive consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.
14. Recipients are prohibited from using federal grant funds to purchase certain telecommunication and video surveillance services or equipment in alignment with § 889 of the National Defense Authorization Act of 2019, Pub. L. No. 115-232. See 2 C.F.R. § 200.216. See also, HIDTA PPBG, § 7.20, Prohibited Uses of HIDTA Funds.
15. Grantees should provide a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States. See 2 C.F.R. § 200.322.
16. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, shall clearly state—
- a) the percentage of the total costs of the program or project which will be financed with federal money;
 - b) the dollar amount of Federal funds for the project or program; and
 - c) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

B. Recipient Integrity and Performance Matters

Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then you as the recipient during that period of time must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under § 872 of Public Law 110-417, as amended (41 U.S.C. § 2313). As required by § 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available. See 2 C.F.R. Part 200, Appendix XII.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent 5-year period; and
- c. Is one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. *Reporting Procedures*

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under federal procurement contracts that you were awarded.

4. *Reporting Frequency*

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. *Definitions*

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and state level, but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - (1) Only the federal share of the funding under any federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a federal award and options, even if not yet exercised.

C. Program Specific Terms and Conditions

The grant condition is as follows:

1. This award is subject to the requirements in the SUPPORT for Patients and Communities Act, 21 U.S.C. §§ 1701 *et seq.* and in the ONDCP National HIDTA Program Office HIDTA *Program Policy and Budget Guidance* (September 9, 2021) (PPBG). The HIDTA PPBG is issued pursuant to authority granted the Director of ONDCP by the SUPPORT for Patients and Communities Act (21 U.S.C. § 1706) and the Uniform Administration Requirements (2 C.F.R. § 200) which provide the Director of ONDCP authority to coordinate funds and implement oversight and management function with respect to the HIDTA Program. The HIDTA PPBG can be accessed at the following website:
[Program Policy and Budget Guidance2021.pdf \(nhac.org\)](#)
 In addition, as a condition for receiving this award, recipients must complete safe and healthy workplace trainings as outlined in the PPBG.

D. Federal Award Performance Goals

HIDTA award recipients must adhere to the performance measures, goals and requirements set forth in the PPBG Performance Management chapter (§ 10.0) and the HIDTA Performance Management Process (PMP) database.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

FAPO RISK ASSESSMENT TOOL

Key Risk Areas and Underlying Factors	EXAMPLES				Lower	Risk Level				Higher
		Lower Risk State	Moderate Risk State	Higher Risk State	1	2	3	4	5	
AREA 1: COMPLIANCE – risk of non-compliance with specific laws, regulations and other rules affecting this process and its financial reporting										
Characteristics of the applicable laws, regulations, policies & rules impacting financial reporting for this business process										
Level of Clarity		Clear & precise	Open to interpretation/generic	Unclear and imprecise						
Degree of maturity/stability		Well-established & time-tested	Recently enacted/evolving (<3 years)	Brand New or unestablished						
Complexity		Simple & straight forward	Involves judgement & some complexity	Highly complicated or judgmental						
AREA 2: HUMAN CAPTIAL – risk posed by the knowledge, skills and capacities of the people involved in this process who can effect financial assistance										
Knowledge/familiarity of staff with process		Highly knowledgeable & familiar	Average familiarity	Staff are new or unfamiliar						
Degree of management process ownership/control		Processes fully in-sourced and under management’s direct control	Mixed in & out-sourced processing or some control delegated to others	Significant outsourcing or delegation of processes to others’ control						
Workload Stress		Low staff turnover; no workforce constraints or other stressors	Moderate staff turnover: some workforce constraints	High staff turnover; notable workforce constraints adding stress						
AREA 3: OPERATIONS – risk posed by the characteristics of the manual/automated activities & IT applications involved in this process impacting financial assistance										
Characteristics of the manual and automated activities & technology applications comprising this business process										
Uniformity		Highly standardized	Some variations occur	Highly variable						
Complexity		Simple & straightforward	Moderately complicated	Complicated/cumbersome/ error prone						
Regularity		Routine	Periodic/infrequent	Non-routine/Rare						
Maturity or Stability		Stable, well-established, time-tested	Evolving/in transition (<3 years)	Brand new, unestablished, unstable						
Extent of handling		One/two “Touch-points”	Multiple processing steps/applications	Many people/steps/apps involved						
Dispersion		Centralized within one location/function	Moderately dispersed among multiple locations/function	Highly dispersed among many different location/functions						
AREA 4: NATURE OF TRANSACTIONS – risk posed by the qualitative and quantitative characteristics of transactions generated by the process										
Transaction volume		Extensive transactions (1000+)	Many transactions (100+)	Few transactions (10+)						
Transaction Frequency		Systematic/recur on a regular basis	Happens periodically/cyclically	Happens infrequently or rarely						
Individual transaction sizes		Small dollar (< 1/1000 th of materiality)	Moderate dollar (>1/1000 th of materiality & <1/100 th of materiality)	Large dollar (>1/100 th of materiality)						
Impact of estimates on financial reporting transactions		Little/no impact of estimates/all transaction variable are known/no estimation judgement involved	Moderate impact of estimates/most transaction variables are known/some estimation judgement involved	Significant impact of estimates/some transaction variables are derived amounts/high judgement required						
Propensity for fraud, waste or misappropriation of assets or information given safeguarding or other security issues		Assets are immoveable or have no intrinsic value/information is easily safeguarded/low risk of concealable theft or diversion	Assets are moveable and have some intrinsic value/information is capable of diversion/moderate risk of concealable theft or diversion	Assets are moveable and have a significant intrinsic valuable/information is capable of diversion/high risk of concealable theft or diversion						

FAPO RISK ASSESSMENT TOOL

APPENDIX J

AREA 5: MANAGEMENT'S RECENT EXPERIENCE – indications of possible lingering risks based upon management's experience with events during the pasts 3 years							
Prior annual financial statement or other audit results							
Controls & Compliance issues raised	No findings related to this process	Management letters comments or other similar findings provided by auditors for this process	Reportable conditions, material weaknesses, non-compliance or "high-risk" matters cited by auditors for this process				
Adjustments by auditors	None	Few adjustments/not material in the aggregate	Significant number of adjustments; aggregate value of adjustments exceed planning materiality				
Adjustments by management	Few adjustments/routine in nature/mall dollar amounts involved	Moderate adjustments/moderate dollar amounts involved	Significant number or dollar amount of adjustments required/non-routine in nature				
Results of management's recent Statement of Assurance assessments	No findings related to this process	Some findings, though insignificant in scale/impact	Reportable conditions, material weaknesses & no-compliance matters found by management for this process				
Management's day-to-day experience							
Accounting errors or irregularities (known fraud)	Few error/adjustments	adjustments	Significant errors/adjustments				
Information available to monitor performance	Readily available/useable by management on a timely basis	Somewhat available for use by management/information is of mixed quality or is untimely	Unavailable for use by management/information is hard to understand or apply on a timely basis				
Typical accounting analysis needed by management in this area	Few calculations/analysis	Moderate calculations/analysis	Extensive calculations/analysis				
Overall nature of issues, errors or adjustments	A virtually problem free area	Problems occur from time to time of varying significance	Problems persist, can be significant/demand high management intervention				
AREA 6: MANAGEMENT'S CURRENT OUTLOOK – overall perceived likelihood of material adverse financial reporting risks within the next year for this process							
Management overall prognosis of material adverse risks for this process	Remote	Reasonably Possible	More Likely than Not				

Assessment performed by: _____

Date: _____

Single Audit Certification

Sub-Recipient Audit Requirements of the A-133

Single Audit (2 C.F.R. Part 200, Subpart F)

Agreement between the City of Independence and the Kansas Bureau of Investigation under the Midwest HIDTA CFDA #95.001 for the period of 01/01/2024 to 12/31/2025 in the amount of \$163,362.00.

The Kansas Bureau of Investigation is subject to the requirements of the U.S. Office of Management and Budget (OMB) Circular A-133: Audits of States, Local Governments and Nonprofit Organizations. As such, OMB Circular A-133 requires the Kansas Bureau of Investigation to monitor our sub recipients of federal awards and determine whether they have met the audit requirements of the circular and whether they are in compliance with federal laws and regulations. This document must be completed and signed by the fiscal agent's organization.

Accordingly, we are requesting that you circle one of the numbers below, provide all appropriate documentation regarding your organization's compliance with the audit requirements. This is part of the sub recipient's grant agreement with the Kansas Bureau of Investigation.

Name of organization: City of Independence

Sub recipient's SAM UEI # _____ expires _____

Federal Employer Identification Number (FEIN): _____

Signature: _____

1. We have completed our OMB Circular A-133 audit for the fiscal year ending _____.
Here is the link to our audit report. _____. If material exceptions were noted please enclose a copy of the responses and corrective actions taken.
2. We expect our OMB Circular A-133 audit for the fiscal year ending _____
to be completed by _____. A copy of our audit report will be forwarded to the Kansas Bureau of Investigation within 30 days of receipt of the report.
3. We are not subject to Circular A-133 audit because:
 - a) We are a for-profit organization.
 - b) We expend less than \$750,000 in federal awards annually.
 - c) Other (please explain): _____

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-069 **1R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to police facilities. **1R**

Recommendations:

Commissioner Nesbitt made a motion to recommend approval of case 24-175-03, UDO Amendment #66 Police Facilities.

A second to the motion was made by Commissioner Wiley. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner Nesbitt – Yes

Commissioner O’Neill – Yes

Commissioner Torres - Yes

Commissioner Wiley – Yes

Commissioner McClain - Yes

The motion passed and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions found in 14-415.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:**Fiscal Impact:****Council Action:**

**Department /
Contact**

Community Development /

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-175-03
2. Staff Report UDO Amendment 66 Police Facilities
3. City Code 14-200-04 - Public and civic use group
4. City Code 14-302-03 - Industrial Uses
5. City Code 14-415 - Detention and Correctional Facilities Other
6. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE CITY CODE PERTAINING TO POLICE FACILITIES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 7-0; and,

WHEREAS, City Council has authority under RSMo. Ch. 89.020 to enact and amend zoning ordinances to promote health, safety, morals, and the general welfare of the community; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 14-200-04 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-200 USE GROUPS AND CATEGORIES

14-200-04 Public and civic use group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

14-200-04-C. Detention and Correctional Facilities, ~~Other~~. Facilities for the ~~judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave.~~ confinement of persons charged with or convicted of a crime or otherwise confined under a court order and includes but is not limited to ~~Examples include~~ prisons, jails, probation centers and juvenile detention homes.

14-200-04-K. Government Buildings/Facilities. Government buildings and related facilities utilized for its operations. Typical uses include City halls, courthouses, animal shelters, maintenance garages, **police buildings, detention and facilities**, and training facilities but exclude facilities relating to utility services and parks and recreation.”

SECTION 2. That Section 14-302-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A. Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B. Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C. Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D. Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E. Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F. Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G. Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.”

Table 302-1 Industrial Districts Use Table				
P: Permitted	S: Special Use Permit Required	C: Conditional Uses		—: Not Allowed
Use Category Specific use type	Zoning District			Use Standards
	B-P/PUD	I-1	I-2	
PUBLIC/CIVIC				
Detention/Correctional Facility, Other	—	—	S	14-407 , 14-415

SECTION 3. That Section 14-415 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-415 DETENTION AND CORRECTIONAL FACILITIES, OTHER

14-415-01 Standards

Detention and correctional facilities, and recovery centers are subject to the following minimum standards:

14-415-01-A. The property must have a minimum lot area of two acres.

14-415-01-B. No such facility may be located on property located within 1,000 feet of residential zoning district or within 1,000 feet of any residential dwelling unit; school; library, museum, community center; park; religious assembly; or day care use.

14-415-01-C. All outdoor recreation areas and all structures to be occupied by inmates must be set back a minimum of 50 feet from all property lines.

14-415-01-D. The property on which the facility is to be located must provide a minimum lot area of 350 square feet per occupant.

14-415-02 – City Facilities Exempt

Any detention or correctional facility owned by the City of Independence shall not be subject to the standards listed in Section 14-415-01.”

SECTION 4. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 5. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed from this ordinance and words underscored and bolded are being added to this ordinance.

MEETING DATE: June 25, 2024

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #66

CASE NUMBER / REQUEST: **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 8th 2024.

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #66 to the Unified Development Ordinance (UDO) to address police facilities.

BACKGROUND & HISTORY:

The City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions found in 14-415.

EXHIBITS

1. Proposed Amendments to 14-200-04
 2. Proposed Amendments to 14-302-03
 3. Proposed Amendments to 14-415
-

14-200 USE GROUPS AND CATEGORIES

14-200-04 Public and civic use group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

14-200-04-C. Detention and Correctional Facilities, Other. Facilities for the ~~judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.~~ confinement of persons charged with or convicted of a crime or otherwise confined under a court order and includes but is not limited to ~~Examples include~~ prisons, jails, probation centers and juvenile detention homes.

14-200-04-K. Government Buildings/Facilities. Government buildings and related facilities utilized for its operations. Typical uses include City halls, courthouses, animal shelters, maintenance garages, police buildings, detention and facilities, and training facilities but exclude facilities relating to utility services and parks and recreation.

14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A. Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B. Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C. Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D. Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E. Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F. Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G. Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table					
P: Permitted		S: Special Use Permit Required		C: Conditional Uses	—: Not Allowed
<i>Use Category</i> <i>Specific use type</i>	Zoning District			Use Standards	
	B-P/PUD	I-1	I-2		
PUBLIC/CIVIC					
Detention/Correctional Facility, <u>Other</u>	—	—	S	14-407 , 14-415	

14-415 DETENTION AND CORRECTIONAL FACILITIES, OTHER

14-415-01 Standards

Detention and correctional facilities, and recovery centers are subject to the following minimum standards:

14-415-01-A. The property must have a minimum lot area of two acres.

14-415-01-B. No such facility may be located on property located within 1,000 feet of residential zoning district or within 1,000 feet of any residential dwelling unit; school; library, museum, community center; park; religious assembly; or day care use.

14-415-01-C. All outdoor recreation areas and all structures to be occupied by inmates must be set back a minimum of 50 feet from all property lines.

14-415-01-D. The property on which the facility is to be located must provide a minimum lot area of 350 square feet per occupant.

14-415-02 – City Facilities Exempt

Any detention or correctional facility owned by the City of Independence shall not be subject to the standards listed in Section 14-415-01.



City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-070 **1R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to home-based businesses. **1R**

Recommendations:

Commissioner Ashbaugh made a motion to recommend approval of case 24-175-04, UDO Amendment #67 Home-Based Businesses.

A second to the motion was made by Commissioner Wiley. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner Nesbitt – Yes

Commissioner O'Neill – Yes

Commissioner Torres - Yes

Commissioner Wiley – Yes

Commissioner McClain - Yes

The motion passed and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

In 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

- A. Restricting the hours of operation for any home-based work; or
- B. Prohibiting or requiring any structural modifications to the home or accessory structure; or
- C. Prohibiting service by appointment within the home or accessory structure; or
- D. Prohibiting any particular occupation from being home-based work; or
- E. Prohibiting mail order or telephone sales for home-based work; or
- F. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

- A. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces with regulations in compliance with State Statute.

House Bill 1662 does allow a political subdivision to establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of protecting the public health and safety, including regulations related to fire, building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or ensuring that the business activity is compliant with state and federal law and paying applicable taxes.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-175-04
2. Staff Report UDO Amendment 67 Home Based Businesses
3. City Code 14-400-03 - Home based businesses revised
4. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE,
CHAPTER 14, OF THE CITY CODE PERTAINING TO HOME-BASED
BUSINESSES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, the Missouri General Assembly has passed, and Governor Parson has signed House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's Cities to regulate and control home-based occupations; and

WHEREAS, under the provisions of HB 1662, the City of Independence is prohibited from:

- A. Restricting the hours of operation for any home-based work; or
- B. Prohibiting or requiring any structural modifications to the home or accessory structure; or
- C. Prohibiting service by appointment within the home or accessory structure; or
- D. Prohibiting any particular occupation from being home-based work; or
- E. Prohibiting mail order or telephone sales for home-based work; or
- F. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building; and

WHEREAS, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business" the City is further prohibited from:

- A. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 7-0; and,

WHEREAS, the City Council has authority under RSMo. Ch. 89.020 to enact and amend zoning ordinances to promote health, safety, morals, and the general welfare of the community; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Independence Section 14-400-03 is hereby repealed and shall be replaced as follows:

“14-400-03 – Home-Based Businesses

14-400-03-A. Definitions.

The following terms shall be given the definitions ascribed below:

GOODS. Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS. A business operating in a residential dwelling within the City of Independence that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

HOME-BASED WORK. Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

NO-IMPACT, HOME-BASED BUSINESS. A home-based business qualifies as a no-impact, home based business if:

- 1. The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and**
- 2. The activities of the business:**
 - a. Are limited to the sale of lawful goods and services; and**
 - b. May involve having more than one client on the property at one time; and**
 - c. Do not cause a substantial increase in traffic through the residential area; and**
 - d. Do not violate any parking regulations established by this City’s Code; and**
 - e. Occur inside the residential dwelling or in the yard of the residential dwelling; and**
 - f. Are not visible from any public street; and**
 - g. Do not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and**

- h. Do not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time the business is operating.**

14-400-03-B. – No-Impact Home-Based Businesses

- 1. Permitted in Residential Districts, when.**
No-Impact Home-Based Businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other business may be operated in a residence at any time.
- 2. Restrictions And Limitations.**

 - (a) A No-Impact Home-Based business must be incidental and subordinate to the principal residential use of the premises and shall not change the residential character of the surrounding neighborhood.**
 - (b) The owner or operator of the No-Impact Home-Based Business must be an owner or tenant of the residence and must reside at the residence.**
 - (c) The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business as long as the occupancy limits are not in excess of what is allowed pursuant to fire and building codes.**
 - (d) The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted. A new accessory building shall not be constructed to house a home occupation.**
 - (e) Outdoor storage of materials or equipment used in the home occupation shall not be permitted if such storage is visible from the street. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.**
 - (f) The owner or operator must provide adequate parking for the No-Impact Home-Based Business. Parking for the No-Impact Home-Based Business may include the driveway or garage of the residence, or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street so long as:**

 - i. Parking is limited to the side of the street the No-Impact Home-Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.**
 - ii. If any parking regulations established by the City Code are routinely violated, the business shall not be considered a No-Impact Home-Based Business. For the purposes of this section, the term “routinely” shall mean more than twice in a seven-day period.**
 - (g) The total number of employees and clients in the home at one time may not exceed the maximum occupancy of the residence.**
 - (h) All No-Impact Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.**

14-400-03-C. – Other Home-Based Businesses

1. This Section shall not apply to No-Impact Home-Based Businesses as defined in this Chapter.
2. All persons operating a Home-Based Business are required to obtain a City occupation license in accordance with Article 1 of Chapter 5 of this Code.
3. All Home-Based Businesses must be operated in a way that does not constitute a public nuisance under this Code.
4. No exterior additions to the building structure are permitted in connection with any Home-Based Business without a permit. An existing accessory building may be used for a Home-Based Business, as provided for in this section, but a new accessory building may not be built for a Home-Based Business without a permit. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any Home-Based Business.
5. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx.
6. Owners/operators of a Home-Based Business shall provide adequate off-street parking to accommodate as many customers/clients as will be expected to be on the property at one time. No more than one on-street parking space shall be used for customer/client parking.
7. Either up to 25 percent of the total floor area of the dwelling unit may be used in conjunction with a Home-Based Business, or one accessory structure, such as a freestanding garage, may be used for a Home-Based Business.
8. All Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

All Home-Based Business applications to the Planning Commission shall follow the review and application process outlined in Chapter 14, Article 4, Section 14-424-23-B of the Independence Unified Development Ordinance.

Sec. 14-400-03-D. – Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than \$100.00 and up to ninety (90) days in jail or both. Each day of violation shall be considered a separate offense.”

SECTION 2. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 3. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS ____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed from this ordinance and words underscored and bolded are being added to this ordinance.

MEETING DATE: June 25, 2024

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #67

CASE NUMBER / REQUEST: **Case 24-175-04 – UDO Amendment #67 – Home Based Businesses** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 8th 2024

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #67 to the Unified Development Ordinance (UDO) to update the home-based businesses regulations.

BACKGROUND & HISTORY:

In 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

- A. Restricting the hours of operation for any home-based work; or
- B. Prohibiting or requiring any structural modifications to the home or accessory structure; or
- C. Prohibiting service by appointment within the home or accessory structure; or
- D. Prohibiting any particular occupation from being home-based work; or
- E. Prohibiting mail order or telephone sales for home-based work; or
- F. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a “no-impact home-based business,” cities are further prohibited from:

- A. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces with regulations in compliance with State Statute.

House Bill 1662 does allow a political subdivision to establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of protecting the public health and safety, including regulations related to fire, building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or ensuring that the business activity is compliant with state and federal law and paying applicable taxes.

EXHIBITS

1. Proposed Amendments to 14-400-03

ARTICLE 4. USE REGULATIONS

14-400 ACCESSORY USES AND STRUCTURES

14-400-03 Home businesses

~~14-400-03-A. General. Some types of business operations can be conducted at home with little or no effect on the surrounding neighborhood. The regulations of this article are intended to permit home based businesses while ensuring that the businesses will not be detrimental to the character and livability of the surrounding area. The regulations require that home businesses remain subordinate and secondary to the principal residential use of the property and that the viability of the primary residential use is maintained. Two classifications of home business are allowed: "major" and "minor." All home businesses are subject to the regulations and procedures of this section.~~

~~14-400-03-B. Permits Required.~~

- ~~1. Unless otherwise exempted by the City Code, all home businesses must maintain a valid Business License, which must be renewed annually. No business license may be issued until a home business permit is first approved in accordance with the procedures of this section.~~
- ~~2. An applicant need apply only once for a home business permit provided that the location and the business activity remains the same. If the applicant moves to a different location or the business activity changes, the existing home business permit will lapse and become null and void, and a new home business permit will be required. A home business permit is granted to an individual and is not transferable.~~

~~14-400-03-C. Termination of Primary Use on Property. All home businesses are subordinate and incidental to the primary use of the property. If the primary use of the property terminates, the home business on the site must also terminate.~~

~~14-400-03-D. Where Allowed. Home businesses are allowed in any zoning district that permits household living, provided that the home business complies with all applicable standards and requirements, including the home business permit requirements of this section.~~

~~For the purposes of this section, businesses that seek to operate from a place of religious assembly on residentially zoned land shall be considered a major home business and be subject to all the provisions of a major home business, excepted as noted.~~

~~14-400-03-E. General Standards and Requirements. All home businesses are subject to the general standards and requirements set forth in this subsection.~~

- ~~1. Number. There may not be more than one major home business or two minor home businesses in any dwelling unit.~~
- ~~2. Prohibited Uses. The following uses are prohibited as home businesses:~~
 - ~~(a) Automotive and vehicle service and repair including, but not limited to: engine work, body work, painting, washing and detailing services, window glass replacement, accessory parts sales and installation.~~
 - ~~(b) Employee dispatch centers.~~
 - ~~(c) Animal boarding, kennels, veterinarian clinics and animal hospitals in residential districts.~~
 - ~~(d) Medical/dental offices or clinics.~~
 - ~~(e) Funeral homes.~~

-
- ~~(f) — Bail bonding.~~
 - ~~(g) — Equipment rental and sales.~~
 - ~~(h) — Radio, television, and similar electronic device sale and repair.~~
 - ~~(i) — Appliance sale and repair.~~
 - ~~(j) — Vehicle tow operations including, but not limited to, a tow service, tow service office, tow dispatch center and tow lot.~~
3. ~~Number of Persons/Employees. Only one person living outside of the dwelling unit and members of the immediate family thereby residing, may be engaged in the operation of a home business at any one time on the premises. This residency requirement is not required for businesses operated from a place of religious assembly. The Planning Commission may approve a home business:~~
- ~~(a) — Which operates from a place of religious assembly to have up to six total employees.~~
 - ~~(b) — To allow one additional person living outside of the dwelling unit for every acre of land the dwelling unit sits on to be engaged in the operation of a home business at any one time, not to exceed a total of six employees that live outside of the dwelling unit engaged in the operation of a home business at any one time on the premises.~~
4. ~~Floor Area Limit. Either up to 25 percent of the total floor area of the dwelling unit, or place of religious assembly, may be used in conjunction with a home business, or one accessory structure, such as a freestanding garage, may be used for a home business. The Planning Commission may approve a home business:~~
- ~~(a) — That exceeds 25 percent of the total floor area of the dwelling unit, given that the minimum floor area for single-family detached houses required in Section 14-505-03 is not used in conjunction with the home business.~~
 - ~~(b) — That uses more than one accessory structure in conjunction with a home business.~~
5. ~~Enclosed Structures. All activities and storage areas associated with such businesses must be conducted in completely enclosed structures.~~
6. ~~Operational Performance Standards. No home business or equipment used in conjunction with a home business may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the property on which the home business is conducted. The Fire Department will review and approve the use and/or storage of materials used in conjunction with a home business.~~
7. ~~Sales. The selling of stocks of merchandise, supplies, or products is prohibited, except through sales methods such as the phone or internet that do not require the customer to come to the dwelling unit, and incidental retail sales which may be made in conjunction with other permitted home business operations, (e.g., a single chair hair salon may sell combs, hair spray, and other miscellaneous items to its customers. However, a dressmaker would be required to do only custom work for specific clients, and would not be allowed to develop stocks of garments for sale to the general public on site).~~
8. ~~Signs. No sign, nameplate, or any other form of advertising may be displayed on the premises in connection with any home business (in this section, premises means land, buildings and vehicles).~~
9. ~~Exterior Alterations. No exterior additions to the building structure are permitted in connection with any home business. An existing accessory building may be used for a home business, as provided for in this section, but a new accessory building may not be built for a home business. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any home business.~~
-

~~10. Service by Vehicles. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx. The Planning Commission may approve a home business permit to allow businesses operating from a place of religious assembly to utilize an unmarked cargo van, or similar vehicle, in its business operations provided the vehicle is not stored on-site on a full time basis.~~

~~11. Day Care Homes. In residential dwelling units, only a family day care home may be permitted as a major home business. They are subject to all applicable City Code standards including Section 14-401.~~

~~A family day care or group day care may be operated from a place of religious assembly. They are subject to all applicable City Code standards including Section 14-401.~~

~~14-400-03 F. Special Standards and Requirements for Minor Home Business. Minor home businesses are subject to all of the general standards and requirements of Section 14-400-03E, with the following exceptions and additional restrictions:~~

- ~~1. No equipment, machinery, vehicles, materials, parts or other items relating to the business may be kept, stored, parked or maintained outside of the residential structure.~~
- ~~2. No customers/clients/employees may come to the site at any time for any purpose. Contact with customers/clients/employees must be made off site or by phone, fax, internet, mail service, or parcel service.~~
- ~~3. Only one room of the dwelling unit may be used for the business. No accessory out buildings may be used in the conduct of business.~~
- ~~4. Not more than two minor home businesses may be operated from a single dwelling unit.~~

~~14-400-03 G. Minor Home Business Permits, Application.~~

- ~~1. A minor home business is a home business that complies with the general home business standards and requirements of Section 14-400-03E and the special standards and requirements for minor home businesses in Section 14-400-03F. Because of these limitations, minor permits are approved administratively, in conjunction with a City business license.~~
- ~~2. Upon reviewing the application and considering the circumstances of the case, the application may be approved, approved with conditions, or denied by the department. If an application is denied, or approved with conditions unacceptable to the applicant, applicants in an R zoning district may apply for a major home business permit from the Planning Commission in accordance with the procedures of Section 14-400-03I. If an application is denied for a site in an O, C or I zoning district, the applicant must comply with all requirements attributable to the respective O, C or I district, including the provision of parking, landscaping and other related requirements.~~

~~14-400-03 H. Major Home Business Permits, Application.~~

- ~~1. A major home business is a home business that complies with the general home business standards and requirements of Section 14-400-03E but does not comply with one or more of the special standards and requirements for minor home businesses in Section 14-400-03F.~~
- ~~2. Applications for major home businesses must be made to the Department of Community Development upon forms provided by the department. The applicant must furnish the names and addresses of all property owners within an area determined by lines drawn parallel to and 185 feet from the boundaries of the parcel proposed for a major home business permit. The Community Development Department must notify these property owners by mail of the required public hearing for the permit application.~~
- ~~3. After the submission of an application, the permit must be reviewed by City officials to determine that all requirements of this section and other codes have been, or can be, met.~~

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4. ~~The Planning Commission must conduct a public hearing and review the major home business permit application. The Planning Commission may establish specific requirements as to operation and conduct of a home business so as to assure that it will not have a disruptive effect on the neighborhood. Those major home business applications that would, in the judgment of the Planning Commission, create excessive noise, pedestrian or vehicular traffic, or any other condition that would interfere with the safety and general welfare of the surrounding neighborhood, may not be approved. The major home business permit must be approved, approved with conditions, or denied by the Planning Commission. Should the Planning Commission either deny, or approve a major home business permit application with conditions unsuitable to the applicant, the applicant may appeal the application to the City Council requesting that it consider and take final action on the permit application.~~
 5. ~~If a legal protest petition against the major home business permit is submitted and validated before the action of the Planning Commission, any action of the Planning Commission will constitute only a recommendation, with the final decision made by the City Council. In such case when a legal protest has been filed, the Planning Commission may recommend approval, approval with conditions, denial, or it may continue an application for further consideration. A protest against a major home business permit presented to the Planning Commission, duly signed and acknowledged by the owners of 25 percent or more of the land within an area determined by lines drawn parallel and 185 feet from the boundaries of the parcel proposed for the major home business permit, will constitute a legal protest. A legal protest must be presented to the Planning Commission no later than the beginning of the meeting at which the proposed home business application will be considered.~~
 6. ~~The City Council must consider and take final action on a major home business permit application on an appeal from an action of the Planning Commission or when a valid legal protest petition was submitted. The City Council must act on a resolution after reviewing the record of the proceedings from the Planning Commission, and may approve, approve with conditions, deny, or remand such application to the Planning Commission for further consideration. No additional public testimony before the City Council will be accepted. A major home business permit, which is the subject of a legal protest petition, will become effective only by the favorable vote of six of all the members of the City Council.~~
 7. ~~After investigation and report of the Community Development Department of any home business that results in an undesirable condition interfering with the general welfare of the surrounding residential area, said home business may be terminated and the business license therefore revoked by the City Council after a hearing before and recommendation of the Planning Commission. A copy of the transcript of the hearing must be submitted to the City Council for its deliberation before it votes on termination. The act of termination is not exclusive, and the City retains the right to pursue municipal court action and other court proceedings to enforce this section.~~

14-400-03 – Home-Based Businesses

14-400-03-A. Definitions.

The following terms shall be given the definitions ascribed below:

GOODS. Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS. A business operating in a residential dwelling within the City of Independence that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

HOME-BASED WORK. Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

NO-IMPACT, HOME-BASED BUSINESS. A home-based business qualifies as a no-impact, home based business if:

1. **The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and**
2. **The activities of the business:**
 - a. **Are limited to the sale of lawful goods and services; and**
 - b. **May involve having more than one client on the property at one time; and**
 - c. **Do not cause a substantial increase in traffic through the residential area; and**
 - d. **Do not violate any parking regulations established by this City's Code; and**
 - e. **Occur inside the residential dwelling or in the yard of the residential dwelling; and**
 - f. **Are not visible from any public street; and**
 - g. **Do not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and**
 - h. **Do not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time the business is operating.**

14-400-03-B. – No-Impact Home-Based Businesses

1. **Permitted in Residential Districts, when.**

No-Impact Home-Based Businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other business may be operated in a residence at any time.
2. **Restrictions And Limitations.**
 - (a) **A No-Impact Home-Based business must be incidental and subordinate to the principal residential use of the premises and shall not change the residential character of the surrounding neighborhood.**
 - (b) **The owner or operator of the No-Impact Home-Based Business must be an owner or tenant of the residence and must reside at the residence.**
 - (c) **The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business as long as the occupancy limits are not in excess of what is allowed pursuant to fire and building codes.**

-
- (d) The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted. A new accessory building shall not be constructed to house a home occupation.
 - (e) Outdoor storage of materials or equipment used in the home occupation shall not be permitted if such storage is visible from the street. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.
 - (f) The owner or operator must provide adequate parking for the No-Impact Home-Based Business. Parking for the No-Impact Home-Based Business may include the driveway or garage of the residence, or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street so long as:
 - i. Parking is limited to the side of the street the No-Impact Home-Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.
 - ii. If any parking regulations established by the City Code are routinely violated, the business shall not be considered a No-Impact Home-Based Business. For the purposes of this section, the term “routinely” shall mean more than twice in a seven-day period.
 - (g) The total number of employees and clients in the home at one time may not exceed the maximum occupancy of the residence.
 - (h) All [No-Impact] Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

14-400-03-C. – Other Home-Based Businesses

- 1. This Section shall not apply to No-Impact Home-Based Businesses as defined in this Chapter.
- 2. All persons operating a Home-Based Business are required to obtain a City occupation license in accordance with Article 1 of Chapter 5 of this Code.
- 3. All Home-Based Businesses must be operated in a way that does not constitute a public nuisance under this Code.
- 4. No exterior additions to the building structure are permitted in connection with any Home-Based Business without a permit. An existing accessory building may be used for a Home-Based Business, as provided for in this section, but a new accessory building may not be built for a Home-Based Business without a permit. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any Home-Based Business.
- 5. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx.
- 6. Owners/operators of a Home-Based Business shall provide adequate off-street parking to accommodate as many customers/clients as will be expected to be on the property at one time. No more than one on-street parking space shall be used for customer/client parking.

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7. Either up to 25 percent of the total floor area of the dwelling unit may be used in conjunction with a Home-Based Business, or one accessory structure, such as a freestanding garage, may be used for a Home-Based Business.
 8. All Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

All Home-Based Business applications to the Planning Commission shall follow the review and application process outlined in Chapter 14, Article 4, Section 14-424-23-B of the Independence Unified Development Ordinance.

Sec. 14-400-03-D. – Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than \$100.00 and up to ninety (90) days in jail or both. Each day of violation shall be considered a separate offense.



City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-071 **1R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to small box discount, tobacco, convenience and liquor stores. **1R**

Recommendations:

Commissioner Wiley made a motion to recommend approval of case 24-175-05, UDO Amendment #68 – small box discount, tobacco, convenience and liquor stores.

A second to the motion was made by Commissioner O’Neill. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner Nesbitt – Absent

Commissioner O’Neill – Yes

Commissioner Torres - Yes

Commissioner L. Wiley – Yes

Commissioner McClain - Yes

The motion passed and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The City’s Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In

addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and

7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-175-05
2. Staff Report 24-175-05
3. City Code 14-201 - GENERAL TERMS
4. City Code 14-419 - TOBACCO STORE
5. City Code 14-425 - LIQUOR STORE
6. City Code 14-426 - CONVENIENCE STORE
7. City Code 14-427 - SMALL BOX DISCOUNT STORE
8. Dollar Stores Independence 2 Mile Buffer

9. City Code 14 -301-03 - Uses
10. City Code 14-302-03 - Uses
11. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE CITY CODE PERTAINING TO SMALL BOX DISCOUNT, TOBACCO, CONVENIENCE AND LIQUOR STORES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on July 9, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 6-0; and,

WHEREAS, City Council has authority under RSMo. Ch. 89.020 to enact and amend zoning ordinances to promote health, safety, morals, and the general welfare of the community; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 14-201-01 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-201-01 General terms

Unless otherwise noted, the following words and terms shall apply to this chapter.

CONVENIENCE STORE. A retail establishment that sells ~~prepackaged food items, package liquor, tobacco products, periodicals and tangible consumer goods, primarily for self-service by the consumer, including hot beverages, fountain beverages and pastries. Such businesses may also sell site-prepared food items including, but not limited to, hot dogs, salads and popcorn.~~ limited grocery items, magazines, newspapers, and other limited items where there is no dispensing or sales of vehicular fuels and/or vehicle charging. If at any time, tobacco or alcohol becomes the primary sales category, the business can no longer be construed as a convenience store.

LIQUOR STORE. An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

SMALL BOX DISCOUNT STORE. A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in its inventory for sale at a price per item of \$10.00 or less, adjusted for inflation. Small box discount store does not include (1) a grocery store; (2) a store that contains a pharmacy where prescription drugs are compounded, dispensed, or distributed; or (3) a retail store where the majority of the products sold are personal hygiene products or cosmetics.

TOBACCO STORE. A commercial establishment primarily for the sale of tobacco related products. Tobacco related products shall include, but not limited to: cigarettes, cigars, pipe tobacco, loose tobacco, cigarette papers, ~~and~~ pipes **and any smokable product**. This definition shall also include electronic and vapor cigarettes.”

SECTION 2. That Section 14-419 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-419 TOBACCO/~~CONVENIENCE~~ STORE

14-419-01 Applicability

The standards of this article apply to tobacco ~~and convenience~~ store, as defined by this ordinance.

14-419-02 Separation and number of establishments per capita

14-419-02-A. As a conditional use, a tobacco/~~convenience~~ store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park **whether such other use or district is located within the City or outside of the City.** With special use permit approval, a tobacco/~~convenience~~ store may locate or expand less than 500 feet of any residential use or district, church, school, or public park **whether such other use is located within the City or outside of the City.** Such special use permit must be approved in accordance with Section 14-704.

14-419-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest **property line to closest property line exterior structural wall of each building** or zoning district.

14-419-02-C. No permit may be issued for a tobacco/~~convenience~~ store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 15,000 residents based on the last decennial census.

14-419-03. Video surveillance required

All tobacco stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-419-04 Minimum lighting levels

14-419-04.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-419-05. Visibility maintained.

14-419-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from posters, flyers and other such visibility blockers.

14-419-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-419-06. Alarm system required.

14-419-06.A. All liquor stores shall provide an alarm system.

14-419-06.B. The alarm system shall be monitored off-site.

14-419-06-C. A silent panic alarm shall be provided at each cash register.

14-419-06-D. Employees shall be provided a remote alarm to wear on their person.

14-419-07. Automatic door lock required.

All tobacco stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-419-08. Height strips

All tobacco stores shall provide height strips at each public entrance in direct view of employees.

14-419-09. "No loitering/trespass" signs

All tobacco stores shall post at the front entry to the building "No loitering/trespass" signs.

14-419-10. Application to Existing Businesses.

14-419-10.A. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-419-04 within two (2) years from the effective date.

14-419-10.B. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-419-05 through 14-419-09 within six (6) months from the effective date."

SECTION 3. That Section 14-425 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

“14-425 LIQUOR STORE

14-425-01 Applicability

The standards of this article apply to liquor store, as defined by this ordinance.

14-425-02 Separation from other uses

14-425-02.A. No liquor store shall locate or expand within 1,500 feet of another liquor store whether such other liquor store is located within the City or outside of the City.

14-425-02-B. The distance between these uses shall be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-425-03. Video surveillance required

All liquor stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-425-04 Minimum lighting levels

14-425-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-425-05. Visibility maintained.

14-425-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-425-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-425-05-C. The Community Development Director is authorized to approve alternative plans if the applicant demonstrates to the satisfaction of the Community Development Director that the proposed plan:

- 1. Will comply with all other applicable requirements of this section;**
- 2. Is consistent with the stated purpose of this development ordinance;**
- 3. Does not adversely affect visibility considerations; and**
- 4. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.**

14-425-06. Alarm system required.

14-425-06.A. All liquor stores shall provide an alarm system.

14-425-06.B. The alarm system shall be monitored off-site.

14-425-06-C. A silent panic alarm shall be provided at each cash register.

14-425-06-D. Employees shall be provided a remote alarm to wear on their person.

14-425-07. Automatic door lock required.

All liquor stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-425-08. Height strips

All liquor stores shall provide height strips at each public entrance in direct view of employees.

14-425-09. "No loitering/trespass" signs

All liquor stores shall post at the front entry to the building "No loitering/trespass" signs.

14-425-10. Application to Existing Businesses.

14-425-10.A. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-04 within two (2) years from the effective date.

14-425-10.B. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-03 and 14-425-05 through 14-425-09 within six (6) months from the effective date."

SECTION 4. That Section 14-426 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

"14-426 CONVENIENCE STORE

14-426-01 Applicability

The standards of this article apply to convenience store, as defined by this ordinance.

14-426-02 Separation requirements

14-426-02-A. As a conditional use, a convenience store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. With special use permit approval, a convenience store may locate or expand less than 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. Such special use permit must be approved in accordance with Section 14-704.

14-426-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-426-03. Video surveillance required

All convenience stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-426-04 Minimum lighting levels

14-426-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and comply with Section 14-508.

14-426-05. Visibility maintained.

14-426-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-426-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-426-06. Alarm system required.

14-426-06.A. All liquor stores shall provide an alarm system.

14-426-06.B. The alarm system shall be monitored off-site.

14-426-06-C. A silent panic alarm shall be provided at each cash register.

14-426-06-D. Employees shall be provided a remote alarm to wear on their person.

14-426-07. Automatic door lock required.

All convenience stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-426-08. Height strips

All convenience stores shall provide height strips at each public entrance in direct view of employees.

14-426-09. "No loitering/trespass" signs

All convenience stores shall post at the front entry to the building "No loitering/trespass" signs.

14-426-10. Application to Existing Businesses.

14-426-10.A. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-426-04 within two (2) years from the effective date.

14-426-10.B. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-426-05 through 14-426-09 within six (6) months from the effective date."

SECTION 5. That Section 14-427 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

”14-427 SMALL BOX DISCOUNT STORE

14-427-01 Applicability

The standards of this article apply to small box discount store, as defined by this ordinance.

14-427-02 Separation requirements

14-427-02-A. No small-box discount store shall locate within 10,560 feet of any other small-box discount store, whether such other small-box discount store is located within the City or outside of the City.

14-427-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-427-03. Video surveillance required

All small box discount stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.”

SECTION 6. That Section 14-301-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-301-03 Uses

14-301-03-A.Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C.Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E.Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G.Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.”

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
Use Category Specific use type	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Food and Beverage Retail Sales	P	—	P	P	—	
<u>Liquor Store</u>	—	—	—	C	—	14-425
Retail Sales	—	—	P	P	P	
Tobacco/ Convenience Store	—	—	C/S	C/S	—	14-419
<u>Convenience Store</u>	—	—	C/S	C/S	—	14-426
<u>Small Box Discount Store</u>	—	—	C	C	—	14-427

SECTION 7. That Section 14-302-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A.Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C.Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E.Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G.Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table						
P: Permitted S: Special Use Permit Required C: Conditional Uses —: Not Allowed						
Use Category Specific use type	Zoning District					Use Standards
	B-P/PUD	I-1	I-2			

COMMERCIAL				
Retail Sales [1]	P	—	—	
<u>Tobacco Store</u>	—	—	—	14-419
<u>Convenience Store</u>	—	—	—	14-426
<u>Small Box Discount Store</u>	—	—	—	14-427

Notes to Table 302-1:

- [1] Retail sales establishments may not exceed 5,000 square feet (gross floor area). Sales include commodities manufactured, processed, fabricated, assembled, warehoused or stored on the premises. Business machines or office supplies; sales and repair. Appliances; sales and repair. Electronics; sales and repair.”

SECTION 8. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 9. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed from this ordinance and words underscored and bolded are being added to this ordinance.

MEETING DATE: July 9, 2024

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #68

CASE NUMBER / REQUEST: **Case 24-175-05 – UDO Amendment #68 – Small Box Discount, Tobacco, Convenience and Liquor Stores** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount, tobacco, convenience and liquor stores.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 22, 2024

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #68 to the Unified Development Ordinance (UDO) to update the regulations pertaining to small box discount, tobacco, convenience and liquor stores.

BACKGROUND & HISTORY:

The City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

EXHIBITS

1. Proposed Amendments to 14-201
2. Proposed Amendments to 14-419
3. Proposed Amendments to 14-425
4. Proposed Amendments to 14-426
5. Proposed Amendments to 14-427

14-201 GENERAL TERMS

14-201-01 General terms

Unless otherwise noted, the following words and terms shall apply to this chapter.

CONVENIENCE STORE. A retail establishment that sells ~~prepackaged food items, package liquor, tobacco products, periodicals and tangible consumer goods, primarily for self service by the consumer, including hot beverages, fountain beverages and pastries. Such businesses may also sell site prepared food items including, but not limited to, hot dogs, salads and popcorn.~~ limited grocery items, magazines, newspapers, and other limited items where there is no dispensing or sales of vehicular fuels and/or vehicle charging. If at any time, tobacco or alcohol becomes the primary sales category, the business can no longer be construed as a convenience store.

LIQUOR STORE. An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

SMALL BOX DISCOUNT STORE. A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in its inventory for sale at a price per item of \$10.00 or less, adjusted for inflation. Small box discount store does not include (1) a grocery store; (2) a store that contains a pharmacy where prescription drugs are compounded, dispensed, or distributed; or (3) a retail store where the majority of the products sold are personal hygiene products or cosmetics.

TOBACCO STORE. A commercial establishment primarily for the sale of tobacco related products. Tobacco related products shall include, but not limited to: cigarettes, cigars, pipe tobacco, loose tobacco, cigarette papers, ~~and~~ pipes and any smokable product. This definition shall also include electronic and vapor cigarettes.

14-419 TOBACCO/~~CONVENIENCE~~ STORE

14-419-01 Applicability

The standards of this article apply to tobacco ~~and convenience~~ store, as defined by this ordinance.

14-419-02 Separation and number of establishments per capita

14-419-02-A. As a conditional use, a tobacco/~~convenience~~ store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. With special use permit approval, a tobacco/~~convenience~~ store may locate or expand less than 500 feet of any residential use or district, church, school, or public park whether such other use is located within the City or outside of the City. Such special use permit must be approved in accordance with Section 14-704.

14-419-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line ~~exterior structural wall of each building~~ or zoning district.

14-419-02-C. No permit may be issued for a tobacco/~~convenience~~ store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 15,000 residents based on the last decennial census.

14-419-03. Video surveillance required

All tobacco stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-419-04 Minimum lighting levels

14-419-04.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-419-05. Visibility maintained.

14-419-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from posters, flyers and other such visibility blockers.

14-419-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-419-06. Alarm system required.

14-419-06.A. All liquor stores shall provide an alarm system.

14-419-06.B. The alarm system shall be monitored off-site.

14-419-06-C. A silent panic alarm shall be provided at each cash register.

14-419-06-D. Employees shall be provided a remote alarm to wear on their person.

14-419-07. Automatic door lock required.

All tobacco stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-419-08. Height strips

All tobacco stores shall provide height strips at each public entrance in direct view of employees.

14-419-09. "No loitering/trespass" signs

All tobacco stores shall post at the front entry to the building "No loitering/trespass" signs.

14-419-10. Application to Existing Businesses.

14-419-10.A. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-419-04 within two (2) years from the effective date.

14-419-10.B. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-419-05 through 14-419-09 within six (6) months from the effective date.

14-425 LIQUOR STORE

14-425-01 Applicability

The standards of this article apply to liquor store, as defined by this ordinance.

14-425-02 Separation from other uses

14-425-02.A. No liquor store shall locate or expand within 1,500 feet of another liquor store whether such other liquor store is located within the City or outside of the City.

14-425-02.B. The distance between these uses shall be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-425-03. Video surveillance required

All liquor stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-425-04 Minimum lighting levels

14-425-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-425-05. Visibility maintained.

14-425-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-425-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-425-05-C. The Community Development Director is authorized to approve alternative plans if the applicant demonstrates to the satisfaction of the Community Development Director that the proposed plan:

1. Will comply with all other applicable requirements of this section;
2. Is consistent with the stated purpose of this development ordinance;
3. Does not adversely affect visibility considerations; and
4. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.

14-425-06. Alarm system required.

14-425-06.A. All liquor stores shall provide an alarm system.

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14-425-06-C. A silent panic alarm shall be provided at each cash register.

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All liquor stores shall post at the front entry to the building "No loitering/trespass" signs.

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14-425-10.A. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-04 within two (2) years from the effective date.

14-425-10.B. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-03 and 14-425-05 through 14-425-09 within six (6) months from the effective date.

14-426 CONVENIENCE STORE

14-426-01 Applicability

The standards of this article apply to convenience store, as defined by this ordinance.

14-426-02 Separation requirements

14-426-02-A. As a conditional use, a convenience store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. With special use permit approval, a convenience store may locate or expand less than 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. Such special use permit must be approved in accordance with Section 14-704.

14-426-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-426-03. Video surveillance required

All convenience stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-426-04 Minimum lighting levels

14-426-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and comply with Section 14-508.

14-426-05. Visibility maintained.

14-426-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-426-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

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All convenience stores shall provide height strips at each public entrance in direct view of employees.

14-426-09. "No loitering/trespass" signs

All convenience stores shall post at the front entry to the building "No loitering/trespass" signs.

14-426-10. Application to Existing Businesses.

14-426-10.A. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-426-04 within two (2) years from the effective date.

14-426-10.B. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-426-05 through 14-426-09 within six (6) months from the effective date.

14-427 SMALL BOX DISCOUNT STORE

14-427-01 Applicability

The standards of this article apply to small box discount store, as defined by this ordinance.

14-427-02 Separation requirements

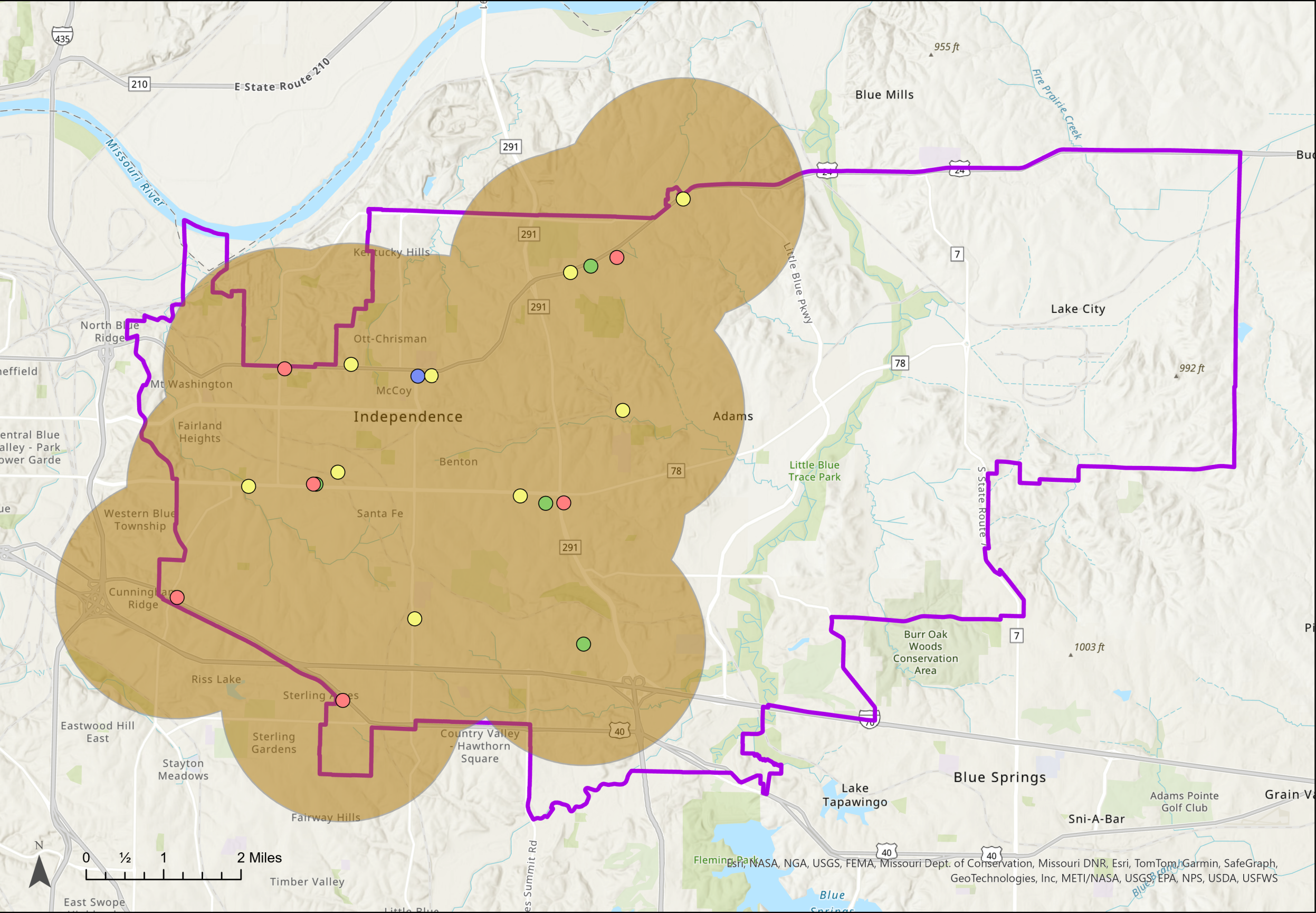
14-427-02-A. No small-box discount store shall locate within 10,560 feet of any other small-box discount store, whether such other small-box discount store is located within the City or outside of the City.

14-427-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-427-03. Video surveillance required

All small box discount stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

Dollar Stores in Independence



14-301 OFFICE AND COMMERCIAL DISTRICTS

14-301-03 Uses

14-301-03-A.Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C.Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E.Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G.Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted S: Special Use Permit Required C: Conditional Uses —: Not Allowed						
Use Category Specific use type	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Food and Beverage Retail Sales	P	—	P	P	—	
<u>Liquor Store</u>	—	—	—	<u>C</u>	—	<u>14-425</u>
Retail Sales	—	—	P	P	P	
Tobacco/ Convenience Store	—	—	C/S	C/S	—	14-419
<u>Convenience Store</u>	—	—	<u>C/S</u>	<u>C/S</u>	—	<u>14-426</u>
<u>Small Box Discount Store</u>	—	—	<u>C</u>	<u>C</u>	—	<u>14-427</u>

14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A.Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C.Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E.Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G.Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table				
P: Permitted S: Special Use Permit Required C: Conditional Uses —: Not Allowed				
<i>Use Category</i> <i>Specific use type</i>	Zoning District			Use Standards
	B-P/PUD	I-1	I-2	
COMMERCIAL				
Retail Sales [1]	P	—	—	
<u>Tobacco Store</u>	—	—	—	<u>14-419</u>
<u>Convenience Store</u>	—	—	—	<u>14-426</u>
Small Box Discount Store	—	—	—	<u>14-427</u>

Notes to Table 302-1:

- [1] Retail sales establishments may not exceed 5,000 square feet (gross floor area). Sales include commodities manufactured, processed, fabricated, assembled, warehoused or stored on the premises. Business machines or office supplies; sales and repair. Appliances; sales and repair. Electronics; sales and repair.



City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-072 **1R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to Recreational Vehicle Parks. **1R**

Recommendations:

Commissioner O'Neill made a motion to recommend approval of case 24-175-06, UDO Amendment #69 Recreational Vehicle Parks.

A second to the motion was made by Commissioner Ashbaugh. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner Nesbitt – Absent

Commissioner O'Neill – Yes

Commissioner Torres - Yes

Commissioner L. Wiley – Yes

Commissioner McClain - Yes

The motion passed and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

With the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-175-06
2. Staff Report 24-175-06
3. City Code 14-301-03 - Uses - Revised
4. City Code 14-405-01 - Recreational vehicle parks - Revised
5. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO RECREATIONAL VEHICLE PARKS.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on July 9, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 6-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 14-301-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

"14-301-03 Uses

14-301-03-A.Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C.Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E.Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G.Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited."

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
<i>Use Category</i> <i>Specific use type</i>	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Lodging						
Short-Term Rental	—	—	C	C	—	14-424
Bed and Breakfast	—	—	C	C	—	14-420
Hotel/motel	—	—	—	P	—	
Recreational vehicle park	—	—	—	CS	CS	14-405

SECTION 2. That Section 14-405-01 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-405-01 Recreational vehicle parks

14-405-01-A.No person, firm or corporation shall occupy any recreational vehicle as living quarters located outside an approved recreational vehicle park.

14-405-01-B.An application for a recreational vehicle park must be accompanied by a ~~site plan~~ **Special Use Permit** application, pursuant to Section ~~14-705~~ **14-704**, and include the following information **prepared by an architect, engineer, landscape architect, or other qualified professional:**

1. North point.
2. Name of builders, developers and existing property owners.
3. Recreational vehicle park site dimensions.
4. Existing topography with a contour interval of not more than five feet.
5. Proposed arrangement of interior drives and streets.
6. Ingress and egress from adjoining streets.
7. Location of proposed sidewalks.
8. Location of proposed structures, recreational areas and parking areas.
9. Location of proposed sewage treatment facility.
10. Proposed arrangement and dimensions of recreational vehicle spaces.
11. Proposed landscaping.
12. Proposed street lighting system.
13. Stages and times of development.
14. Development of areas within 200 feet of the recreational vehicle park site.
- 15. Location of existing and proposed utilities and easements.**
- 16. Location, height, and material for screening walls, fences and retaining walls.**
- 17. Location, size and type of ground mounted equipment; (see Section 14-503 for location and screening requirements).**
- 18. Location of trash dumpsters/bins (see Section 14-503 for location and screening requirements).**
- 19. Proposed storm drainage flow (using directional arrows) on and off the site.**
- 20. Supplemental storm water information required by City regulations.**

- 14-405-01-C.**Land that the City Council finds to be detrimental to the public interest if developed as a recreational vehicle park may not be developed as a recreational vehicle park unless and until such objectionable features are corrected.
- 14-405-01-D.**Recreational vehicle spaces must be provided with a hard surfaced area on which a recreational vehicle may be parked and each space must be clearly and permanently marked and delineated.
- 14-405-01-E.**Individual recreational vehicles must be so situated on each space that there is at least 14 feet between recreational vehicles and between recreational vehicles and all permanent structures.
- 14-405-01-F.**Minimum seven-foot setbacks must be maintained along all interior property lines. Minimum 25-foot setbacks must be maintained along all exterior property lines. All required setback areas must be kept free of all structures and recreational vehicles.
- 14-405-01-G.**On-site open space equal to at least ten percent of the total recreational vehicle park area must be provided. Required setbacks may not be counted toward satisfying on-site open space requirements.
- 14-405-01-H.**An opaque screen or buffer zone at least eight feet in height must be maintained along all interior property lines. Such screen may be in the form of walls, fencing or landscaping.
- 14-405-01-I.**Each recreational vehicle park must have a minimum frontage of 200 feet upon a public street.
- 14-405-01-J.**Each recreational vehicle space within a recreational vehicle park must have direct access to an interior paved drive or street. The minimum width of one-way interior drives serving enclaves of recreational vehicle spaces and permitting no parking is 14 feet, measured from back-to-back of curb. The minimum width of two-way interior drives permitting no parking is 26 feet, measured from back-to-back of curb. The minimum width of one-way interior drives permitting parking on one side only is 18 feet, measured from back-to-back of curb. The minimum width of interior two-way drives permitting parking on one side only is 28 feet, measured from back-to-back of curb. The minimum width of one-way interior drives permitting parking on both sides is 28 feet, measured from back-to-back of curb. All interior drives and public streets must be designed and paved according to City specifications for residential streets contained in the ~~Public Works~~ **City of Independence Design and Construction** Manual and this development ordinance.
- 14-405-01-K.**Street lights approved by the City staff must be provided.
- 14-405-01-L.**For recreational vehicle spaces provided with electrical service, the distribution system must be installed according to City specifications. All utilities must be placed underground.
- 14-405-01-M.**For recreational vehicle spaces provided with a supply of potable water, the supply system must be installed in accordance with City specifications.
- 14-405-01-N.**For recreational vehicle spaces provided with a sewer, the sewer system must be installed in accordance with City specifications. The sanitary sewer system and sewage treatment system must be **designed and installed per the City of Independence Design and Construction Manual**, ~~approved by the City Engineer.~~
- 14-405-01-O.**Fire hydrants must be located in accordance with the fire code and adopted City standards.
- 14-405-01-P.**Tip-proof garbage and recycling containers with tight-fitting covers must be provided for disposal of all garbage and recyclables. Containers must be kept in a sanitary condition at all times. Garbage and recycling must be collected as frequently necessary to insure that containers do not overflow.
- 14-405-01-Q.**Service buildings containing separate toilet and shower facilities for each gender and an adequate supply of potable water must be provided. Service buildings must be located not farther than 200 feet from recreational vehicle spaces without sanitary facilities, and must be constructed in accordance with the Building Code.
- 14-405-01-R.**The maximum length of stay by a recreational vehicle in a recreational vehicle park shall be 14 days within any consecutive 60-day period.

14-405-01-S. Every owner or operator of a recreational vehicle park must maintain an open register containing a record of all recreational vehicles and occupants. The register must be available to any authorized person inspecting the recreational vehicle park. The register must contain (1) the name and permanent address of the owner or operator of all recreational vehicles and the number of occupants; (2) the make, model and license number of the recreational vehicle; and (3) the dates of arrival and departure of a recreational vehicle or its occupants.

14-405-01-T. It is unlawful for any person, firm or corporation to operate a recreational vehicle park within the City of Independence unless the recreational vehicle park is licensed by the City of Independence. A business license to operate a recreational vehicle park will be issued by the License Officer in accordance with the procedures and requirements of Chapter 5 of the City Code.

14-405-01-U. The grounds of the recreational vehicle park and all buildings and structures thereon must be maintained in a clean, visually attractive condition and kept free of any condition that will menace the health of any occupant or the public or create a nuisance.”

SECTION 3. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 4. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF
THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed by this ordinance and words underscored and bolded are being added by this ordinance.

MEETING DATE: July 9, 2024

STAFF: Rick Arroyo, Assistant Community
Development Director

PROJECT NAME: UDO Amendment #69

CASE NUMBER / REQUEST: **Case 24-175-06 – UDO Amendment #69 – Recreational Vehicle Park Use**
– The City proposes Amendment #69 of the Unified Development
Ordinance pertaining to recreational vehicle parks.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 22, 2024

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #69 to the Unified Development Ordinance (UDO) to update the recreational vehicle park regulations.

BACKGROUND & HISTORY:

With the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is

recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

EXHIBITS

1. Proposed Amendments to 14-301_03_Uses
2. Proposed Amendments to 14_405-01_Recreational_vehicle_parks

14-301-03 Uses

14-301-03-A.Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C.Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E.Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G.Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
<i>Use Category</i> <i>Specific use type</i>	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Lodging						
Short-Term Rental	—	—	C	C	—	14-424
Bed and Breakfast	—	—	C	C	—	14-420
Hotel/motel	—	—	—	P	—	
Recreational vehicle park	—	—	—	CS	CS	14-405

14-405 RECREATIONAL VEHICLE PARKS

14-405-01 Recreational vehicle parks

14-405-01-A.No person, firm or corporation shall occupy any recreational vehicle as living quarters located outside an approved recreational vehicle park.

14-405-01-B.An application for a recreational vehicle park must be accompanied by a ~~site plan~~ **Special Use Permit** application, pursuant to Section ~~14-705~~ **14-704**, and include the following information **prepared by an architect, engineer, landscape architect, or other qualified professional:**

1. North point.
2. Name of builders, developers and existing property owners.
3. Recreational vehicle park site dimensions.
4. Existing topography with a contour interval of not more than five feet.
5. Proposed arrangement of interior drives and streets.
6. Ingress and egress from adjoining streets.
7. Location of proposed sidewalks.
8. Location of proposed structures, recreational areas and parking areas.
9. Location of proposed sewage treatment facility.
10. Proposed arrangement and dimensions of recreational vehicle spaces.
11. Proposed landscaping.
12. Proposed street lighting system.
13. Stages and times of development.
14. Development of areas within 200 feet of the recreational vehicle park site.
- 15. Location of existing and proposed utilities and easements.**
- 16. Location, height, and material for screening walls, fences and retaining walls.**
- 17. Location, size and type of ground mounted equipment; (see Section 14-503 for location and screening requirements).**
- 18. Location of trash dumpsters/bins (see Section 14-503 for location and screening requirements).**
- 19. Proposed storm drainage flow (using directional arrows) on and off the site.**
- 20. Supplemental storm water information required by City regulations.**

14-405-01-C.Land that the City Council finds to be detrimental to the public interest if developed as a recreational vehicle park may not be developed as a recreational vehicle park unless and until such objectionable features are corrected.

14-405-01-D.Recreational vehicle spaces must be provided with a hard surfaced area on which a recreational vehicle may be parked and each space must be clearly and permanently marked and delineated.

14-405-01-E.Individual recreational vehicles must be so situated on each space that there is at least 14 feet between recreational vehicles and between recreational vehicles and all permanent structures.

-
- 14-405-01-F.** Minimum seven-foot setbacks must be maintained along all interior property lines. Minimum 25-foot setbacks must be maintained along all exterior property lines. All required setback areas must be kept free of all structures and recreational vehicles.
- 14-405-01-G.** On-site open space equal to at least ten percent of the total recreational vehicle park area must be provided. Required setbacks may not be counted toward satisfying on-site open space requirements.
- 14-405-01-H.** An opaque screen or buffer zone at least eight feet in height must be maintained along all interior property lines. Such screen may be in the form of walls, fencing or landscaping.
- 14-405-01-I.** Each recreational vehicle park must have a minimum frontage of 200 feet upon a public street.
- 14-405-01-J.** Each recreational vehicle space within a recreational vehicle park must have direct access to an interior paved drive or street. The minimum width of one-way interior drives serving enclaves of recreational vehicle spaces and permitting no parking is 14 feet, measured from back-to-back of curb. The minimum width of two-way interior drives permitting no parking is 26 feet, measured from back-to-back of curb. The minimum width of one-way interior drives permitting parking on one side only is 18 feet, measured from back-to-back of curb. The minimum width of interior two-way drives permitting parking on one side only is 28 feet, measured from back-to-back of curb. The minimum width of one-way interior drives permitting parking on both sides is 28 feet, measured from back-to-back of curb. All interior drives and public streets must be designed and paved according to City specifications for residential streets contained in the ~~Public Works~~ City of Independence Design and Construction Manual and this development ordinance.
- 14-405-01-K.** Street lights approved by the City staff must be provided.
- 14-405-01-L.** For recreational vehicle spaces provided with electrical service, the distribution system must be installed according to City specifications. All utilities must be placed underground.
- 14-405-01-M.** For recreational vehicle spaces provided with a supply of potable water, the supply system must be installed in accordance with City specifications.
- 14-405-01-N.** For recreational vehicle spaces provided with a sewer, the sewer system must be installed in accordance with City specifications. The sanitary sewer system and sewage treatment system must be designed and installed per the City of Independence Design and Construction Manual, ~~approved by the City Engineer.~~
- 14-405-01-O.** Fire hydrants must be located in accordance with the fire code and adopted City standards.
- 14-405-01-P.** Tip-proof garbage and recycling containers with tight-fitting covers must be provided for disposal of all garbage and recyclables. Containers must be kept in a sanitary condition at all times. Garbage and recycling must be collected as frequently necessary to insure that containers do not overflow.
- 14-405-01-Q.** Service buildings containing separate toilet and shower facilities for each gender and an adequate supply of potable water must be provided. Service buildings must be located not farther than 200 feet from recreational vehicle spaces without sanitary facilities, and must be constructed in accordance with the Building Code.
- 14-405-01-R.** The maximum length of stay by a recreational vehicle in a recreational vehicle park shall be 14 days within any consecutive 60-day period.
- 14-405-01-S.** Every owner or operator of a recreational vehicle park must maintain an open register containing a record of all recreational vehicles and occupants. The register must be available to any authorized person inspecting the recreational vehicle park. The register must contain (1) the name and permanent address of the owner or operator of all recreational vehicles and the number of occupants; (2) the make, model and license number of the recreational vehicle; and (3) the dates of arrival and departure of a recreational vehicle or its occupants.

14-405-01-T.It is unlawful for any person, firm or corporation to operate a recreational vehicle park within the City of Independence unless the recreational vehicle park is licensed by the City of Independence. A business license to operate a recreational vehicle park will be issued by the License Officer in accordance with the procedures and requirements of Chapter 5 of the City Code.

14-405-01-U.The grounds of the recreational vehicle park and all buildings and structures thereon must be maintained in a clean, visually attractive condition and kept free of any condition that will menace the health of any occupant or the public or create a nuisance.



City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-073 **1R** An ordinance approving a rezoning from District C-2 (General Commercial) to R-6 (Single Family Residential) for the property at 1301 S. Noland Road. **1R**

Recommendations:

Commissioner Ashbaugh made a motion to recommend approval of case 24-100-05, the rezoning of 1301 S. Noland Road. A second to the motion was made by Commissioner O'Neill. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – No

Commissioner O'Neill – Yes

Commissioner Torres – Yes

Commissioner Wiley – Yes

The motion was approved, and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The applicant purchased this property in 2019 and has been living in the building, in addition to operating her business. According to the applicant, there have been several security issues on the property. To address this, the applicant applied for a building permit for a commercial fence. The fence, as proposed, was not approved because of the limitations placed on commercial fences per Section 14-400-02-C of the Unified Development Ordinance. Although not approved, the applicant began erecting a fence on the property. A stop-work-order was placed on the property on November 27th, 2023. After receiving the order, the applicant came to City Hall to discuss the options available to continue to erect the fence and to use the property as a residence. Rezoning the property to R-6 (Single-Family Residential) will allow the applicant to continue to live on the property and build a fence in accordance with the residential fencing standards.

The applicant will be able to continue to operate her business as a “minor home business” as it meets all the requirements outlined in Section 14-400-03-G of the Unified Development Ordinance.

PROPERTY HISTORY:

This property was platted in 1887 as part of the Walnut Park subdivision. The history of the property is difficult to determine. Jackson County's parcel viewer map does not have information regarding year that the structure was built. However, it has clearly been on the property for several decades and is residential in its appearance. In 1965 when zoning was

introduced, this property was designated as R-1 (Single-Family Residential). A city-wide rezoning was initiated in 1980. At this time this property was rezoned to C-2 (General Commercial). Throughout the 80s and 90s this property was an office building for The International University – Missouri, a Christian ministry and non-traditional higher-education institution. In 2009, with the adoption of the current version of the Unified Development Ordinance, this property remained C-2 (General Commercial.) The property remained vacant and for-sale for several years. The applicant purchased the property in 2019 at began living and operating her business at the property.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The subject property has the appearance of a single-family home with a garage in the rear. The primary structure on the property is a large building with a stone façade that faces Noland Road. The front yard of the property is raised a few feet with a retaining wall adjacent to the sidewalk. A two-car garage faces Fair Street on the north side of the property. The size of the property is just shy of a quarter acre at 0.225 acres.

CHARACTERISTICS OF THE AREA:

The properties along Noland are almost entirely commercial properties. A small park sits on the northwest corner of the Noland and Fair intersection. McDonalds and QuikTrip operate on the properties north of Fair Street. Taco Bell, Pizza Hut, and a variety of business in a strip map operate on the west side of Noland. The Chop Shop, a clothing apparel store and Captain D's lie directly south of the subject property. East of the property is primary Residential. A small apartment complex lies on the northeast corner of Fair and Dodgion. The other properties to the east are mostly single-family residences.

REQUEST:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that she can continue to live at this location and construct a fence in accordance with the residential fencing standards.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the Independence for All, Strategic Plan. One of the objectives of the plan is to "increase the perception of safety." One of the primary reasons that applicant has applied for the property to be rezoned, is so that a six-foot privacy fence can be built in accordance with the residential fencing standards. The applicant has indicated that having such a fence will help her feel safe in her home.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be Community Commercial. However, the property, in its current state, is not well suited for commercial use. The existing structures are better suited for residential functions.

Zoning:

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in on the property.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA:

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria.

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Community Commercial. This might be the ideal case; however, exceptions may need to be made to solve specific problems.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

This property is within the Noland Road Community Improvement District. Rezoning this property is not in alignment with the CID Corridor Improvement Plan.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

The existing character of the neighborhood to the east is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) is not compatible with other properties on Noland Road.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

With the current zoning in place, single-family homes are not permitted. Further, the residential fence that the applicant intends to build is not allowed. By rezoning to R-6, the applicant will be able to continue to live on the property and build the fence to the residential fencing standards.

6. The length of time the subject property has remained vacant as zoned.

Prior to the applicant purchasing the property in 2019, the property sat vacant for many years.

7. The extent of which approving the rezoning will detrimentally affect nearby properties.

Rezoning this property to R-6 will not have a detrimental affect on the nearby properties. This is because the use of the property will not change. The applicant has been using this property as a single-family home since 2019.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

Denial of this zoning will require the applicant to find a new location to live. This will place a significant difficulty upon the applicant.

SUPPLEMENTAL STAFF REPORT:

The originally scheduled public hearing for this case was January 23, 2024. Currently the property is being utilized as a single-family home with the applicant living at the property and operating a home business. Rezoning this property from C-2 to R-6 would correct code violations currently on hold pending the outcome of this rezoning.

Prior to the originally scheduled public hearing, the applicant decided to sell the property as C-2 zoning and locate her residence and business elsewhere. A request was made to staff to withdraw the case rather than be rezoned. Staff informed the applicant that if the case is

withdrawn, the applicant will be in violation of City Code by residing at the property zoned C-2 (Generally Commercial) which does not allow for residential uses. Also, any fence on the property would need to follow the commercial fence regulations by requiring a permit and meeting the UDO section 14-400-02 for commercial fences and locations.

With this in mind, the applicant requested the application be continued while the property was listed for sale. At the January 23, 2024, Planning Commission meeting, the Planning Commission voted to continue the case to the February 27, 2024, meeting. At the February 27, 2024, meeting the case was again continued by the Commission to the March 26, 2024, meeting date. The applicant was unable to sell the subject property in that timeframe.

The case was heard by the Planning Commission on March 26th, 2024. At this meeting, the applicant requested that the case again be continued to allow time for the sale for the property with its commercial zoning. The Planning Commission agreed to continue the case to the second meeting in June or more specifically June 25th, 2024. The applicant agreed to move forward with the rezoning in the event the property did not sell by that time. The applicant has been unable to sell the property during this period. The case is now back before the Planning Commission. More recently, the property owner has indicated she does not wish to sell the property and wants to continue to live in the structure and operate her business with the property remaining C-2.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-100-05
2. Staff Report Supplemental_24-100-05 - June 25th Meeting
3. Staff Report Supplemental_24-100-05_March 26th Meeting
4. Staff Report_24-100-05_Original
5. Narrative Cover Letter
6. Application
7. Notification Letter
8. Address_List
9. Notification Affidavit
10. Notification Area Map
11. Comp Plan Map
12. Zoning Map
13. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL) FOR THE PROPERTY AT 1301 S. NOLAND ROAD.

WHEREAS, an application submitted by Carolyn Richardson is requesting approval of a rezoning from District C-2 (General Commercial) to District R-6 (Single-Family Residential) for the property at 1301 S. Noland Road was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the rezoning be approved by a vote of 6-1; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described property is hereby rezoned from C-2 (General Commercial) to District R-6 (Single-Family Residential) and shall be subject to the regulations of said district:

WALNUT PARK---W 100.75' LOTS 2 AND 3 BLK 9 AND E 7' VAC ST W AND ADJ (EX PT IN ROW)

SECTION 2. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 4. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 25, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) / Fast-Food and Gas Station

South: R-6 (Single-Family Residential) / Single Family Homes

East: C-2 (General Commercial) / Various Businesses

West: C-2 (General Commercial) / Fast-Food and Strip Mall

PUBLIC NOTICE

- Letters to property owners within 185 feet – January 8, 2024
- Public Notice published in the Independence Examiner – January 2, 2024
- Sign posted on property – January 5, 2024

RECOMMENDATION SUPPLEMENTAL

The originally scheduled public hearing for this case was January 23, 2024. Currently the property is being utilized as a single-family home with the applicant living at the property and operating a home business. Rezoning this property from C-2 to R-6 would correct code violations currently on hold pending the outcome of this rezoning.

Prior to the originally scheduled public hearing, the applicant decided to sell the property as C-2 zoning and locate her residence and business elsewhere. A request was made to staff to withdraw the case rather than be rezoned. Staff informed the applicant that if the case is withdrawn, the applicant will be in violation of City Code by residing at the property zoned C-2 (Generally Commercial) which does not allow for residential uses. Also, any fence on the property would need to follow the commercial fence regulations by requiring a permit and meeting the UDO section 14-400-02 for commercial fences and locations.

With this in mind, the applicant requested the application be continued while the property was listed for sale. At the January 23, 2024, Planning Commission meeting, the Planning Commission voted to continue the case to the February 27, 2024, meeting. At the February 27, 2024, meeting the case was again continued by the Commission to the March 26, 2024, meeting date. The applicant was unable to sell the subject property in that timeframe.

The case was heard by the Planning Commission on March 26th, 2024. At this meeting, the applicant requested that the case again be continued to allow time for the sale for the property with its commercial zoning. The Planning Commission agreed to continue the case to the second meeting in June or more specifically June 25th, 2024. The applicant agreed to move forward with the rezoning in the event the property did not sell by that time. The applicant has been unable to sell the property during this period. The case is now back before the Planning Commission. More recently, the property owner has indicated she does not wish to sell the property and wants to continue to live in the structure and operate her business with the property remaining C-2.

MEETING DATE: March 26, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) / Fast-Food and Gas Station

South: R-6 (Single-Family Residential) / Single Family Homes

East: C-2 (General Commercial) / Various Businesses

West: C-2 (General Commercial) / Fast-Food and Strip Mall

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RECOMMENDATION SUPPLEMENTAL

The originally scheduled public hearing for this case was January 23, 2024. Currently the property is being utilized as a single-family home with the applicant living at the property and operating a home business. Rezoning this property from C-2 to R-6 would correct code violations currently on hold pending the outcome of this rezoning.

Prior to the originally scheduled public hearing, the applicant decided to sell the property as C-2 zoning and locate her residence and business elsewhere. A request was made to staff to withdraw the case rather than be rezoned. Staff informed the applicant that if the case is withdrawn, the applicant will be in violation of City Code by residing at the property zoned C-2 (Generally Commercial) which does not allow for residential uses. Also, any fence on the property would need to follow the commercial fence regulations by requiring a permit and meeting the UDO section 14-400-02 for commercial fences and locations.

With this in mind, the applicant requested the application be continued while the property was listed for sale. At the January 23, 2024 Planning Commission meeting, the Planning Commission voted to continue the case to the February 27, 2024, meeting. At the February 27, 2024 meeting the case was again continued by the Commission to the March 26, 2024 meeting. The applicant has been unable to sell the subject property in this timeframe. For this reason, the applicant is requesting an additional continuance.

As outlined in Section 14-700-09 of the Unified Development Ordinance, further continuances of this case require a majority vote of the hearing body present at the meeting. “The record will indicate a reason for the continuance and any stipulations or conditions placed upon the continuance” if the body deems it appropriate.

Staff **does not** recommend granting a continuance to this case.

However, if the Planning Commission wishes to continue the case, staff recommends the following:

1. The case shall only be continued for one additional continuance to a date certain. At that date, the public hearing shall be heard.
2. The case shall be continued to the next available meeting on April 9, 2024.

MEETING DATE: March 26, 2024 **STAFF:** Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) / Fast-Food and Gas Station

East: R-6 (Single-Family Residential) / Single Family Homes

South: C-2 (General Commercial) / Various Businesses

West: C-2 (General Commercial) / Fast-Food and Strip Mall

PUBLIC NOTICE

- Letters to property owners within 185 feet – January 8, 2024
- Public Notice published in the Independence Examiner – January 2, 2024
- Sign posted on property – January 5, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on February 19, 2024, and the public hearing/second reading on March 4, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

STANDARD REQUIREMENTS OF APPROVAL

1. A change of use permit application shall be submitted and approved to change the occupancy classification from Office to Residential.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential).

Current Zoning: C-2 (General Commercial)

Current Use: Single-Family Home

Acreage: 0.52 Acres

Proposed Zoning: R-6 (Single-Family Residential)

Proposed Use: Single-Family Homes

Building Square Footage: 720 sq feet

BACKGROUND:

The applicant purchased this property in 2019 and has been living in the building, in addition to operating her business. According to the applicant, there have been several security issues on the property. To address this, the applicant applied for a building permit for a commercial fence. The fence, as proposed, was not approved because of the limitations placed on commercial fences per Section 14-400-02-C of the Unified Development Ordinance. Although not approved, the applicant began erecting a fence on the property. A stop-work-order was placed on the property on November 27th, 2023. After receiving the order, the applicant came to City Hall to discuss the options available to continue to erect the fence and to use the property as a residence. Rezoning the property to R-6 (Single-Family Residential) will allow the applicant to continue to live on the property and build a fence in accordance with the residential fencing standards.

The applicant will be able to continue to operate her business as a “minor home business” as it meets all the requirements outlined in Section 14-400-03-G of the Unified Development Ordinance.

PROPERTY HISTORY:

This property was platted in 1887 as part of the Walnut Park subdivision. The history of the property is difficult to determine. Jackson County’s parcel viewer map does not have information regarding year that the structure was built. However, it has clearly been on the property for several decades and is residential in its appearance. In 1965 when zoning was introduced, this property was designated as R-1 (Single-Family Residential). A city-wide rezoning was initiated in 1980. At this time this property was rezoned to C-2 (General Commercial). Throughout the 80s and 90s this property was an office building for The International University – Missouri, a Christian ministry and non-traditional higher-education institution. In 2009, with the adoption of the current version of the Unified Development Ordinance, this property remained C-2 (General Commercial.) The property remained vacant and for-sale for several years. The applicant purchased the property in 2019 at began living and operating her business at the property.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property has the appearance of a single-family home with a garage in the rear. The primary structure on the property is a large building with a stone façade that faces Noland Road. The front yard of the property is raised a few feet with a retaining wall adjacent to the sidewalk. A two-car garage faces Fair Street on the north side of the property. The size of the property is just shy of a quarter acre at 0.225 acres.

CHARACTERISTICS OF THE AREA:

The properties along Noland are almost entirely commercial properties. A small park sits on the northwest corner of the Noland and Fair intersection. McDonalds and QuikTrip operate on the properties north of Fair Street. Taco Bell, Pizza Hut, and a variety of business in a strip map operate on the west side of Noland. The Chop Shop, a clothing apparel store and Captain D’s lie directly south of the subject property. East of the property is primary Residential. A small apartment complex lies on the northeast corner of Fair and Dogion. The other properties to the east are mostly single-family

residences.

PROPOSAL:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that she can continue to live at this location and construct a fence in accordance with the residential fencing standards.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to “increase the perception of safety.” One of the primary reasons that applicant has applied for the property to be rezoned, is so that a six-foot privacy fence can be built in accordance with the residential fencing standards. The applicant has indicated that having such a fence will help her feel safe in her home.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be Community Commercial. However, the property, in its current state, is not well suited for commercial use. The existing structures are better suited for residential functions.

Zoning:

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

- 1. Conformance of the requested zoning with the comprehensive plan.**

The Comprehensive Plan envisions this area to be Community Commercial. This might be the ideal case; however, exceptions may need to be made to solve specific problems.

- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

This property is within the Noland Road Community Improvement District. Rezoning this

property is not in alignment with the CID Corridor Improvement Plan.

- 3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**

The existing character of the neighborhood to the east is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) is not compatible with other properties on Noland Road.

- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

With the current zoning in place, single-family homes are not permitted. Further, the residential fence that the applicant intends to build is not allowed. By rezoning to R-6, the applicant will be able to continue to live on the property and build the fence to the residential fencing standards.

- 6. The length of time the subject property has remained vacant as zoned.**

Prior to the applicant purchasing the property in 2019, the property sat vacant for many years.

- 7. The extent of which approving the rezoning will detrimentally affect nearby properties.**

Rezoning this property to R-6 will not have a detrimental affect on the nearby properties. This is because the use of the property will not change. The applicant has been using this property as a single-family home since 2019.

- 8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.**

Denial of this zoning will require the applicant to find a new location to live. This will place a significant difficulty upon the applicant.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notification Area Map
7. Aerial View

8. Comp Plan Map
9. Zoning Map

Carolyn Richardson
1301 S. Noland Rd.
Independence, Mo. 64055
678-579-6998

December 7, 2023

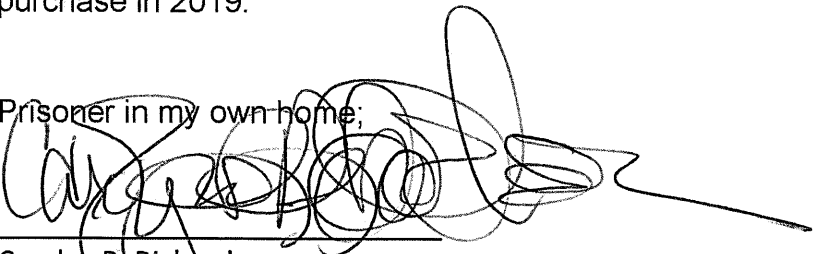
To whom it may concern:

My name is Carolyn Richardson-Owner of 1301 S. Noland Road, Independence Mo. 64055. I wish to submit this application to rezone this property to **residential** in order to put a 6ft around the property. In June I was asked to get a survey and stamped plans by your building permit office in order to move forward with fencing off this property for protection. Mr. Garrett and I have spoken in detail of all the things happening from being approached from strangers asking me to pay for protection, cutting my screen windows, and removing bolts from the security bars, finding syringes throughout my back yard, busting my ring camera's on both front and back doors, tearing up my fence around the water faucet, damaging my door knobs, stealing my water, destroying my pad locks to access the water and outdoor electricity, breaking my garage window, destroying another pad lock on the attic to the garage, damaging my key pad on both the garage, and back doors. I have dogs who will protect my property but they are confined to a kennel and therefore can only bark at intruders. I have had issues with someone flashing flash lights around my bedroom windows then cutting the screens and loosening and removing the bolts.

These situations has caused great hardship into this once distressed property. Sadly, I've haven't been unable to enjoy it, I can't go out at night for fear of stepping on one of many syringes, used condoms, or other drug paraphernalia in the rear of my yard. I just want to be able to enjoy my home and live in peace, in the absence of all these invasions. I've already applied for a fence permit and was unaware that I couldn't at least move forward with fencing off the back yard where most of the uncomfortable things have happened to feel safe. Although, I am grateful and appreciative for Mr. Garrett allowing the monies paid for a variance hearing months ago to be used towards the fees for applying for rezoning; having to constantly replace, fix or repair things from being tampered with and vandalized has caused a strain and financial hardship.

Lastly, it has been my understanding this property was rezoned in 2018 to Commercial/Residential and I was reassured by Mr. Mike Stuart in 2020\2021 there was no issues with me residing and working here; therefore I do not understand why I am having to rezone a property that was already rezoned by Mr. Ralph Roberts prior to purchase in 2019.

Prisoner in my own home;



Carolyn R. Richardson

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Project Name: Carolyn Richardson

Project Address/Location: 1301 S. Noland Rd, Independence Mo. 64055

Sq. Ft. of Building: <u>1,512</u>	Acreage: <u>0.22</u>	Number of Lots/Tracts: <u>1</u>	Stream Buffer (Yes or No): <u>NO</u>
Existing Zoning: <u>C-2</u>	Proposed Zoning: <u>R-16</u>	Existing Land Use: <u>Comm./Residential</u>	Proposed Land Use: <u>Residential</u>

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
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Contact Information

Applicant		Owner	
Name: <u>Carolyn Richardson</u>	Company: _____	Name: <u>Same as applicant</u>	Company: _____
Address: <u>1301 S. Noland Rd, Indep. Mo. 64055</u>		Address: _____	
Phone: <u>678-579-6998</u>	Email: <u>carolynrena@gmail.com</u>	Phone: _____	Email: _____
Architect/Engineer/Surveyor/Other: _____		Architect/Engineer/Surveyor/Other: _____	
Name: _____	Company: _____	Name: _____	Company: _____
Address: _____		Address: _____	
Phone: _____	Email: _____	Phone: _____	Email: _____
The applicant hereby agrees that the information provided above is accurate.			
Applicant's Signature: <u>Carolyn Richardson</u>	Date: <u>12/7/23</u>	Owner's Signature: <u>Carolyn Richardson</u>	Date: <u>12/7/23</u>

Property Owner Notification Letter

City of Independence, Missouri

Date: 1/8/2024

Case No. 24-100-05

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezone from C-2 (General Commercial) to R-6 (Single Family Residential).

Applicant: Carolyn Richardson

Location of Property: 1301 S. Noland Road

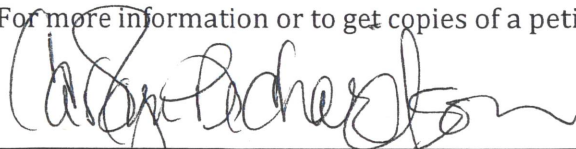
Planning Commission Meeting Date: January 23rd, 2024, at 6:00 p.m.

City Council Meeting Date: March 4th, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
 111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.



Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
REVEST LLC	1000 SCOTT DR	LIBERTY	MO	64068
TALLGRASS HOLDINGS LLC	8100 E 22ND ST N BLDG 300-100	WICHITA	KS	67226
HEARTLAND MANAGEMENT GROUP LLC	14112 W 141ST PL	OLATHE	KS	66062
HUDDLESTON ADRIAN	1304 S DODGION AVE	INDEPENDENCE	MO	64055
WOLFF HOLDINGS LLC	8600 LEES SUMMIT RD	KANSAS CITY	MO	64139
FENTON GARY W & GERALDINE C	1316 S DODGION AVE	INDEPENDENCE	MO	64055
COMBS CINDY A	1312 S DODGION AVE	INDEPENDENCE	MO	64055
LINRAY CORP	4321 S AVON DR	INDEPENDENCE	MO	64055
CORDAS VERONICA J	PO BOX 6966	LEES SUMMIT	MO	64064
KING KONG PROPERTIES LP	12903 E 35TH TER S	INDEPENDENCE	MO	64055
PERSAUD ENTERPRISES INC	3604 S GRAND AVE	SEDALIA	MO	65301

Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-100-05

I, Carolyn Richardson, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 6 day of Jan, 2024.

Carolyn Richardson
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 8 day of January, 2024

Joshua Alec Garrett
Notary Public

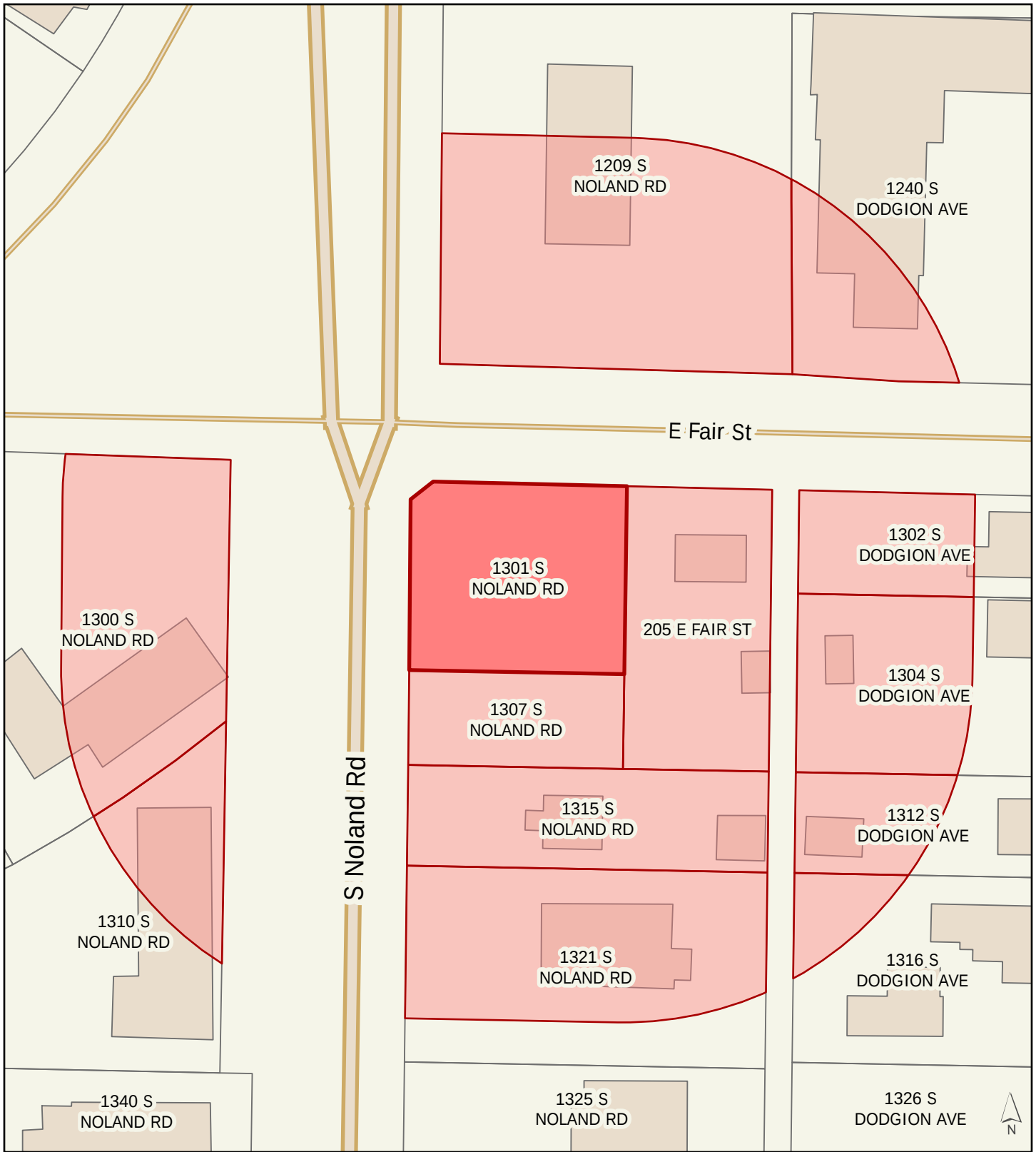
JOSHUA ALEC GARRETT
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: August 09, 2027
Commission Number: 23522832

8/9/2027
Commission Expiration Date

Notification Area

24-100-05

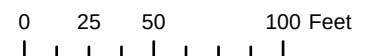
1301 S. Noland Road, Independence, MO 64055



Subject Property



185 ft Buffer Area



Prepared by Joshua Garrett, Community Development
Date: 1/8/2024

Legend

Major Roads



Road Centerline

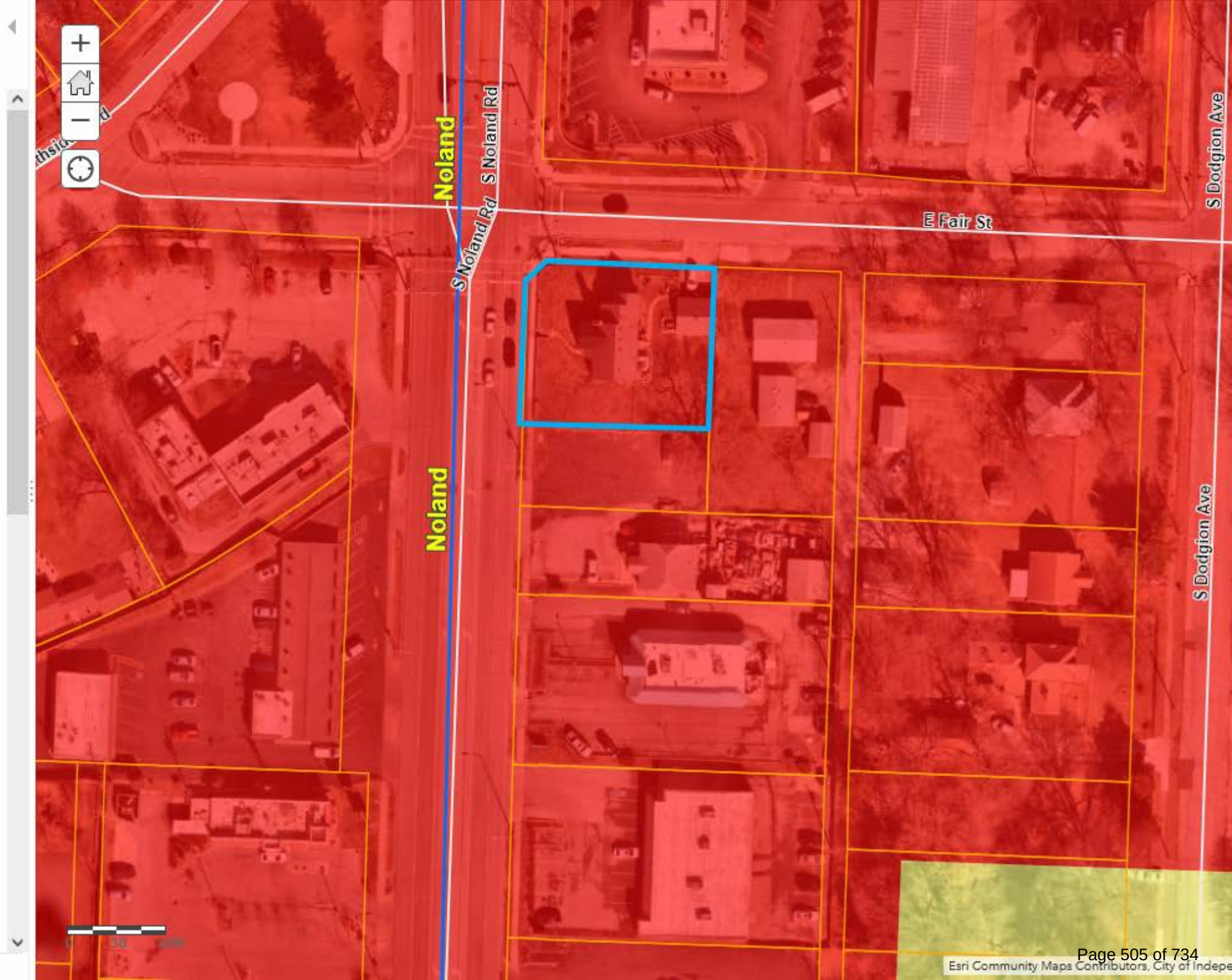


Parcels

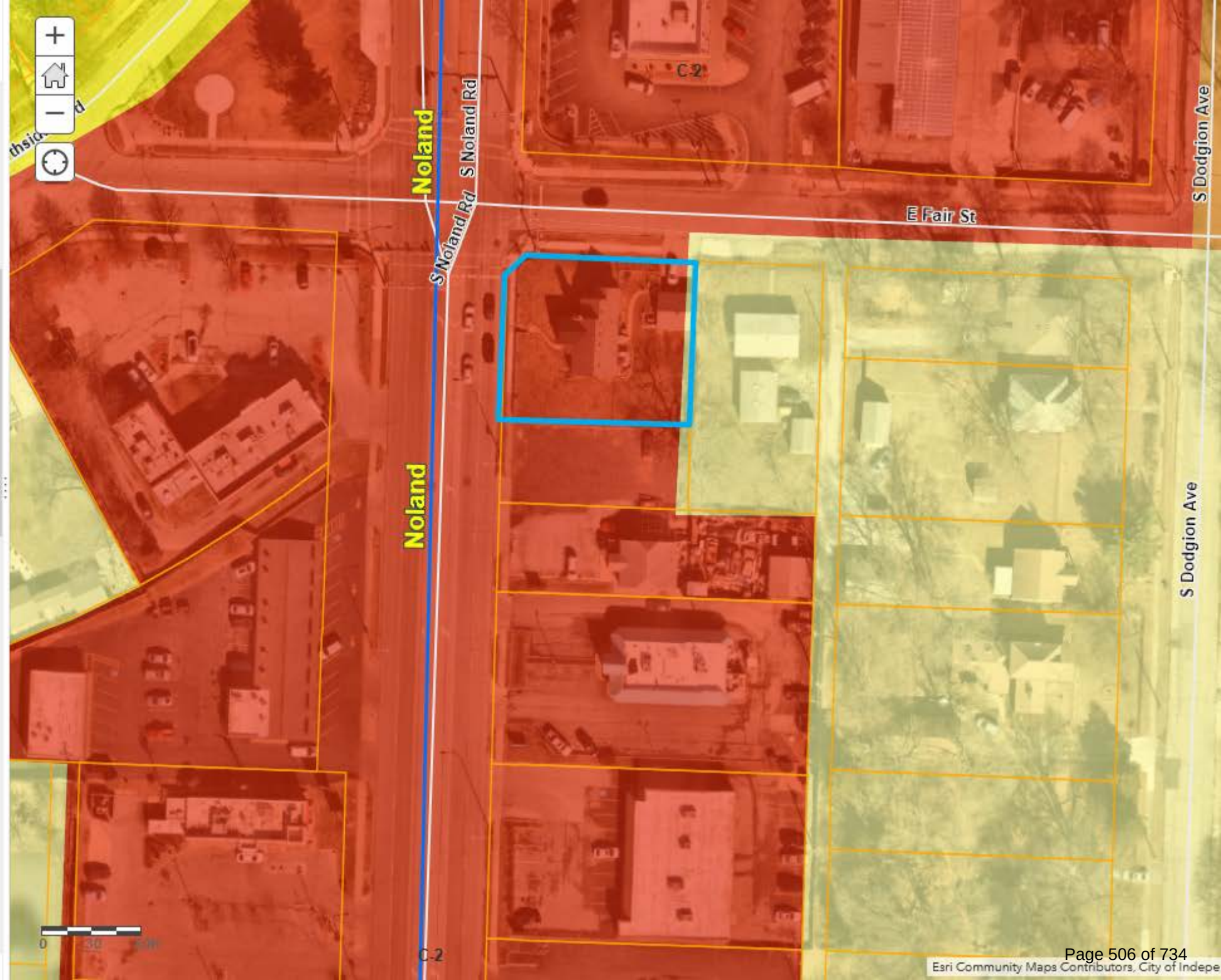


Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural



- Legend
- C-2
 - C-2/HL
 - C-2/I-1/U
 - C-2/PUD
 - C-2/SUP
 - C-3
 - C-3/SUP
 - DFD
 - I-1
 - I-1/HL
 - I-1/SUP
 - I-1/U
 - I-2
 - O-1
 - O-1/PUD
 - R-1
 - R-12
 - R-12/HL
 - R-12/PUD
 - R-18/PUD
 - R-2
 - R-2/PUD
 - R-30/PUD





City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-074 **1R** An ordinance approving a rezoning from District R-1 (Single Family Residential Estate) to R-6 (Single Family Residential) for a portion of the property at 19307 E. Holke Road. **1R**

Recommendations:

Commissioner Nesbitt made a motion to recommend approval of case 24-100-11, the rezoning of 19307 E. Holke Road. A second to the motion was made by Commissioner Ferguson. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Yes

Commissioner O'Neill – Yes

Commissioner Torres – Yes

Commissioner Wiley – Yes

The motion was approved, and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The property at 19307 E. Holke Road is currently a three-acre flag lot zoned R-1 Single Family Residential. The property owners, Mel Olsen and his wife, are looking relocate to Independence to be closer to family. Currently the property is undevelopable as building permits are not permitted to be issued on flag lots in R-1 zones (See. 14-300-06-E). To address this issue the applicant has applied for a minor subdivision to subdivide the land in such a way that a home may be built on the property.

The minor subdivision grants the “flag” portion of the existing lot to Mr. Olsen’s daughter and her husband, who own the adjacent property. This will leave the remainder of the existing lot along Holke Road on which the applicant may build a house.

However, to create this smaller lot requires the property to be rezoned prior to the approval of the minor subdivision. The smaller lot does not meet the minimum lot size standards for the current R-1 (Single-Family Residential Estate) zoning. To meet the standards outlined in the code (See 14-300-05), the property must be rezoned to R-6 (Single-Family Residential). The approval of the minor subdivision is conditioned on the approval of rezoning the property to R-6.

PROPERTY HISTORY:

The subject property was first platted in 2004 as part of the Valley View Ridge Plat. That same year the property was rezoned to R-E (Residential Estate). Prior to this change in 2004, the property was zoned R-1b (Single-Family Residential). When the current version of the UDO was

adopted in 2009, this designation was updated to be R-1 (Single-Family Residential Estate). Despite platting and rezoning the property, the subject property remained undeveloped.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The subject property is a vacant lot. The portion of the property that is to be rezoned abuts Holke Road and sits between two single-family residences.

CHARACTERISTICS OF THE AREA:

North of the subject property, across Holke Road, lies the Beacon Heights Community of Christ church. The south side of Holke Road features several single-family homes on larger than average lots.

REQUEST:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that the property can be used for a new single-family residence.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the Independence for All, Strategic Plan. One of the objectives of the plan is to improve the visual appearance of the community. Rezoning this property will allow the applicant to build a single-family home on the property which will be a visual improvement over the existing vacant lot.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. Rezoning the property to allow for the construction of a single-family home aligns with the vision of the comprehensive plan.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA:

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria.

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Residential Neighborhoods.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

There are no recent neighborhood or sub-area plans for this area.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

The surrounding area is a mix of residential zoning districts. The adjacent properties are R-6 (Single-Family Residential). There are also properties designated as R-1 (Single-Family Residential Estate) in the area. Rezoning this property to be R-6 will make it consistent with the other adjacent R-6 properties.

4. The compatibility of the proposed zoning and allowed uses with the character of the

neighborhood.

The existing character of the neighborhood to the east is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) is not compatible with other properties on Noland Road.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

With the current zoning in place, the property cannot be subdivided. This prevents the use of the property as a single-family home. By rezoning the property, the existing property can be subdivided and a single-family home may be built on the property. This is a preferable alternative to the current vacant lot.

6. The length of time the subject property has remained vacant as zoned.

The property has been vacant for many years. The property was initially platted and zoned for Single Family Res. Estate since 2004 and has remained undeveloped.

7. The extent of which approving the rezoning will detrimentally affect nearby properties.

Rezoning this property to R-6 will not have a detrimental effect on the nearby properties. If anything, the affect will be positive.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

Denial of the rezoning will prevent the submitted minor subdivision from being approved. This will also mean that the property will not be able to be developed as it is a flag lot. Rezoning to R-6 ensures that the property will be used for Single-Family Residential uses.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-100-11
2. Staff Report 24-100-11
3. Cover Letter
4. Application
5. Notification Letter
6. Address List
7. Notification Area Map
8. Affidavit
9. MS - Olsen - Valley View Rdg Replat 2 - City App - 4-29-24
10. Existing Zoning Prop Lines
11. Proposed Property Lines
12. Comp Plan Map
13. Zoning Map
14. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-1 (SINGLE FAMILY RESIDENTIAL ESTATE) TO R-6 (SINGLE FAMILY RESIDENTIAL) FOR A PORTION OF THE PROPERTY AT 19307 E. HOLKE ROAD.

WHEREAS, an application submitted by Melvin Olsen is requesting approval of a rezoning from District R-1 (Single-Family Residential Estate) to R-6 (Single-Family Residential) for a portion of the property at 19307 E. Holke Road was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the rezoning be approved by a vote of 7-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described property is hereby rezoned from District R-1 (Single Family Residential Estate) to District R-6 (Single-Family Residential) and shall be subject to the regulations of said district:

VALLEY VIEW RIDGE REPLAT LOTS 1-00 AND 1-01; THE N 170 FT OF LOT 1-00

SECTION 2. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 4. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the

Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 25, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Mel Olsen Rezone

CASE NUMBER/REQUEST: **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the subject property from R-1 (Single-Family Residential Estate) to R-6 (Single-Family Residential).

APPLICANT/OWNER: Melvin Olsen

PROPERTY ADDRESS: 19307 E. Holke Road, Independence, MO 64057

SURROUNDING ZONING/LAND USE:

North: R-6 (Single Family Residential) – Religious Assembly

South: R-1 (Single Family Residential Estate) – Single Family Homes/ Vacant Lot

East/West: R-6 (Single Family Residential) – Single Family Residences

PUBLIC NOTICE

- Letters to property owners within 185 feet – May 14, 2024
- Public Notice published in the Independence Examiner – June 4, 2024
- Sign posted on property – June 7, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 5, 2024, and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Mel Olsen to rezone the property from R-1 (Single-Family Residential Estate) to R-6 (Single-Family Residential).

Current Zoning:

R-1 (Single-Family Res. Estate)

Proposed Zoning:

R-6 (Single-Family Residential)

Current Use: Vacant Lot

Proposed Use: Single-Family Home

Acreage: 0.3044 Acres

Building Square Footage: N/A

BACKGROUND:

The property at 19307 E. Holke Road is currently a three-acre flag lot zoned R-1 Single Family Residential. The property owners, Mel Olsen and his wife, are looking relocate to Independence to be closer to family. Currently the property is undevelopable as building permits are not permitted to be issued on flag lots in R-1 zones (See. 14-300-06-E). To address this issue the applicant has applied for a minor subdivision to subdivide the land in such away that a home may be built on the property.

The minor subdivision grants the “flag” portion of the existing lot to Mr. Olsen’s daughter and her husband, who own the adjacent property. This will leave the remainder of the existing lot along Holke Road on which the applicant may build a house.

However, to create this smaller lot requires the property to be rezoned prior to the approval of the minor subdivision. The smaller lot does not meet the minimum lot size standards for the current R-1 (Single-Family Residential Estate) zoning. To meet the standards outlined in the code (See 14-300-05), the property must be rezoned to R-6 (Single-Family Residential). The approval of the minor subdivision is conditioned on the approval of rezoning the property to R-6.

PROPERTY HISTORY:

The subject property was first platted in 2004 as part of the Valley View Ridge Plat. That same year the property was rezoned to R-E (Residential Estate). Prior to this change in 2004, the property was zoned R-1b (Single-Family Residential). When the current version of the UDO was adopted in 2009, this designation was updated to be R-1 (Single-Family Residential Estate). Despite platting and rezoning the property, the subject property remained undeveloped.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property is a vacant lot. The portion of the property that is to be rezoned abuts Holke Road and sits between to single-family residences.

CHARACTERISTICS OF THE AREA:

North of the subject property, across Holke Road, lies the Beacon Heights Community of Christ church. The south side of Holke Road features several single-family homes on larger than average lots.

PROPOSAL:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that the property can be used for a new single-family residence.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to improve the visual appearance of the community. Rezoning this property will allow the applicant to build a single-family home on the property which will be a visual improvement over the existing vacant lot.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. Rezoning the property to allow for the construction of a single-family home aligns with the vision of the comprehensive plan.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Residential Neighborhoods.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

There are no recent neighborhood or sub-area plans for this area.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

The surrounding area is a mix of residential zoning districts. The adjacent properties are R-6 (Single-Family Residential). There are also properties designated as R-1 (Single-Family Residential Estate) in the area. Rezoning this property to be R-6 will make it consistent with the other adjacent R-6 properties.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

Rezoning to R-6 (Single-Family Residential) will ensure the character of the neighborhood is retained.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

With the current zoning in place, the property cannot be subdivided. This prevents the use of the property as a single-family home. By rezoning the property, the existing property can be subdivided and a single-family home may be built on the property. This is a preferable alternative to the current vacant lot.

6. The length of time the subject property has remained vacant as zoned.

The property has been vacant for many years. The property was initially platted and zoned for Single Family Res. Estate since 2004 and has remained undeveloped

7. The extent of which approving the rezoning will detrimentally affect nearby properties.

Rezoning this property to R-6 will not have a detrimental affect on the nearby properties. If anything, the affect will be positive.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

Denial of the rezoning will prevent the submitted minor subdivision from being approved. This will also mean that the property will not be able to be developed as it is a flag lot. Rezoning to R-6 ensures that the property will be used for Single-Family Residential uses.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Addresses
5. Notification Area Map
6. Affidavit
7. Plat Map
8. Existing Zoning and Prop Lines
9. Proposed Property Lines
10. Comp Plan Map
11. Zoning Map

March 8, 2024

City of Independence
Community Development
111 E Maple Ave.
Independence, MO 64050

Re: Attached Zoning application

My wife and I want to build a new house on the narrow piece of land at 19307 E Holke Rd and existing R-1 zoning with 35' side setbacks would leave only 8' for our house.

Please rezone this ¼ acre piece to R-6 with 5' side setbacks so there is enough space for our house.

Enclosed please find my check #1009 in the amount of \$500 for the application fee.

Sincerely,



Melvin E. Olsen

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☒ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Mel Olsen Rezone
Project Name

19307 E. Holke Rd
Project Address/Location

Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Steam Buffer (Yes or No)
<u>R-1</u>	<u>1/4</u>	<u>1</u>	<u>No</u>
<u>Existing Zoning</u>	<u>Proposed Zoning</u>	<u>Existing Land Use</u>	<u>Proposed Land Use</u>
<u>R-1</u>	<u>R-6</u>	<u>Vacant</u>	<u>my house</u>

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
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Contact Information

Applicant		Owner	
<u>Melvin E. Olsen</u>		<u>Same</u>	
Name	Company	Name	Company
<u>1251 Teton Dr., Lindon, UT 84042</u>		<u>1251 Teton Dr., Lindon, UT 84042</u>	
Address		Address	
<u>801-687-6021 melvinolsen@gmail.com</u>		<u>801-687-6021 melvinolsen@gmail.com</u>	
Phone	Email	Phone	Email
Architect/Engineer/Surveyor/Other: _____		Architect/Engineer/Surveyor/Other: _____	
Name		Name	
Company		Company	
Address		Address	
Phone		Phone	
Email		Email	

The applicant hereby agrees that the information provided above is accurate.

<u>Melvin E. Olsen</u>	<u>3/8/24</u>	<u>Melvin E. Olsen</u>	<u>3/8/24</u>
Applicant's Signature	Date	Owner's Signature	Date

City of Independence, Missouri

Date: 3/14/29

Case No. 24-100-11

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezoning a portion of the property at 19307 E Holke Road from R-1(Single Family Residential Estate) to R-6 (Single Family Residential).

Applicant: Melvin Olsen

Location of Property: 19307 E Holke Road

Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.

M. S. D.

Applicant (or Owner/Agent)

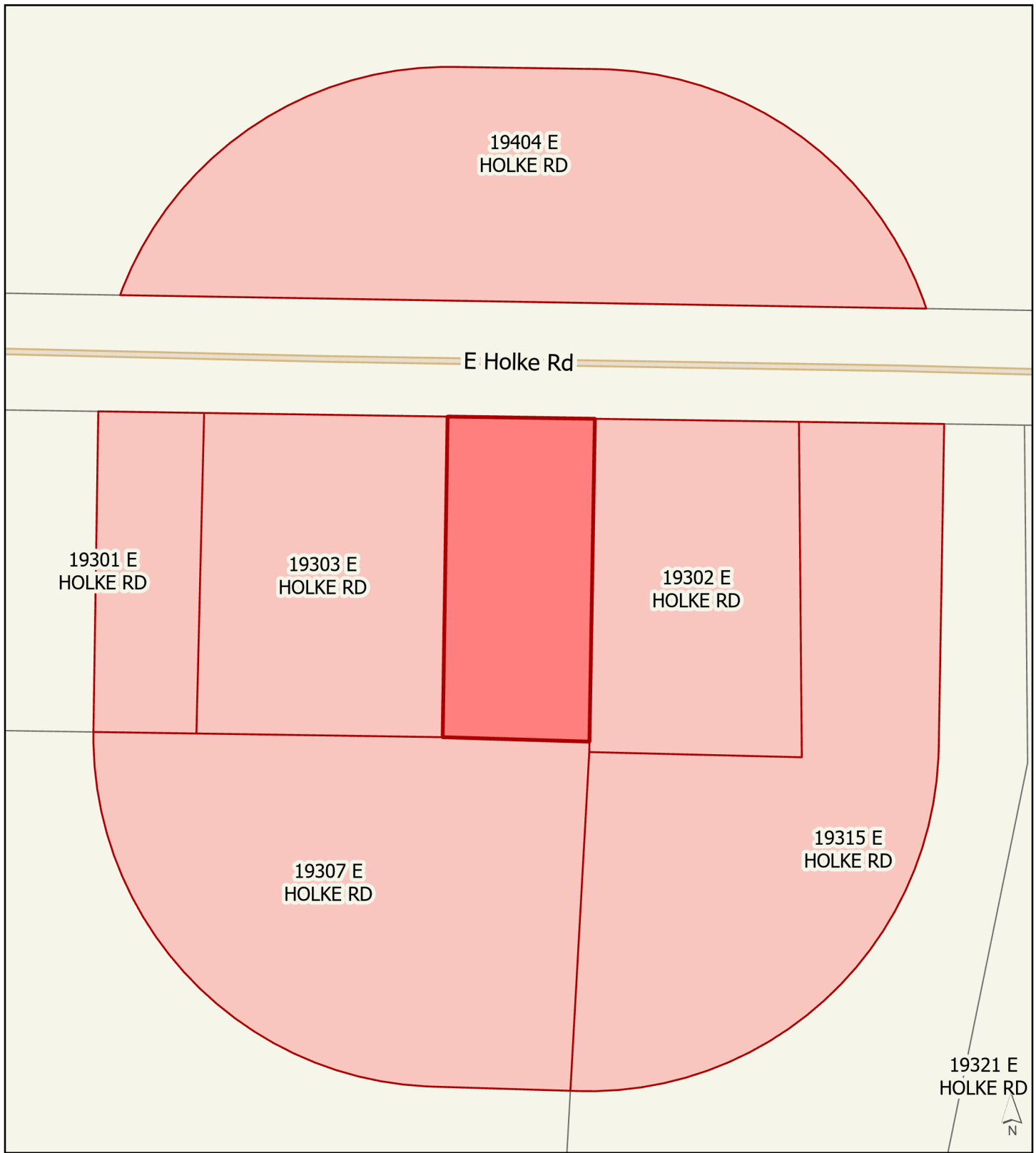
For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
PALMER MICHAEL LEE	19302 HOLKE RD	INDEPENDENCE	MO	64057
BARE MARSHALL E & AMANDA O	19315 HOLKE RD	INDEPENDENCE	MO	64057
DON M SALTER TRUST AGREEMENT	19303 E HOLKE RD	INDEPENDENCE	MO	64057
BLAND DAVID C & JOAN P	19301 E HOLKE RD	INDEPENDENCE	MO	64057-1405
REORGANIZED CHURCH OF JESUS	PO BOX 1059	INDEPENDENCE	MO	64051

Notification Area

24-100-11

19307 E. Holke Road, Independence, MO 64057



 Subject Property

 185 ft Buffer Area

0 25 50 100 Feet

Prepared by Joshua Garrett, Community Development
Date: 5/14/2024

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-100-11

I, Melvin E. Olsen, of lawful age being first duly sworn upon oath, state:

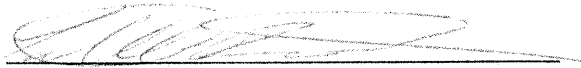
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 14 day of MAY, 2024.



Signature of Agent, Owner or Attorney

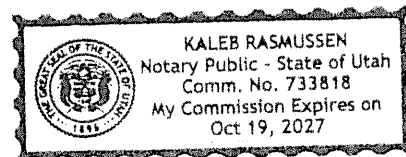
Subscribed and sworn to before me this 14th day of May, 2024.

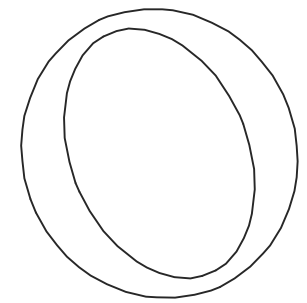


Notary Public

10/19/27

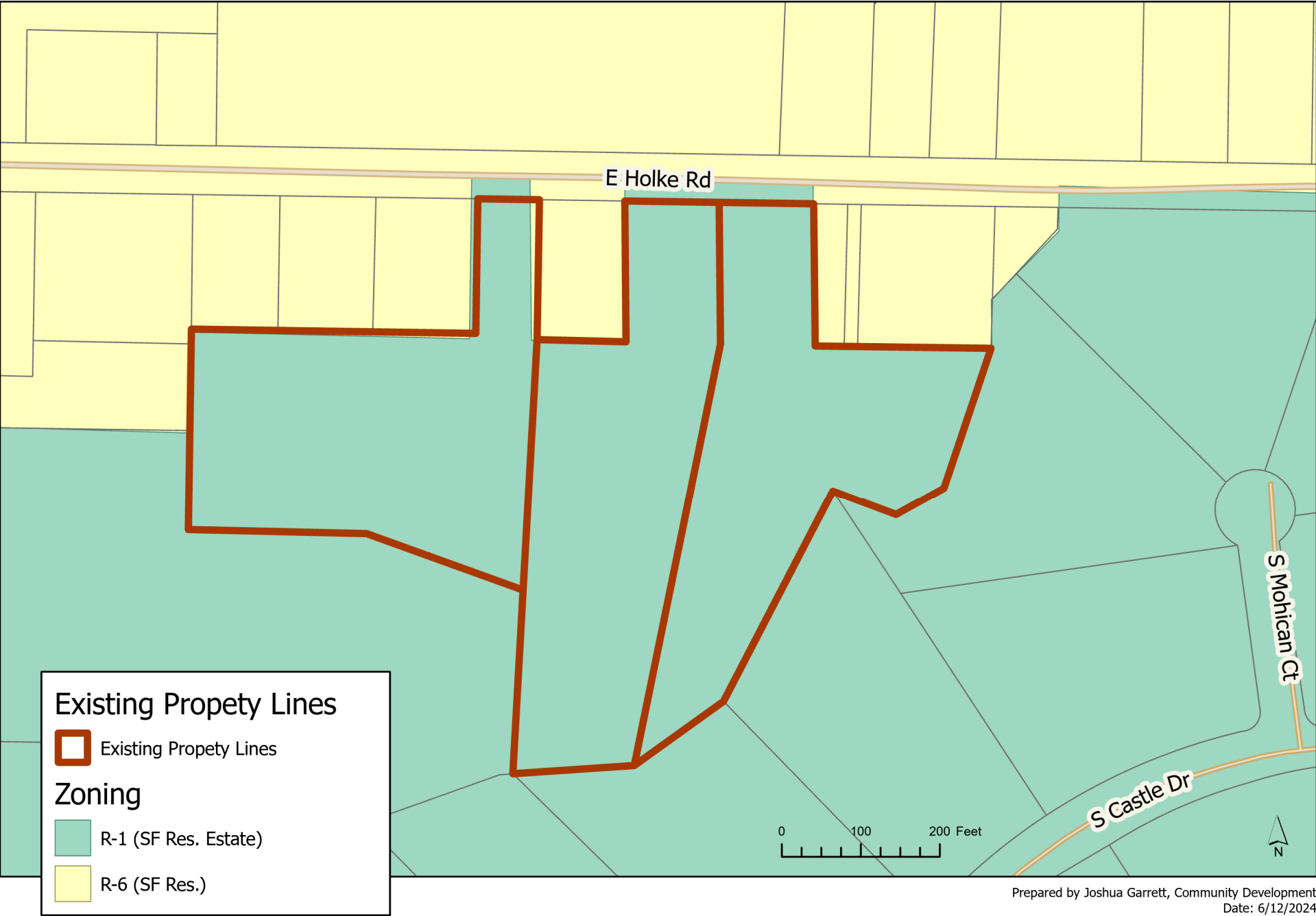
Commission Expiration Date





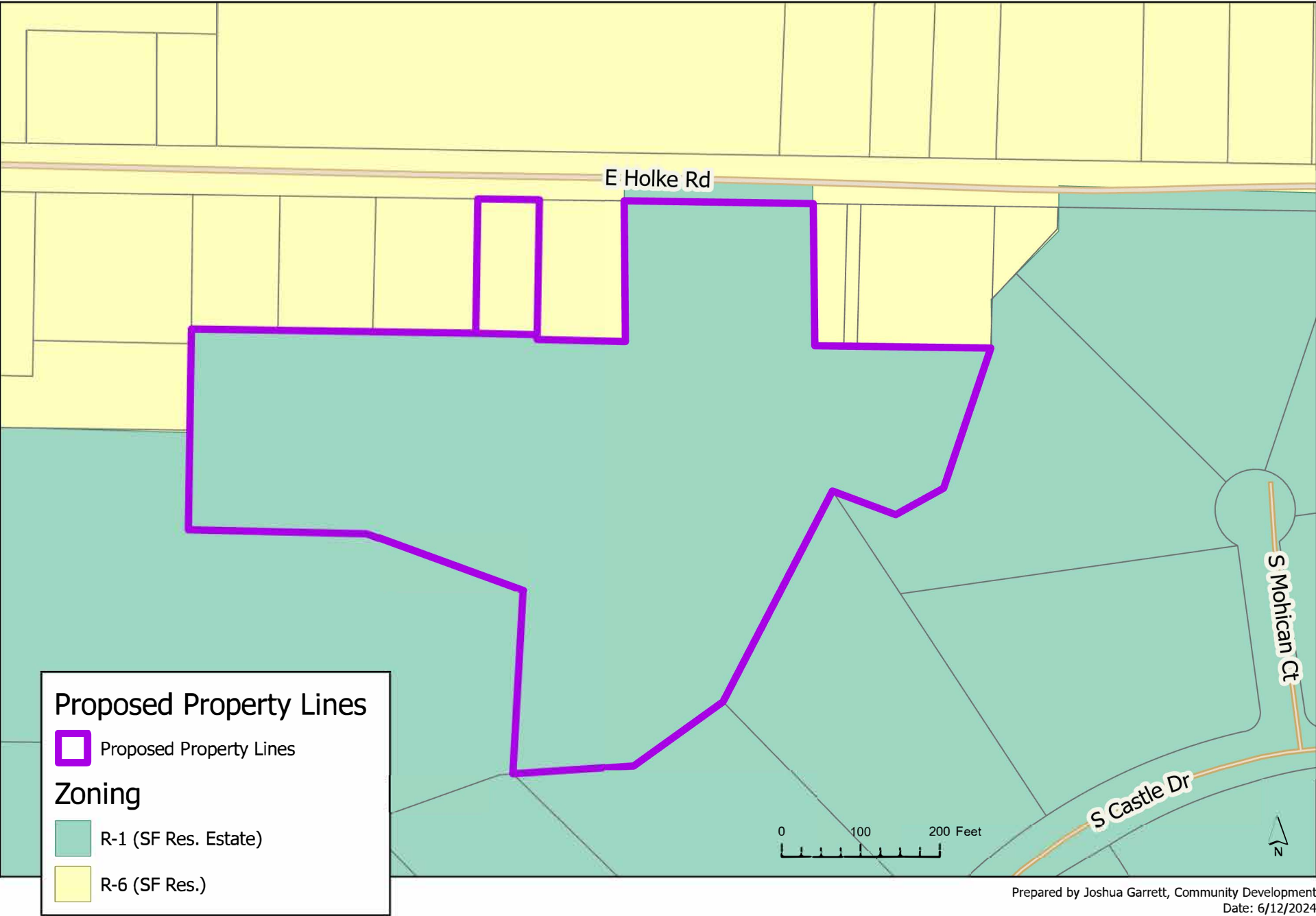
Existing Zoning and Property Lines

24-100-11



Proposed Property Lines

24-100-11



Legend

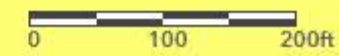
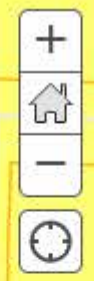
Road Centerline

Parcels

Municipal Boundaries

Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural

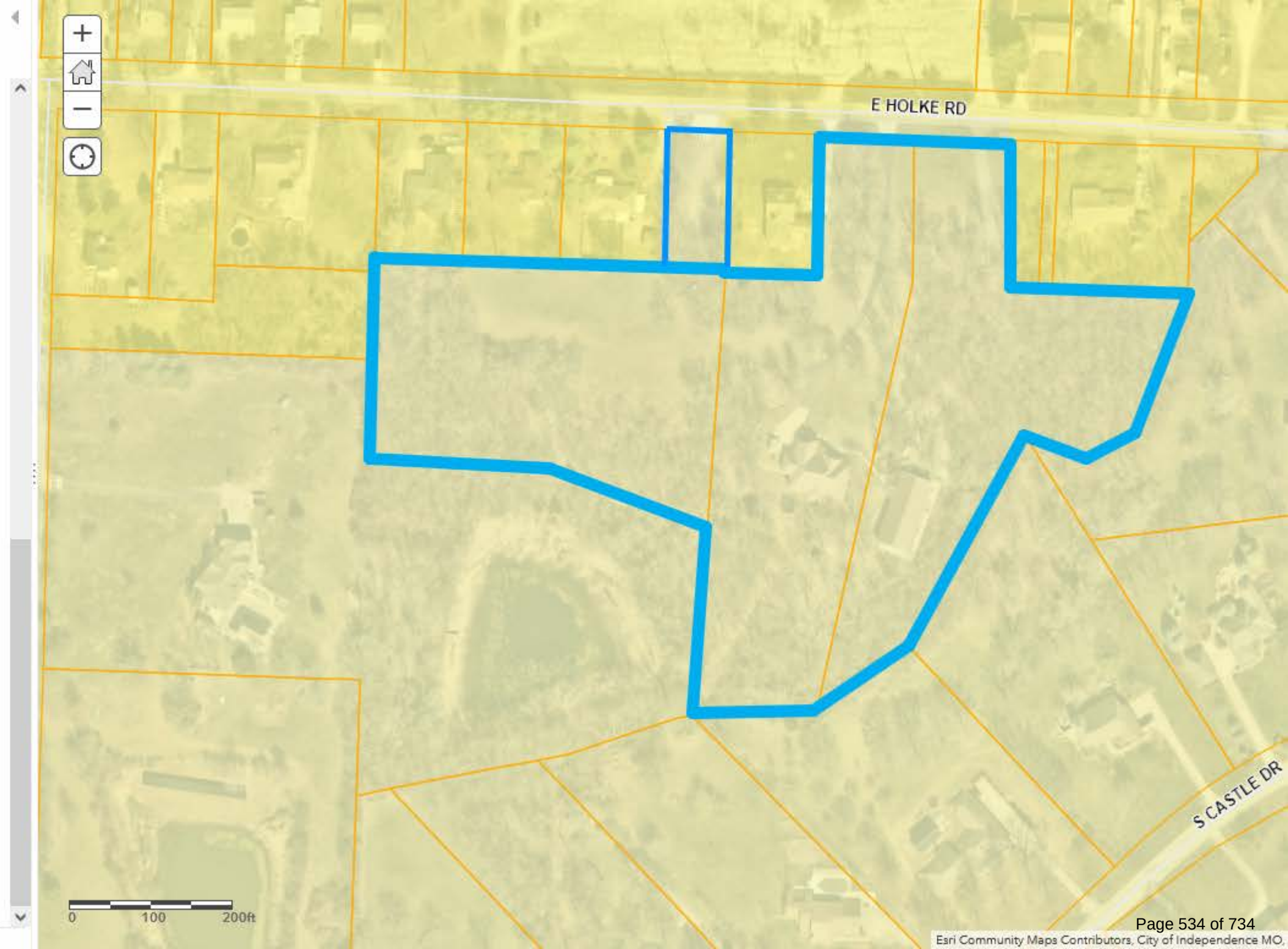


E HOLKE RD

S CASTLE DR

Legend

- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A
- R-A/I-2/U
- R-A/PUD





City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-075 **1R** An ordinance approving a rezoning from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan for the property located at 1550 S. Noland Road. **1R**

Recommendations:

Commissioner Nesbitt made a motion to recommend **APPROVAL** of this rezoning request, for property located at 1550 S. Noland Road, with the following conditions be included with the preliminary development plan:

1. The general automotive repair use shall be allowed in this C-2/PUD District.
2. The vacation of the easement shall be approved prior to the issuance of a building permit.
3. The proposed project and structure, to set on what is currently multiple-lots and vacated rights-of-way, must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

A second to the motion was made by Commissioner O'Neill. The Independence Planning Commission voted as follows:

Commissioner Nesbitt – Yes

Commissioner Wiley – Yes

Commissioner McClain – Yes

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner O'Neil – Yes

Commissioner Torres - Yes

The motion passed 7-0 and such application is forwarded to the City Council for its consideration. Staff concurs with the recommendation of the Planning Commission.

Background:

A request by Robert Merritt with Cable-Dahmer, LLC to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a Preliminary Development Plan for property at 1550 S. Noland Road.

The intent of this C-2/PUD (General Commercial/Planned Unit Development) application is to allow for Cable Dahmer to relocate the existing Crash Champions facility. The proposed location at 1550 S. Noland Road, is already zoned C-2 (General Commercial), which allows for limited (light) automobile repair. This operation does general (heavy) automotive repair as well; however, C-3 (Service Commercial) zoning would be required for that use. The uses allowed in the C-3 district zoning (which includes a number of industrial and wholesaling uses)

are not ones that would be compatible with the other C-2 uses along the corridor. A PUD would allow the existing C-2 uses to remain but could permit a tailored zoning that would narrowly add only the general automotive repair uses.

The services proposed are currently being performed at another location in the City but that location will be shut down and the operation will be relocated to this location where a former auto parts store currently sets. The existing structure will be expanded, doubling in size.

All of the proposed services will be conducted within the building. The temporary storage of wrecked vehicles awaiting repair will be confined to the rear of the property and screened by the building and fencing as required by the City. There are trees, a large pond and a railroad track behind the property that further provides screening and over 500 feet of distance from other uses in the area.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

This application furthers the goal of increasing the economic prosperity of the community and providing additional employment opportunities. It will also support the redevelopment of a key corridor in the city.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

One of the Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."

Sub-Area Plans:

The property is located within the Noland Now Plan Area.

Access/Parking:

Noland Road has six lanes, two of which are left-turn lanes. The proposed operation is not a high traffic-generator, and the street has turn lanes that allow for the safe and efficient flow of traffic. The existing accesses can serve the proposed use. Few changes are needed for the front and south parking lots. Two handicapped spaces (including one van-accessible) properly marked and signed must be created near the southeast corner of the existing structure. The proposed automotive storage area, for vehicles awaiting repair, will be constructed to the west building expansion.

Sidewalks:

The applicant needs to complete the property's north and south Noland Road sidewalk segments.

Public Utilities:

All utilities that are needed for this development are in place and can serve the operation.

Storm Sewers:

The drawing indicates storm sewers running along the north and south sides of the property sides of the property leading west to the rear of the property where a proposed underground detention basin will be created underneath an opaque, screened auto storage area.

Landscaping:

Most of the new landscaping on the north, east and west sides, to be added to meet the UDO, and will be in the green spaces created by existing islands. Further, additional plantings will abut the opaque screen on the north, west and south sides. A masonry trash enclosure will be

constructed at the eastern edge of the south parking aisle.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Replatting:

The site of the existing structure and proposed expansion will set on what is now six-lots, vacated alley and ½ of a soon to be vacated right-of-way. Therefore, the property must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

Recommendations and decisions for proposed planned unit development rezoning and its accompanying preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. The consistency with the Comprehensive Plan.*Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."*

2. The consistency with the PUD standards of Section 14-902, including the statement of purpose.*Section 14-902 is intended to allow design flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in conformance with that standard.*

3. The nature and extent of Common Open Space in the PUD.*This is an infill development on an existing commercial corridor with an existing structure that will be greatly expanded, nevertheless there will be a significant opportunity to create green spaces with planting areas.*

4. The reliability of the proposals for maintenance and conservation of Common Open Space.*Cable-Dahmer, LLC states that it will manage and own the property.*

5. The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.*Not applicable, this is a proposed commercial business.*

6. The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.*Public services in the area are adequate to serve this project. This proposed project will not adversely affect the street network in the vicinity of the project. Adequate parking is to be provided internal to the property.*

7. The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.*The proposed general automotive repair use is in keeping with the automotive uses along this portion of the Noland Road corridor.*

8. Whether potential adverse impacts have been mitigated to the maximum practical extent.*Mitigation efforts have been planned by the developer to reduce impacts to the area. This would be done by fencing and landscaping and providing adequate stormwater management.*

9. Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.*The Planned Unit Development allows for expansion of the C-2 uses to include general automotive repair without allowing more intense industrial and wholesaling uses.*

10. The sufficiency of the terms and conditions proposed to protect the interest of the public

and the residents of the PUD in the case of a plan that proposes development over a period of years. The PUD's controls would protect and reinforce the existing uses along the Noland Road corridor.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-125-06
2. Staff Report 24-125-06
3. Narrative 2024-05-09 Cable Dahmer Crash Champ
4. Application
5. Notification Letter
6. Address List
7. Notification Area Map
8. Affidavit
9. 1550 S Noland Rd COMBINED PDP-PREL.PLAT
10. Legal Description of Property
11. Revised Elevations
12. Utility Easement Vacation
13. Wellington Owner Letter Agreeing to Vacation
14. Comp Plan Map
15. Zoning Map
16. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT C-2/PUD (GENERAL COMMERCIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 1550 S. NOLAND ROAD.

WHEREAS, the application submitted to the Cable Dahmer/Crash SB Champions, LLC requesting approval of a rezoning from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and a preliminary development plan for property located at 1550 S. Noland Road was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held public hearings for the consideration of the request on June 25, 2024, and rendered a report to the City Council with its vote to recommend approval of this application passed by a vote of 7-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning and preliminary development plan was consistent with the review criteria in Section 14-701-02 and 14-703-05 respectively; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning PUD and preliminary development plan of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described tracts of real estate is hereby rezoned from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and shall be subject to the regulations of said district:

All of Lots 21 through 24 , Lots 31 through 34, and all that part of the vacated South Main Street all in Martha's Vineyard, a subdivision in the City of Independence, Jackson County, Missouri, being more particularly described as follows: commencing at the southeast corner of said Lot 24; thence North 88 degrees 15 minutes 42 seconds West, with the south line of Lots 24 and 31, a distance of 371.00 feet to the centerline of vacated South Main Street; thence North 01 degrees 44 minutes 54 seconds East, with the centerline of South Main Street, a distance of 240.00 feet, to a point on the westerly prolongation of the north line of Lot 34 Martha's Vineyard; thence South 88 degrees 15 minutes 42 seconds East, with the north lines of Lots 34 and 21, and their westerly prolongation, a distance of 371.00 feet to the northeast corner of Lot 21; thence South 01 degrees 44 minutes 54 seconds West, with the east lines of Lots 21, 22, 23, and 24,

a distance of 240.00 feet to the point of beginning. The above-described tract contains 89,404 square feet or 2.04 acres.

SECTION 2. That the Preliminary Development Plan, is attached hereto and is incorporated by reference as if fully set out herein, is hereby approved with the following conditions:

- 1) The general automotive repair use shall be allowed in this C-2/PUD District.
- 2) The vacation of the easement shall be approved prior to the issuance of a building permit.
- 3) The proposed project and structure, to set on what is currently multiple-lots and vacated rights-of-way, must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 25, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Cable Dahmer/Crash Champions – Noland Road

CASE NUMBER/REQUEST: **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

APPLICANT: Robert Merritt – Cable-Dahmer, LLC

OWNER: Jackie Davis – Wellington Real Estate, LLC

PROPERTY ADDRESS: 1550 S. Noland Road

SURROUNDING ZONING/LAND USE:

North:	C-2 (General Commercial)...vacant land
South:	C-2 (General Commercial)...car dealership
East:	C-2 (General Commercial)...office and retail uses
West:	C-2 (General Commercial)...vacant land and lake

PUBLIC NOTICE:

- Letters to adjoining property owners – June 7, 2024
- Public Notice published in The Kansas City Star – June 8, 2024
- Signs posted on property – June 7, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request and the preliminary development plan.

1. The general automotive repair use shall be allowed in this C-2/PUD District.
2. The vacation of the easement shall be approved prior to the issuance of a building permit.
3. The proposed project and structure, to set on what is currently multiple-lots and vacated rights-of-way, must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

A request by Robert Merritt with Cable-Dahmer, LLC to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a Preliminary Development Plan for property at 1550 S. Noland Road.

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	C-2/PUD (General Commercial/Planned Unit Development)
Current Use:	Vacant auto parts store	Proposed Use:	Automobile Repair Shop
Acreage:	1.9-acres	Building Square Foot:	21,287-square feet

BACKGROUND:

The intent of this C-2/PUD (General Commercial/Planned Unit Development) application is to allow for Cable Dahmer to relocate the existing Crash Champions facility. The proposed location at 1550 S. Noland Road, is already zoned C-2 (General Commercial), which allows for limited (light) automobile repair. This operation does general (heavy) automotive repair as well; however, C-3 (Service Commercial) zoning would be required for that use. The uses allowed in the C-3 district zoning (which includes a number of industrial and wholesaling uses) are not ones that would be compatible with the other C-2 uses along the corridor. A PUD would allow the existing C-2 uses to remain but could permit a tailored zoning that would narrowly add only the general automotive repair uses.

The services proposed are currently being performed at another location in the City but that location will be shut down and the operation will be relocated to this location where a former auto parts store currently sets. The existing structure will be expanded, doubling in size.

All of the proposed services will be conducted within the building. The temporary storage of wrecked vehicles awaiting repair will be confined to the rear of the property and screened by the building and fencing as required by the City. There are trees, a large pond and a railroad track behind the property that further provides screening and over 500 feet of distance from other uses in the area.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This application furthers the goal of increasing the economic prosperity of the community and providing additional employment opportunities. It will also support the redevelopment of a key corridor in the city.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

One of the Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."

Sub-Area Plans:

The property is located within the Noland Now Plan Area.

Access/Parking:

Noland Road has six lanes, two of which are left-turn lanes. The proposed operation is not a high traffic-generator and the street has turn lanes that allow for the safe and efficient flow of traffic. The existing accesses can serve the proposed use. Few changes are needed for the front and south parking lots. Two handicapped spaces (including one van-accessible) properly marked and signed must be created near the southeast corner of the existing structure. The proposed automotive storage area, for vehicles awaiting repair, will be constructed to the west building expansion.

Sidewalks:

The applicant needs to complete the property's north and south Noland Road sidewalk segments.

Public Utilities:

All utilities that are needed for this development are in place and can serve the operation.

Storm Sewers:

The drawing indicates storm sewers running along the north and south sides of the property sides of the property leading west to the rear of the property where a proposed underground detention basin will be created underneath an opaque, screened auto storage area.

Landscaping:

Most of the new landscaping on the north, east and west sides, to be added to meet the UDO, and will be in the green spaces created by existing islands. Further, additional plantings will abut the opaque screen on the north, west and south sides. A masonry trash enclosure will be constructed at the eastern edge of the south parking aisle.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Replatting:

The site of the existing structure and proposed expansion will set on what is now six-lots, vacated alley and ½ of a soon to be vacated right-of-way. Therefore, the property must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

REVIEW CRITERIA

Recommendations and decisions for the proposed planned unit development rezoning and its associated preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**
Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**

Section 14-902 is intended to allow design flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in conformance with that standard.

3. **The nature and extent of Common Open Space in the PUD.**

This is an infill development on an existing commercial corridor with an existing structure that will be greatly expanded, never-the-less there will be a significant opportunity to create green spaces with planting areas.

4. **The reliability of the proposals for maintenance and conservation of Common Open Space.**

Cable-Dahmer, LLC states that it will manage and own the property.

5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.**

Not applicable, this is a proposed commercial business.

6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.**

Public services in the area are adequate to serve this project. This proposed project will not adversely affect the street network in the vicinity of the project. Adequate parking is to be provided internal to the property.

7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.**

The proposed general automotive repair use is in keeping with the automotive uses along this portion of the Noland Road corridor.

8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.**

Mitigation efforts have been planned by the developer to reduce impacts to the area. This would be done by fencing and landscaping and providing adequate stormwater management.

9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.**

The Planned Unit Development allows for expansion of the C-2 uses to include general automotive repair without allowing more intense industrial and wholesaling uses.

10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**

The PUD's controls would protect and reinforce the existing uses along the Noland Road corridor.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Address List
5. Notification Map
6. Affidavit
7. Preliminary Development Plan
8. Legal Description
9. Revised Elevations
10. Utility Easement Vacation
11. Vacation Letter of Agreement
12. Comp Plan Map
13. Zoning Map

05/09/2024

Mr Brian Harker
City of Independence – Planning Division
111 E Maple Ave
Independence, MO 64050

RE: Cable Dahmer – Crash Champions – Statement for C-2/PUD
1550 S Noland Rd
Independence, MO

The intent of the C-2/PUD application is to allow for Cable Dahmer to relocate an existing Crash Champions operation and stay within the City. Cable Dahmer has met with City staff and reviewed the project with them. Cable Dahmer offers the following for this requested application:

- The development is commercial and is consistent with the City's comprehensive plan.
- City staff supports the use of a C-2/PUD for this development vs. rezoning to C-3.
- The surrounding area is zoned C-2 and limited vehicle repair services are allowed in C-2. Due to the nature of the business, staff believed that the best course of action was to seek a C-2/PUD. This allows the flexibility for future C-2 uses, not C-3 uses, if and when Crash Champions ceases to operate at this location.
- The services proposed are currently being performed at another location in the City, but that location will be shut down and the operation will be relocated to this location. It is a needed service and it will remain in the City if this application is approved.
- All of the proposed services will be conducted within the building. The temporary storage of wrecked vehicles awaiting repair will be confined to the rear of the property and screened by the building and fencing as required by the City. There are trees, a large pond and a railroad track behind the property that further provides screening and over 500 feet of distance to other development in the area.
- Noland Rd has 6 lanes, 2 of which are left-turn lanes. The proposed operation is not a high traffic generator and the street has turn lanes that allow for the safe and efficient flow of traffic.
- All utilities that are needed for this development are in place and can serve the operation.

Please let me know if there is anything else you need (krohner@weareown.com or 913.219.3762).

Sincerely,



Kevin A Rohner, PE
Project Manager

cc: Robert Merritt

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☒ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☒ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Cable Dahmer/Crash Champions - Noland Rd

Project Name

1550 S Noland Rd

Project Address/Location

21,287 SF (Total: Ex + Prop) 1.9 ac

1

No

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Steam Buffer (Yes or No)

C-2

PUD (in C-2)

Vacant Bldg & Parking

Collision Repair & Office

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☒ Completed & Signed Application Form	☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
☒ Application Fee	☒ One PDF copy of a plat map or site plan
☒ Cover Letter Describing Details of Project	☒ Legal Description of the property in question

Contact Information

Applicant

Robert Merritt

Cable-Dahmer LLC

Name

Company

13700 Wyandotte St, Kansas City, MO 64145

Address

816.419.9206

rmerritt@cabledahmer.com

Phone

Email

~~Architect/Engineer/Surveyor/Other:~~ Engineer

Kevin Rohner

OWN Inc

Name

Company

8455 College Blvd, Overland Park, KS 66210

Address

913.219.3762

krohner@weareown.com

Phone

Email

Owner

Jackie Davis

Wellington Real Estate LLC

Name

Company

16500 E 23rd St, Independence, MO 64055

Address

816.372.8343

tiretrend@gmail.com

Phone

Email

~~Architect/Engineer/Surveyor/Other:~~ Owner

Ken McClain

Lakeside Shopping Center

Name

Company

221 W Lexington, Ste 400, Independence, MO 64050

Address

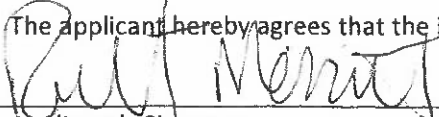
816.225.5444

kbm@hfmlegal.com

Phone

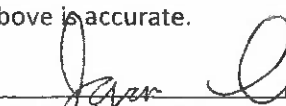
Email

The applicant hereby agrees that the information provided above is accurate.


Applicant's Signature

Date

5-8-2024


Owner's Signature

Date

5-6-2024

Appendix B - Property Owner Notification Letter

City of Independence, Missouri

Date: June 5, 2024

Case No. 24-125-06

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

☐ Rezoning ☒ Rezoning/PUD

☐ Special Use Permit

☒ Preliminary Development Plan

Proposed project description: Relocation of a Crash Champions operation to include

office, evaluation/estimating, shop & collision repair spaces. Rezoning from C-2 to C-2/PUD

Applicant: Cable-Dahmer LLC (Robert Merritt)

Location of Property: 1550 S Noland Rd

Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.



OWN, Inc, Agent

Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

CABLE DAHMER – CRASH CHAMPIONS

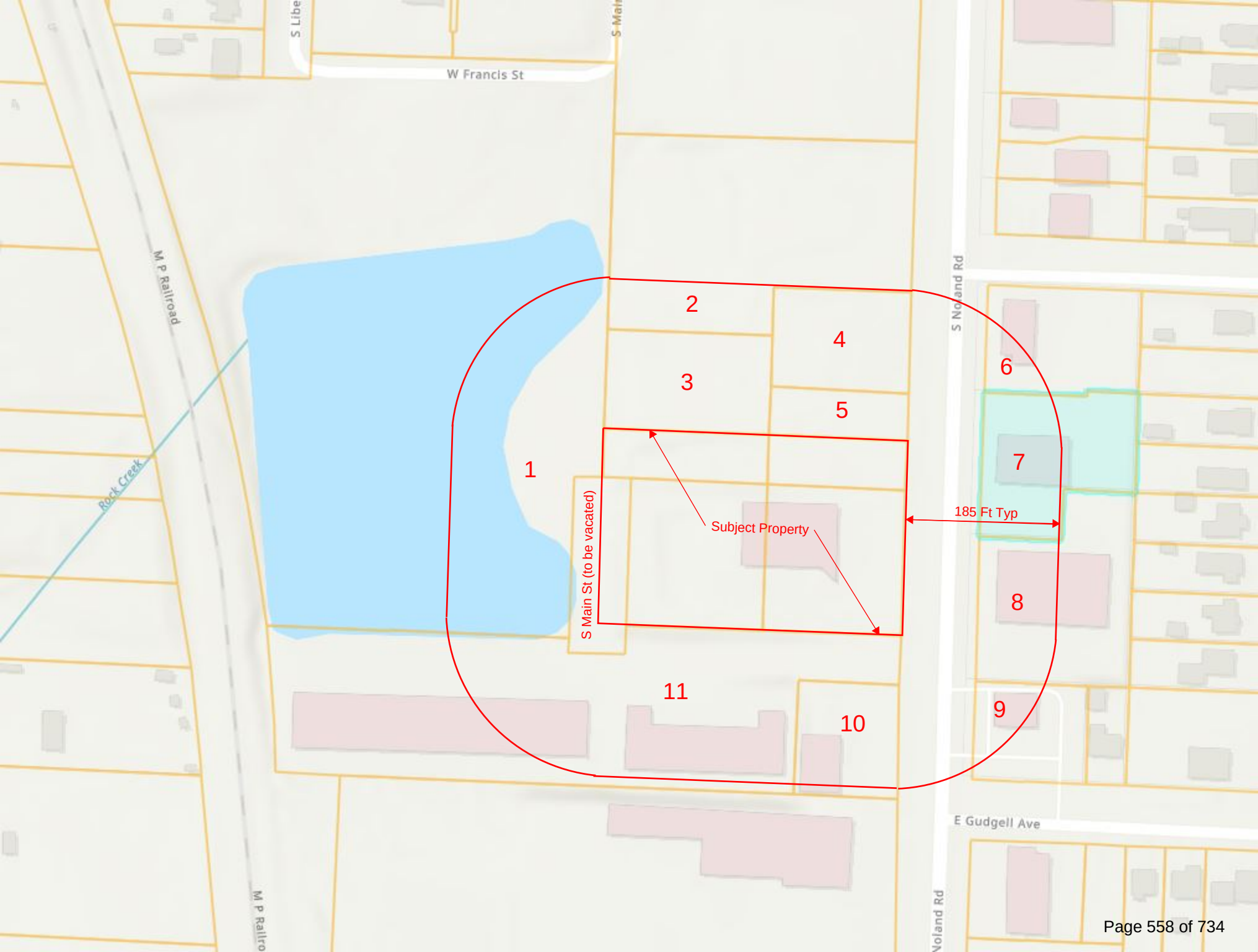
1550 S NOLAND RD

NOTIFICATION MAILING LIST

06/07/2024

(See Notification Map for the listed property locations)

Property No.	Owner	Mailing Address
1	Oakwood Enterprises LLC	PO Box 900 Independence, MO 64051
1	Oakwood Enterprises LLC	c/o Ken McClain 221 W Lexington, Ste 400 Independence, MO 64050
2, 3, 4, 5	Lakeside Shopping Center LLC	c/o Ken McClain 221 W Lexington, Ste 400 Independence, MO 64050
6, 7, 8	JPI LLC	PO Box 901514 Kansas City, MO 64190
9	Budget Noland Rd LLC	8826 Santa Fe Dr, Ste 300 Overland Park, KS 66212
10	Lakeside Shopping Center LLC	5359 Merriam Dr Mission, KS 66205
11	1600 South Noland Road Investments LLC	1600 S Noland Rd Independence, MO 64055



Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

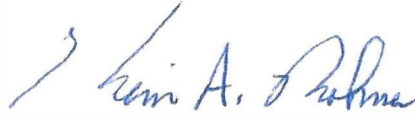
COUNTY OF JACKSON

Case No. 24-125-06

I, Kevin A Rohner w/OWN, Inc, of lawful age being first duly sworn upon oath, state:

That I am the (agent, ~~owner~~, ~~attorney~~) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

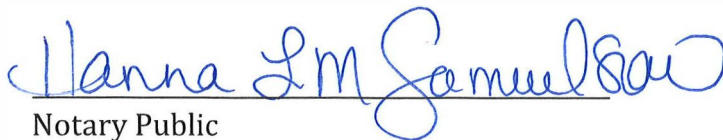
These notices were mailed on the 5th day of June, 2024.



OWN, Inc, Agent

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 5th day of June, 2024.



Notary Public



04-22-2026

Commission Expiration Date



FORMERLY ANDERSON ENGINEERING

1550 S. NOLAND RD
INDEPENDENCE, MO 64055

[illegible]

PROJECT NO: 24KC10005

DRAWN BY: KSC

DRAWN BY: KSC

CHECK BY: KAR

ISSUED DATE: 05/09/2024

ISSUED DATE: 05/09/2024

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUED BY: -

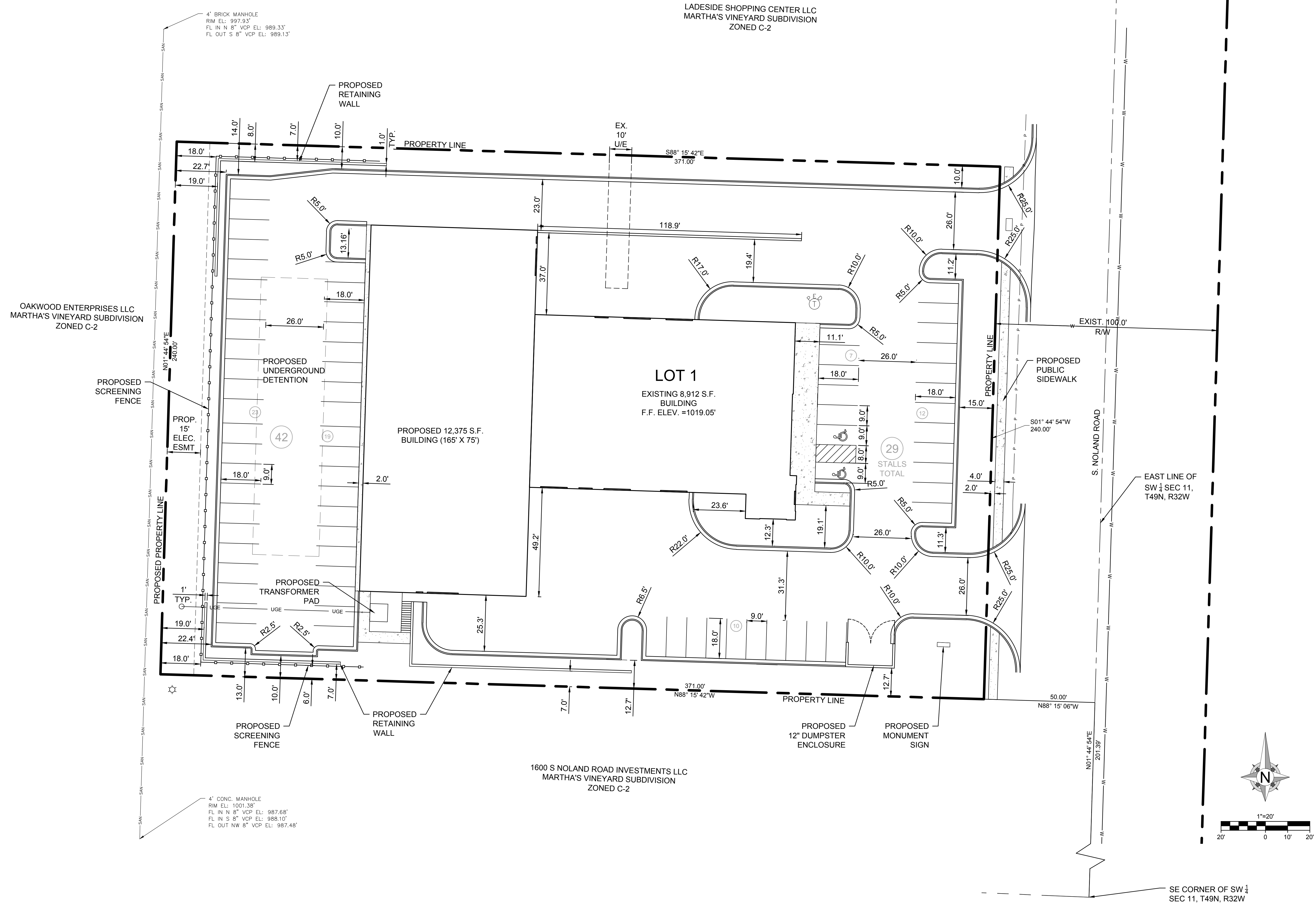
LICENSE NO: -

A licensed Missouri
Engineering Corporation
COA# 00062

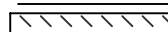
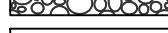
PDP/PREL. PLAT

SITE PLAN

2



<u>SYMBOL</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON / BOTANICAL NAME</u>	<u>CONT</u>	<u>CAL</u>	<u>SIZE</u>
<u>DECIDUOUS TREES</u>						
	GP	4	PRINCETON SENTRY MAIDENHAIR TREE / GINKGO BILOBA 'PRINCETON SENTRY'	B & B	2"	CAL
	GI	3	THORNLESS HONEY LOCUST / GLEDITSIA TRIACANTHOS INERMIS "IMPERIAL"	B & B	2"	CAL
	QP	1	AMERICAN DREAM OAK / QUERCUS BICOLOR 'JFS-KW12' TM	B & B	2"	CAL
<u>EVERGREEN TREES</u>						
	JB	5	BLUE POINT JUNIPER / JUNIPERUS CHINENSIS 'BLUE POINT'	B & B		6" TALL
<u>ORNAMENTAL TREES</u>						
	MR2	3	ROYALTY CRABAPPLE / MALUS X 'ROYALTY'	B & B	1.5"	CAL

<u>SHRUBS</u>					
	JA	36	ANDORRA JUNIPER / JUNIPERUS HORIZONTALIS 'ANDORRA'	3 GAL	
	JO	18	GREY OWL EASTERN REDCEDAR / JUNIPERUS VIRGINIANA 'GREY OWL'	3 GAL	
	PT	14	TINY WINE® NINEBARK / PHYSOCARPUS OPULIFOLIUS 'SMPOTW'	3 GAL	
<u>GRASSES & PERENNIALS</u>					
	AI	43	SHINING BLUE BLUESTAR / AMSONIA ILLUSTRIS	1 GAL	
	BG	26	BLONDE AMBITION BLUE GRAMA / BOUTELOUA GRACILIS	1 GAL	
	SC	17	CAROUSEL LITTLE BLUESTEM / SCHIZACHYRIUM SCOPARIUM 'CAROUSEL'	1 GAL	
<u>SYMBOL</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON / BOTANICAL NAME</u>	<u>CONT</u>	<u>SPACING</u>
<u>GROUND COVERS</u>					
	EP	5,415	PURPLE WINTERCREEPER / EUONYMUS COLORATUS	PLUGS	12" o.c.
	ROCK2	1,309 SF	ROUND SMOOTH STONE 1-3" / MISSOURI RAINBOW	ROCK	
	SOD	8,777 SF	TALL FESCUE / TURF TYPE TALL FESCUE	SOD	

EXISTING 10" TREE TO SAVE AND PROTECT.

NOTE: CONTRACTOR SHALL INSTALL WOODEN LATH SNOW FENCING, BRIGHTLY COLORED PLASTIC CONSTRUCTION FENCING, CHAIN LINK FENCING, OR AN ALTERNATIVE BARRIER SECURELY ANCHORED TO FENCE POSTS AT THE PERIPHERY OF THE TREE'S DRIP LINE OR BEYOND TO PROTECT THE VEGETATION FROM ALL CONSTRUCTION ACTIVITIES, INCLUDING EARTHWORK OPERATIONS, MOVEMENT AND STORAGE OF EQUIPMENT AND MATERIALS.

TREE PRESERVATION (14-500-03)

PROVIDED:
1 TREE BETWEEN 9-12" DBH = 2 CREDITS

STREET TREES - NONRESIDENTIAL DISTRICTS (15-503-02-D)

REQUIRED:
1 TREE PER 40 FEET OF STREET FRONTAGE:
NOLAND ROAD = 4 TREES

PROVIDED:
NOLAND ROAD = 4 TREES

LANDSCAPED OPEN SPACE (14-503-04-B)

REQUIRED:
MINIMUM 20% OF THE AREA WITHIN 20 FEET OF THE PERIMETER OF ALL BUILDINGS

PROVIDED:
MINIMUM 20% OF THE AREA WITHIN 20 FEET OF THE PERIMETER OF ALL BUILDINGS

PARKING LOT PERIMETER LANDSCAPING (15-503-05)

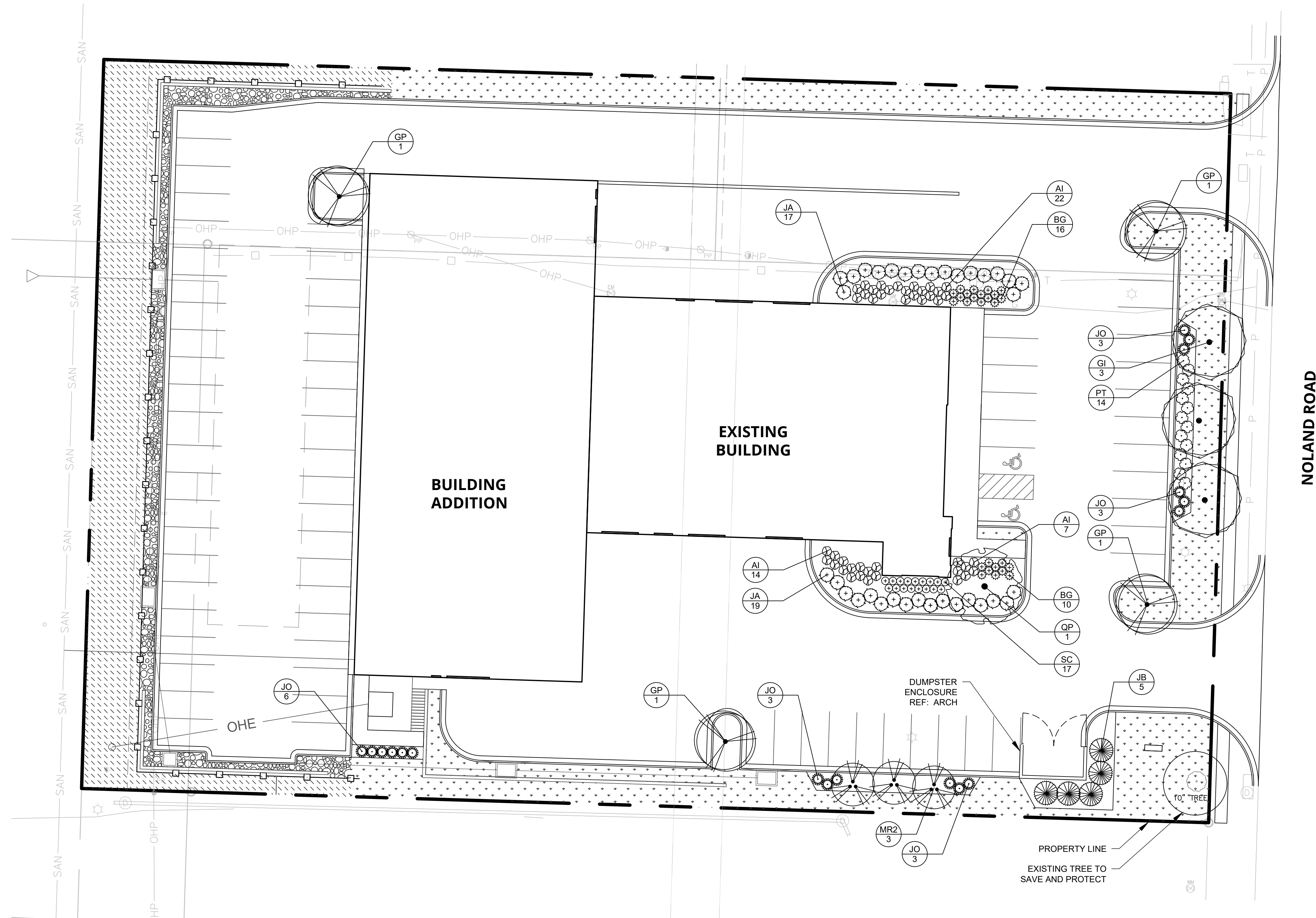
REQUIRED ON SITES WITH OVER 5 ACRES:
1 TREE AND 3 SHRUBS PER 40 FEET OF PARKING LOT PERIMETER:
205 FEET = 5 TREES AND 15 SHRUBS

PROVIDED:
5 TREES AND 15 SHRUBS

PARKING LOT INTERIOR LANDSCAPING (15-503-06)

REQUIRED:
EACH LANDSCAPE ISLAND MUST INCLUDE AT LEAST 1 TREE
1 TREE AND 3 SHRUBS FOR EVERY 20 PARKING SPACES
72 PARKING SPACES = 4 TREES AND 11 SHRUBS

PROVIDED:
4 TREES AND 11 SHRUBS



0 20' 40'

GRAPHIC SCALE 20'



landWorks
STUDIO
102 S. Cherry Street
Olathe, KS 66061
p. 913.780.6707
www.landworksstudio.com

The logo for OWN Engineering features a stylized graphic of two overlapping chevrons pointing upwards, one in a light blue color and the other in a darker blue color. Below this graphic, the letters "OWN" are written in a large, bold, dark blue sans-serif font. Underneath "OWN", the word "Engineering" is written in a smaller, dark blue sans-serif font, followed by the tagline "beyond." in a lighter blue sans-serif font.

OWN
Engineering beyond.

8455 College Boulevard
Overland Park, KS 66210
816.777.0400
wearcrown.com

FORMERLY ANDERSON ENGINEERING

CRASH CHAMPIONS
S. NOLAND RD

1550 S. NOLAND RD
INDEPENDENCE, MO 64055

[illegible]

DRAWING INFORMATION

PROJECT NO: 24KC10005
DRAWN BY: EMF
CHECK BY: EMF
ISSUED DATE: 05/9/2024

ISSUED BY: -
LICENSE NO: -

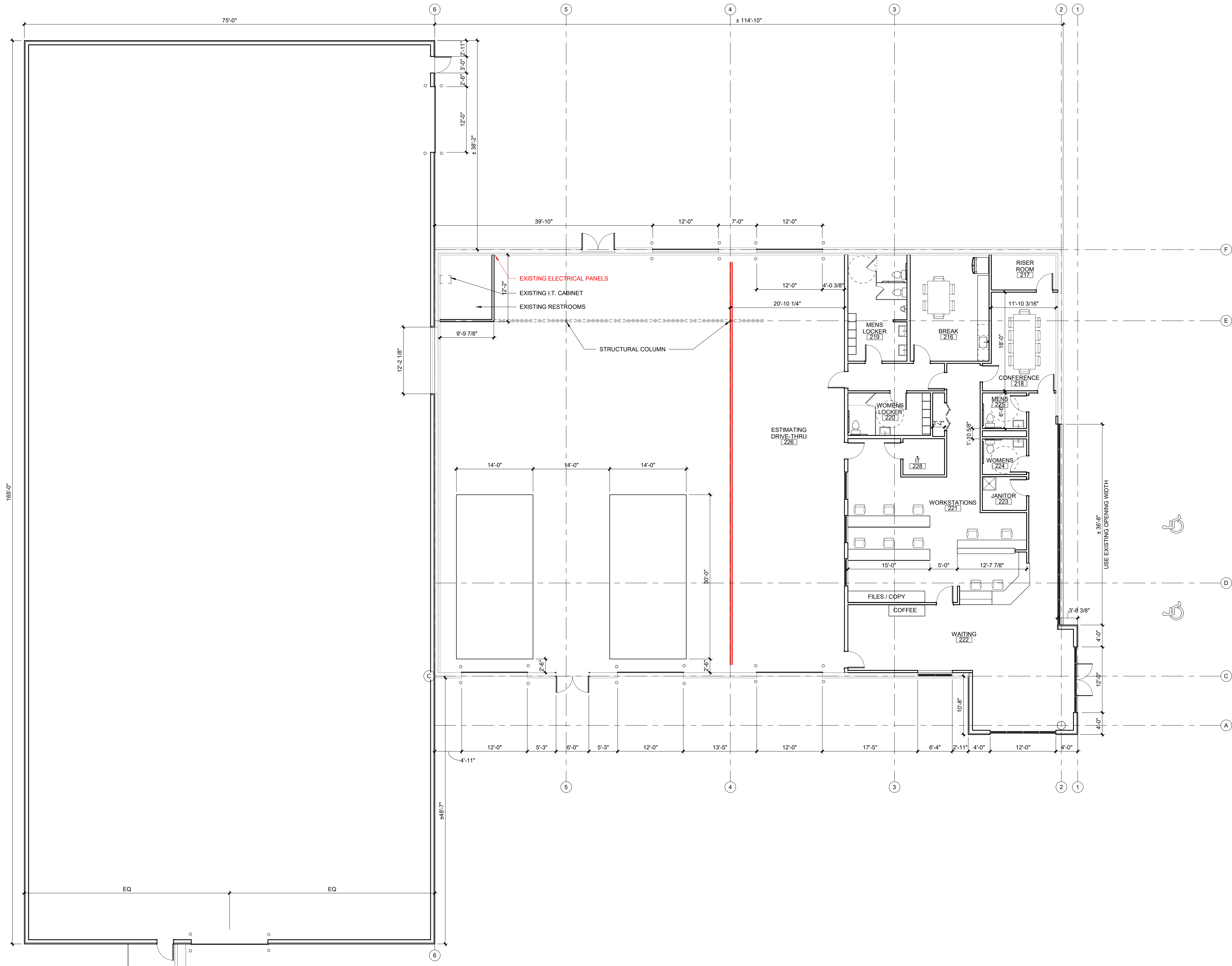
A licensed Missouri
Engineering Corporation
COA# 00062

SHEET TITLE

LANDSCAPE
PLAN

SHEET NUMBER

4



CRASH CHAMPIONS 1550 S NOLAND RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003
Date: 5/9/2024
Issued For: 5/9/2024

REVISIONS		
No.	Date	Description

REGISTRATION

NOT FOR CONSTRUCTION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	OWN, INC.
LANDSCAPE	OWN, INC.
FOUNDATIONS	TBD
STRUCTURAL	TBD
PLUMBING	TBD
MECHANICAL	TBD
ELECTRICAL	TBD
FIRE PROTECTION	TBD
CONTRACTOR	TBD



FINKLE + WILLIAMS
ARCHITECTURE

8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913.498.1550
www.finklewilliams.com

SHEET TITLE

PRELIMINARY
FLOOR PLAN

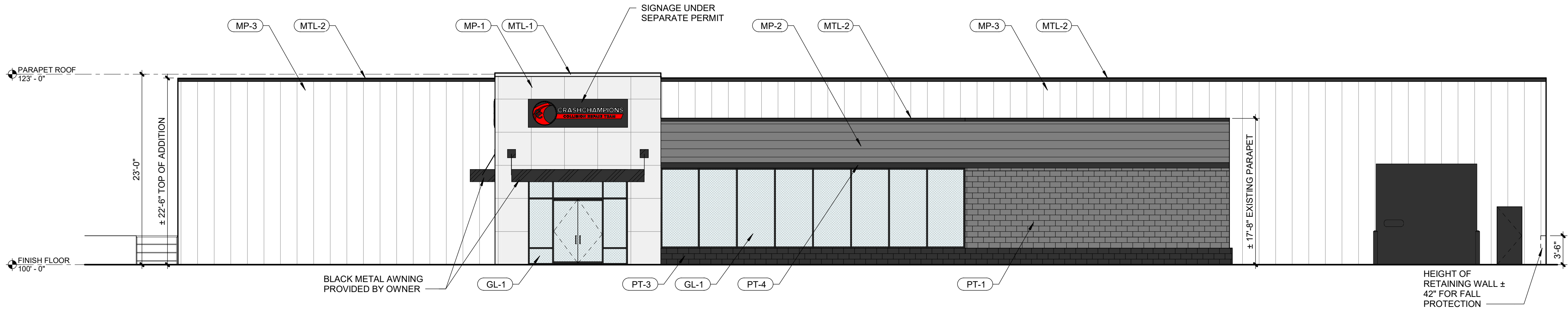
SHEET NUMBER

5

EXTERIOR MATERIAL LEGEND

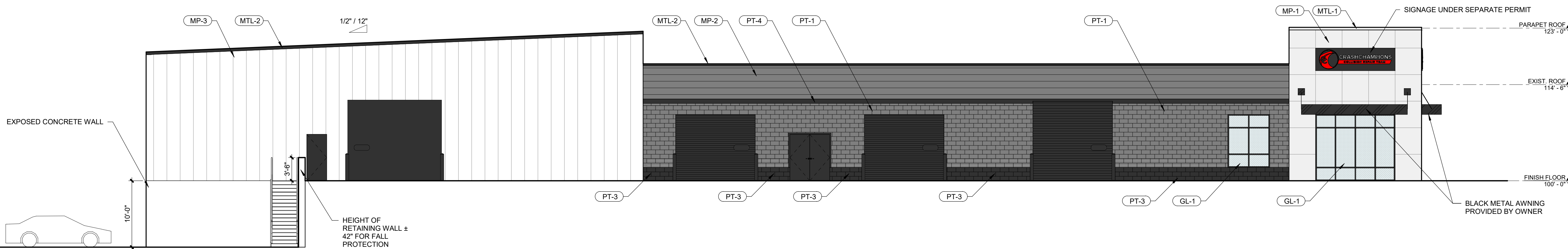
NOTE: ALL METAL DOORS TO BE PAINTED WITH PRO INDUSTRIAL DTM ACRYLIC PAINT (SHEEN: SEMI-GLOSS) COLOR SW6258 TRICORN BLACK

- MP-1 RYNOBOND ALUMINUM COMPOSITE METAL PANEL
COLOR: "SILVERSMITH"
- MP-2 METAL PANEL HORIZONTAL ELEMENT
COLOR TO MATCH PT-1
- MP-3 METAL PANELS 2'-0" VERTICAL SEAMED PANEL SYSTEM
COLOR: WHITE
- MTL-1 METAL COPING
COLOR TO MATCH MP-1
- MTL-2 METAL COPING
COLOR TO MATCH SW6258 TRICORN BLACK
- PT-1 PRO INDUSTRIAL DTM ACRYLIC (SHEEN: SEMI-GLOSS)
COLOR: SW0768 GRIZZLE GRAY
- PT-2 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN)
COLOR: SW7068 GRIZZLE GRAY
- PT-3 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN)
COLOR: SW6258 TRICORN BLACK
- PT-4 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: FLAT)
COLOR: SW6258 TRICORN BLACK
- GL-1 ALUMINUM STOREFRONT GLAZING SYSTEM - LOW-E GLAZING (SOLARBAN 70XL)
COLOR: BLACK ANODIZED FRAMES



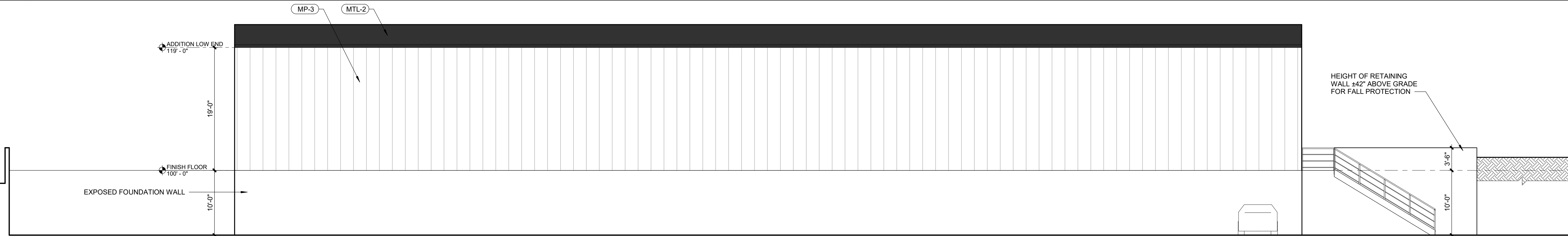
1 EAST ELEVATION

SCALE : 1/8" = 1'-0"



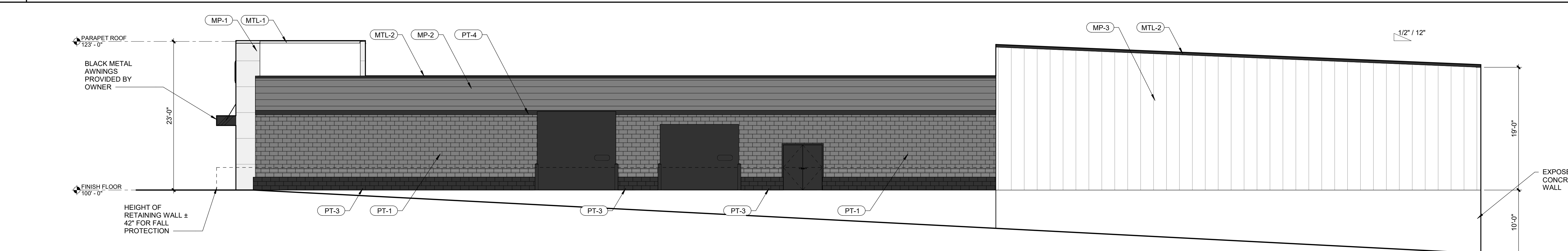
2 SOUTH ELEVATION

SCALE : 1/8" = 1'-0"



3 WEST ELEVATION

SCALE : 1/8" = 1'-0"



4 NORTH ELEVATION

SCALE : 1/8" = 1'-0"

CRASH CHAMPIONS 1550 S NOLAND RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003
Date: 5/9/2024
Issued For: 5/9/2024

REVISIONS		
No.	Date	Description

REGISTRATION

NOT FOR CONSTRUCTION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	OWN, INC.
LANDSCAPE	OWN, INC.
FOUNDATIONS	TBD
STRUCTURAL	TBD
PLUMBING	TBD
MECHANICAL	TBD
ELECTRICAL	TBD
FIRE PROTECTION	TBD
CONTRACTOR	TBD



FINKLE + WILLIAMS
ARCHITECTURE

8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913.498.1550
www.finklewilliams.com

SHEET TITLE

ELEVATIONS

SHEET NUMBER

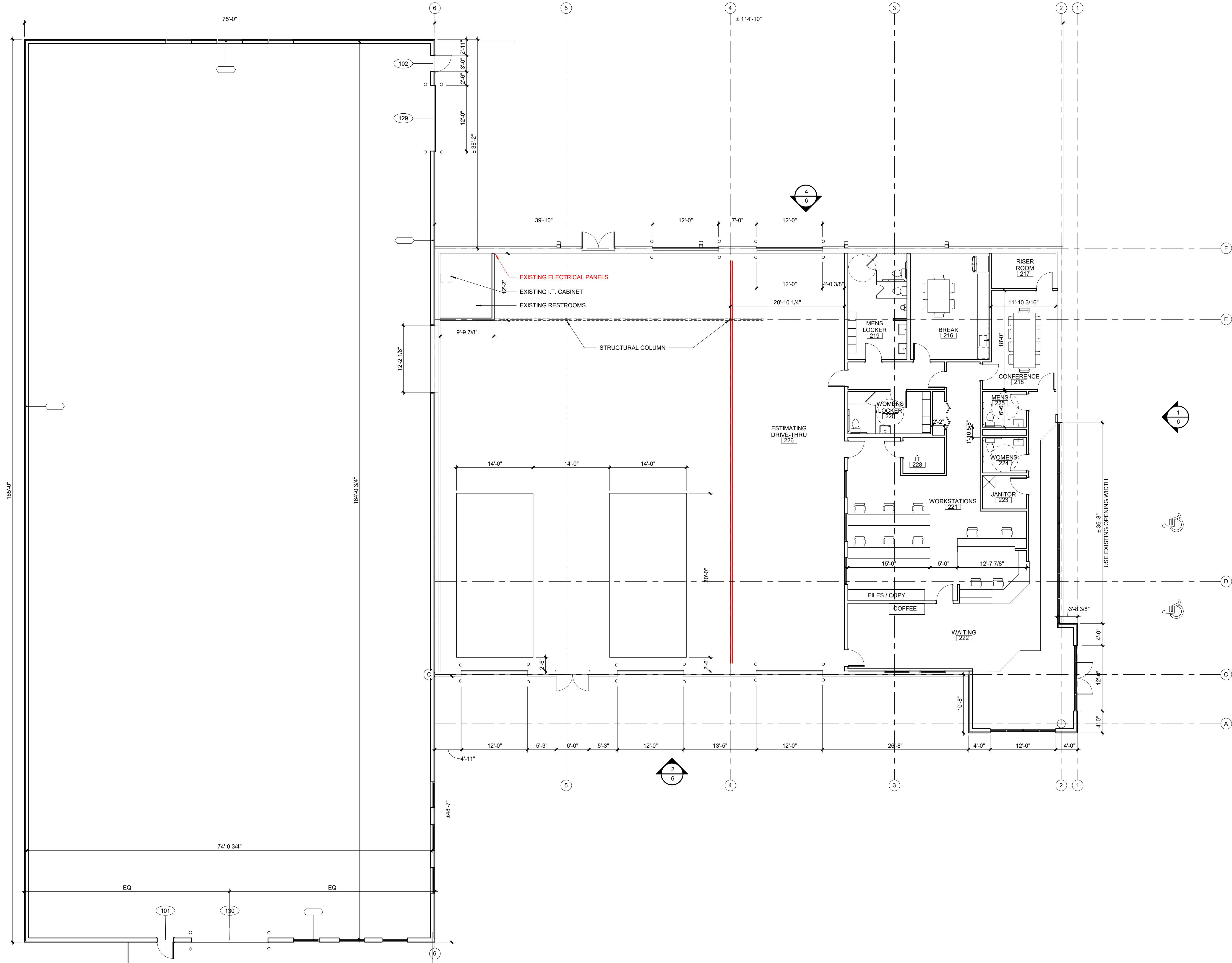
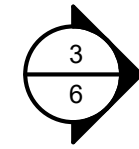
6

OVERALL BOUNDARY

All of Lots 21 through 24 , Lots 31 through 34, and all that part of the vacated South Main Street all in Martha's Vineyard, a subdivision in the City of Independence, Jackson County, Missouri, being more particularly described as follows: commencing at the southeast corner of said Lot 24; thence North 88 degrees 15 minutes 42 seconds West, with the south line of Lots 24 and 31, a distance of 371.00 feet to the centerline of vacated South Main Street; thence North 01 degrees 44 minutes 54 seconds East, with the centerline of South Main Street, a distance of 240.00 feet, to a point on the westerly prolongation of the north line of Lot 34 Martha's Vineyard; thence South 88 degrees 15 minutes 42 seconds East, with the north lines of Lots 34 and 21, and their westerly prolongation, a distance of 371.00 feet to the northeast corner of Lot 21; thence South 01 degrees 44 minutes 54 seconds West, with the east lines of Lots 21, 22, 23, and 24, a distance of 240.00 feet to the point of beginning. The above described tract contains 89,404 square feet or 2.04 acres.



05/07/2024



CRASH
CHAMPIONS
1550 S NOLAND
RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003
Date: 6/13/2024
Issued For: 6/13/2024

REVISIONS		
No.	Date	Description

REGISTRATION

NOT FOR CONSTRUCTION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	OWN, INC.
LANDSCAPE	OWN, INC.
FOUNDATIONS	TBD
STRUCTURAL	TBD
PLUMBING	TBD
MECHANICAL	TBD
ELECTRICAL	TBD
FIRE PROTECTION	TBD
CONTRACTOR	TBD



FINKLE + WILLIAMS
ARCHITECTURE

8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913.498.1550
www.finklewilliams.com

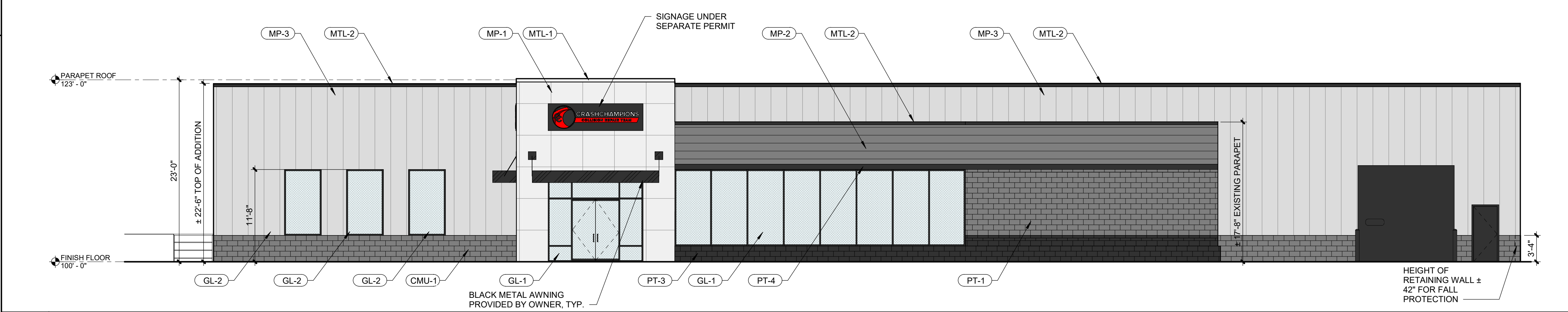
SHEET TITLE

PRELIMINARY
FLOOR PLAN

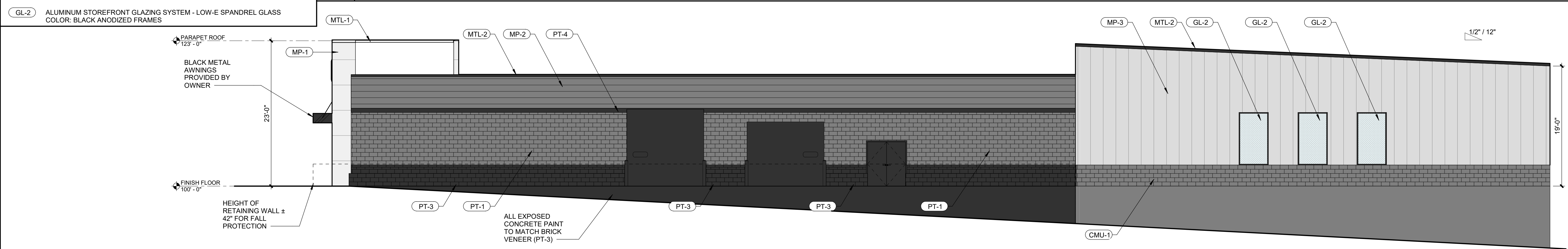
SHEET NUMBER

5

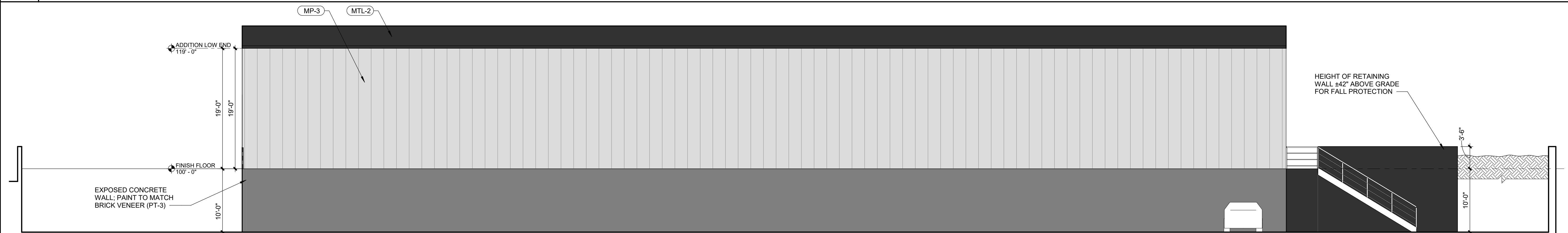
NOTE: ALL METAL DOORS TO BE PAINTED WITH PRO INDUSTRIAL DTM ACRYLIC PAINT (SHEEN: SEMI-GLOSS) COLOR SW6258 TRICORN BLACK	
(CMU-1)	CMU BLOCK VENEER 2" x 8" x 16 PAINTED W/ PT-3
(MP-1)	RYNOBOND ALUMINUM COMPOSITE METAL PANEL COLOR: "SILVERSMITH"
(MP-2)	METAL PANEL HORIZONTAL ELEMENT COLOR TO MATCH PT-3
(MP-3)	INSULATED METAL PANEL WITH STUCCO-LIKE FINISH COLOR: LIGHT GRAY
(MTL-1)	METAL COPING COLOR TO MATCH MP-1
(MTL-2)	METAL COPING COLOR TO MATCH SW6258 TRICORN BLACK
(PT-1)	PRO INDUSTRIAL DTM ACRYLIC (SHEEN: SEMI-GLOSS) COLOR: SW0768 GRIZZLE GRAY
(PT-2)	SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN) COLOR: SW7088 GRIZZLE GRAY
(PT-3)	SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN) COLOR: SW6258 TRICORN BLACK
(PT-4)	SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: FLAT) COLOR: SW6258 TRICORN BLACK
(GL-1)	ALUMINUM STOREFRONT GLAZING SYSTEM - LOW-E GLAZING (SOLARBAN 70XL) COLOR: BLACK ANODIZED FRAMES
(GL-2)	ALUMINUM STOREFRONT GLAZING SYSTEM - LOW-E SPANDREL GLASS COLOR: BLACK ANODIZED FRAMES



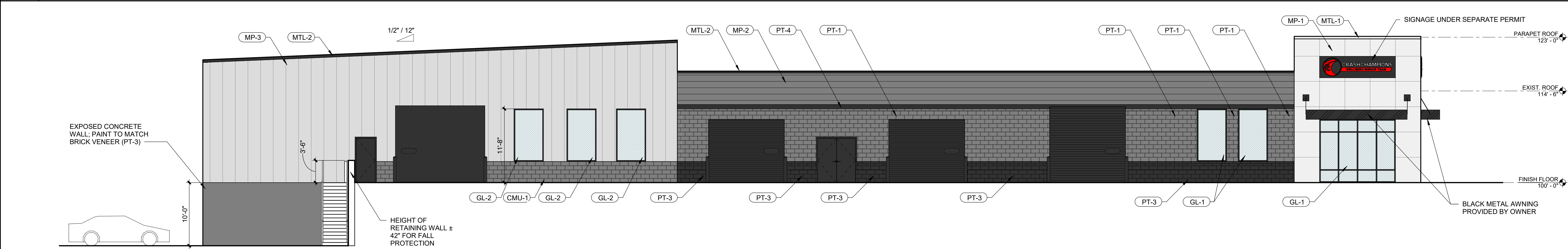
6	SCALE : 1/8" = 1'-0"
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6	SCALE : 1/8" = 1'-0"
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6	SCALE : 1/8" = 1'-0"
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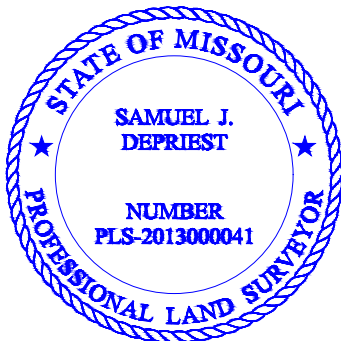


6	SCALE : 1/8" = 1'-0"
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6

UTILITY EASEMENT VACATION

All that part of a vacated alley in Martha's Vineyard, a subdivision in the City of Independence, Jackson County, Missouri (as recorded in Document No. I-76697 in Book I230 at page 1483), being more particularly described as follows: commencing at the southeast corner of Lot 24 thence North 88 degrees 15 minutes 42 seconds West with the south line of Lot 24 a distance 176.00 feet to the southeast corner of Lot 34, said point being on the west line of aforesaid alley; thence North 01 degrees 44 minutes 54 seconds East, with the east lines of Lots 31, 32, and 33, Martha's Vineyard and the west line of said vacated 16.00 foot alley, a distance of 180.00 feet to the southeast corner of Lot 34, said point also being the point of beginning; thence continuing North 01 degrees 44 minutes 54 seconds East, with the east line of Lot 34, a distance of 60.00 feet to the northeast corner of said Lot 34; thence South 88 degrees 15 minutes 42 seconds East, with the easterly prolongation of the north line of said Lot 34, a distance of 10.00 feet; thence South 01 degrees 44 minutes 54 seconds West, and no longer with the easterly prolongation of the north line of said Lot 34, a distance of 60.00 feet; thence North 88 degrees 15 minutes 42 seconds West, with the easterly prolongation of the south line of Lot 34, a distance of 10.00 feet to the point of beginning. The above described tract of land contains 600 square feet or 0.01 acres.



05/07/2024

City of Independence Municipal Services

Right-of-Way Division

111 E. Maple Ave., Independence, MO 64050

Date: 5/6/2024

Re: Proposed Easement/Street Vacation

I, Jackie Davis, as managing member of Wellington Real Estate LLC, the owner of the property located at 1550 S Noland Rd, Assessor's Parcel No.26-530-16-27-00-0-00-000 AND 26-530-16-10-00-0-00-000 located in the City of Independence, County of Jackson, State of Missouri. I have reviewed the attached Exhibit B that indicates the location of the proposed vacation of Easement. I agree with and support the request for the proposed Easement Vacation.

Signed

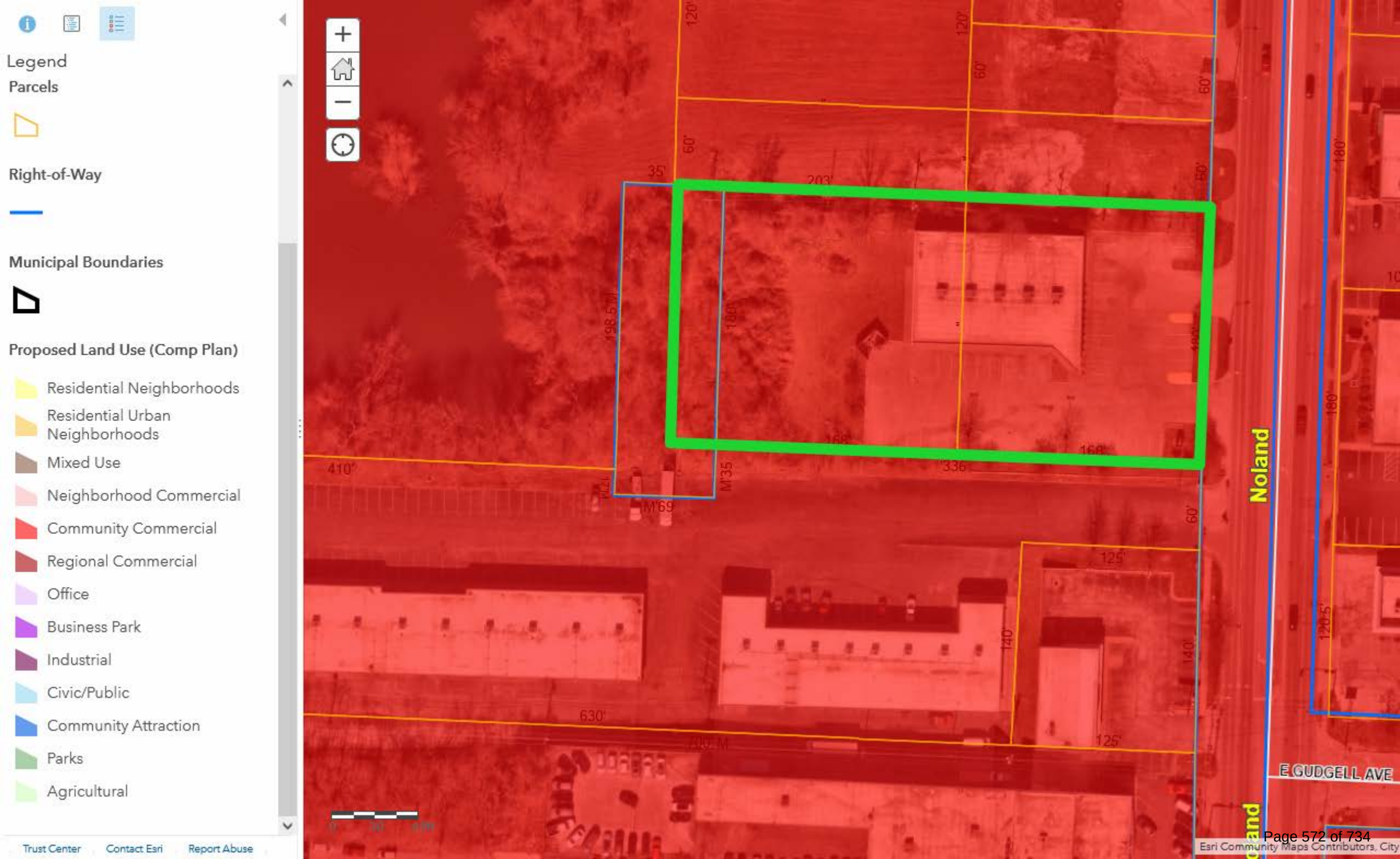
Jackie Davis

Wellington Real Estate LLC



Date

5-6-2024





Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL





City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-076 **1R** An ordinance approving a Special Use Permit to operate a group home for transitional housing at 801 W. 23rd Street, in Independence, Missouri. ***Valid legal protest filed - five affirmative votes required to approve. 1R***

Recommendations:

Commissioner Wiley made a motion to recommend approval of case 24-200-04, an application for a Special Use Permit to allow a group home for transitional housing at 801 W.23rd Street S. with the following conditions:

1. The number of occupants of the group living facility shall not exceed the number of occupants permitted for the subject building by the Building Code or Fire Code, as applicable and HUD standards.
2. The transitional housing program shall not provide housing and accompanying supportive services for program participants for more than 24 months.
3. Provide standard handicapped and van-accessible handicapped parking spaces. Include signage and stripping per Code. Stripe 28-standard parking spaces, per Code, as well.
4. The applicant will obtain and maintain all applicable City and State License and comply with all health requirements.

A second to the motion was made by Commissioner Nesbit. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Yes

Commissioner O’Neil – Yes

Commissioner Wiley – Yes

Commissioner Torres – Yes

The motion passed 7-0 and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

PROJECT DESCRIPTION: A request by Cheri Tharp to acquire a Special Use Permit to operate a Group Home (for Transitional Housing) at 801 W. 23rd Street S.

PROPOSAL: Utility Center of Independence will provide temporary housing and life skills programs for women who suffer from homelessness, or who have escaped harmful situations like substance use, physical abuse or other “life issues”. They intend to “rebuild shattered lives” via a “Program of Action” based in spiritual principles. “The program is meant to equip and empower women who have experienced life struggles to make an effectual change in their

lives, families and communities”. The 30 to 90-day program will focus on spiritual growth, mentoring, work ethic, life skills (i.e. household responsibilities, balancing a checkbook, cleaning your credit, writing resume) and physical well-being.

PHYSICAL CHARACTERISTICS OF THE PROPERTY: The use will occupy the northern section of the building. The second floor will have four rooms that will each sleep five to six people. This living area will contain these rooms plus; counselor/mentor rooms, four bathrooms, four showers, and a prayer room. The main floor will be dominated by a kitchen, a dining room, and a health clinic. The facility will house 20 to 30-women; five per room. There will be 24/7 on site security. Southeast of the building lies a large parking lot. Currently, licensed doctors and nurses operate a monthly mobile clinic at this location.

CHARACTERISTICS OF THE AREA: The property is primarily surrounded by commercial uses, a trade school, an elementary school, churches and single-family residences.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposed use is consistent with the *Independence for All*, Strategic Plan. One of the plan objectives is to “stabilize and revitalize neighborhoods.” This long-standing religious facility should assist in that objective.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive Plan envisions the future land use of this property and the surrounding area to be Residential Neighborhood Uses. The religious facility use and associated transitional housing helps to support that land use.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

All utilities are present on the site and operational.

CIP Investments:

Currently there are no CIP investments along this section of W. 23rd Street S.

REVIEW CRITERIA:

Recommendations and decisions on special use permit applications must be based on consideration of all the following criteria:

- 1. Compatibility of the proposed use with the character of the neighborhood.***This portion of the W. 23rd Street S. corridor is lined with mostly commercial, institutional and religious uses.*
- 2. The extent to which the proposed use is compatible with the adjacent zoning and uses.***The proposed use will not be in the middle of a residential area. It should have minimal impact on the vicinity.*
- 3. The impact of the proposed use on public facilities.***All public facilities are in place here and this proposed use will not be a significant consumer of water, sanitary sewer, and electricity services.*
- 4. The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.***This Special Use Permit will allow an additional land use not already permitted by right in the C-2 (General Commercial) district.*
- 5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.***Based upon the site’s zoning and long use as a religious facility, it is not expected to affect any of these issues.*
- 6. The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.***As this is a developed site, there will*

not be any change in stormwater drainage. This use will not create any extensive noise, air, or environmental pollution.

7. The extent to which there is a need for the use in the community.*The applicant's narrative describes the need there is for this use.*

8. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.*If approved with a Special Use Permit, the application appears to satisfy the requirements Section 14-404 of the Unified Development Ordinance.*

9. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.*This is an long existing religious facility, all public facilities in place and operational.*

10. Conformance of the proposed use to the comprehensive plan and other adopted plans and policies.*The City's updated Comprehensive Plan envisions Residential Neighborhood Uses for this site.*

11. The extent to which the use will impact sustainability or revitalization of a given area.*This Special Use Permit will bring a needed use to an underutilized structure.*

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-200-04
2. Staff Report 24-200-04
3. Cover Letter Unity Center of Independence SUP Letter
4. Application
5. Revised Notification

6. Revised Address List
7. Notice Area Map
8. Revised Affidavit
9. Front Image
10. Floor Plan One
11. Floor Plan Two
12. Comp Plan Map
13. Zoning Map
14. Planning Commission Meeting Minutes 6-25-24
15. Legal Protest Petition
16. Protest Petition Map

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A GROUP HOME FOR TRANSITIONAL HOUSING AT 801 W. 23RD STREET, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence, requesting approval of a Special Use Permit to allow for the operation of a group home for transitional housing at 801 W. 23rd Street, was referred to the Planning Commission; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a Special Use Permit by the City following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024 and rendered a report to the City Council recommending the Special Use Permit be approved by a vote of 7-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request was consistent with the review criteria in Section 14-704-09.

WHEREAS, a legal protest was signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the Special Use Permit of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The following described tract of real estate is hereby declared subject to the Special Use Permit approved by this ordinance. The site is legally described as follows:

SEC-10 TWP-49 RNG-32; TH PT NE 1/4 SE 1/4 DAF: BEG AT A PT ON S ROW LI 23RD ST; SD PT 704.56' W AND 45.22' S OF NE COR SD 1/4 1/4 TH S; 265' TH N 87 DE W 171.34' TH N 265' TO SD S ROW LI; TH S 87 DEG E 171.35' TO POB (KNOWN AS ALTON TRACT ON; CERT SUR T-6 PG-93)

SECTION 2. That the Special Use Permit is hereby approved with the conditions listed below.

1. The number of occupants of the group living facility shall not exceed the number of occupants permitted for the subject building by the Building Code or Fire Code, as applicable and HUD standards.
2. The transitional housing program shall not provide housing and accompanying supportive services for program participants for more than 24 months.
3. Provide standard handicapped and van-accessible handicapped parking spaces. Include signage and stripping per Code. Stripe 28-standard parking spaces, per Code, as well.
4. The applicant will obtain and maintain all applicable City and State License and comply with all health requirements.

SECTION 3. Any other uses on the property described by Section 1 of this Ordinance shall be governed by the base zoning district and other applicable regulations of the Unified Development Ordinance.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 6. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 25, 2024 **STAFF:** Brian Harker, Senior Planner

PROJECT NAME: Unity Center of Independence

CASE NUMBER/REQUEST: Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street – A request by Unity Center of Independence to operate a group home for transitional housing

APPLICANT/OWNER: Cheri Tharp

PROPERTY ADDRESS: 801 W. 23rd Street S.

PROPERTY ZONING: C-2 (General Commercial)

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial)...wireless store

East: R-6 (Single-Family Residential)...single-family homes

South: R-6 (Single-Family Residential)...school

West: C-2 (General Commercial)...salon academy

PUBLIC NOTICE

- Letters to property owners within 185 feet – May 13, 2024
- Public Notice published in the Independence Examiner – April 6, 2024
- Sign posted on property – April 5, 2024

FURTHER ACTION:

Following action by the Planning Commission, this Special Use Permit request is scheduled for first reading by the City Council on August 5, 2024, and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Special Use Permit request with the following conditions:

1. The number of occupants of the group living facility shall not exceed the number of occupants permitted for the subject building by the Building Code or Fire Code, as applicable and HUD standards.
2. The transitional housing program shall not provide housing and accompanying supportive services for program participants for more than 24 months.
3. Provide standard handicapped and van-accessible handicapped parking spaces. Include signage and stripping per Code. Stripe 28-standard parking spaces, per Code, as well.
4. The applicant will obtain and maintain all applicable City and State License and comply with all health requirements.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Cheri Tharp to acquire a Special Use Permit to operate a Group Home (for Transitional Housing) at 801 W. 23rd Street S.

Current Zoning: C-2 (General Commercial)

Current Use: Vacant Commercial Space

Proposed Use: Group Home

Acreage: 1.08-acres

Building Square Footage: 10,422-square footage

PROPOSAL:

Unity Center of Independence will provide temporary housing and life skills programs for women who suffer from homelessness, or who have escaped harmful situations like substance use, physical abuse or other “life issues”. They intend to “rebuild shattered lives” via a “Program of Action” based in spiritual principles. “The program is meant to equip and empower women who have experienced life struggles to make an effectual change in their lives, families and communities”. The 30 to 90-day program will focus on spiritual growth, mentoring, work ethic, life skills (i.e. household responsibilities, balancing a checkbook, cleaning your credit, writing resume) and physical well-being.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The use will occupy the northern section of the building. The second floor will have four rooms that will each sleep five to six people. This living area will contain these rooms plus; counselor/mentor rooms, four bathrooms, four showers, and a prayer room. The main floor will be dominated by a kitchen, a dining room, and a health clinic. The facility will house 20 to 30-women; five per room. There will be 24/7 on site security. Southeast of the building lies a large parking lot. Currently, licensed doctors and nurses operate a monthly mobile clinic at this location.

CHARACTERISTICS OF THE AREA:

The property is primarily surrounded by commercial uses, a trade school, an elementary school, churches and single-family residences.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposed use is consistent with the *Independence for All*, Strategic Plan. One of the plan objectives is to “stabilize and revitalize neighborhoods.” This long-standing religious facility should assist in that objective.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive Plan envisions the future land use of this property and the surrounding area to be Residential Neighborhood Uses. The religious facility use and associated transitional housing helps to support that land use.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

All utilities are present on the site and operational.

CIP Investments:

Currently there are no CIP investments along this section of W. 23rd Street S.

REVIEW CRITERIA

Recommendations and decisions on Special Use Permit applications must be based on consideration of all the following criteria:

- 1. Compatibility of the proposed use with the character of the neighborhood.**
This portion of the W. 23rd Street S. corridor is lined with mostly commercial, institutional and religious uses.
- 2. The extent to which the proposed use is compatible with the adjacent zoning and uses.**
The proposed use will not be in the middle of a residential area. It should have minimal impact on the vicinity.
- 3. The impact of the proposed use on public facilities.**
All public facilities are in place here and this proposed use will not be a significant consumer of water, sanitary sewer, and electricity services.
- 4. The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.**
This Special Use Permit will allow an additional land use not already permitted by right in the C-2 (General Commercial) district.
- 5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.**
Based upon the site's zoning and long use as a religious facility, it is not expected to affect any of these issues.
- 6. The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.**
As this is a developed site, there will not be any change in stormwater drainage. This use will not create any extensive noise, air, or environmental pollution.
- 7. The extent to which there is a need for the use in the community.**
The applicant's narrative describes the need there is for this use.
- 8. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.**
If approved with a Special Use Permit, the application appears to satisfy the requirements Section 14-404 of the Unified Development Ordinance.
- 9. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.**

This is an long existing religious facility, all public facilities in place and operational.

10. Conformance of the proposed use to the comprehensive plan and other adopted plans and polices.

The City's updated Comprehensive Plan envisions Residential Neighborhood Uses for this site.

11. The extent to which the use will impact sustainability or revitalization of a given area.

This Special Use Permit will bring a needed use to an underutilized structure.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notification Area Map
7. Photo of Location
8. Floor Plan
9. Comp Plan Map
10. Zoning Map

Unity Center of Independence

"Come just as you are... let the miracle begin!"

30-90 day program for women who need temporary housing, focusing on spiritual growth, recovery from substance use disorders, work ethic, life skills and physical well-being. The women will be adults who may have become homeless, in displaced housing or escaping from a harmful situation.

We will have 2 live in Counselor and mentors. 24/7 on site security. We have 4 shower, 4 bathrooms, onsite kitchen, and laundry facility. We plan on housing 20-30 women with 5 in each room.

They will be required to participate in daily group sessions, attend bible study and church. They will be assigned a mentor to help them through the process. We will have rules and a program that will have to be followed. Each lady will have to sign a contract in order to participate. They will be subject to random drug testing as we have a no tolerance policy.

No men will be allowed in the lady's area on the top floor for them to feel more comfortable. We have licensed doctors and nurses who operate a mobile clinic called Care Beyond the Boulevard for men and women monthly at our current location.

We will also be able to provide clothing if needed to the ladies as well.

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☒ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

801 W 23rd Street South, Independence MO 64055

Project Name

Unity Center Of Independence

Project Address/Location

801 W 23rd Street South 1.08

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Stream Buffer (Yes or No)

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

- ☒ Completed & Signed Application Form
- ☒ Application Fee
- ☒ Cover Letter Describing Details of Project

- ☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
- ☒ One PDF copy of a plat map or site plan
- ☒ Legal Description of the property in question

Contact Information

Applicant

Cheri Tharp Unity Center of Independence

Name

Company

801 W 23rd Street South, Independence MO 64055

Address

816-695-0488

mobilehomies111@aol.com

Phone

Email

Architect/Engineer/Surveyor/Other:

Owner

Cheri Tharp

Name

Company

Address

Phone

Email

Architect/Engineer/Surveyor/Other:

Name

Company

Address

Phone

Email

Name

Company

Address

Phone

Email

The applicant hereby agrees that the information provided above is accurate.

Cheri Tharp

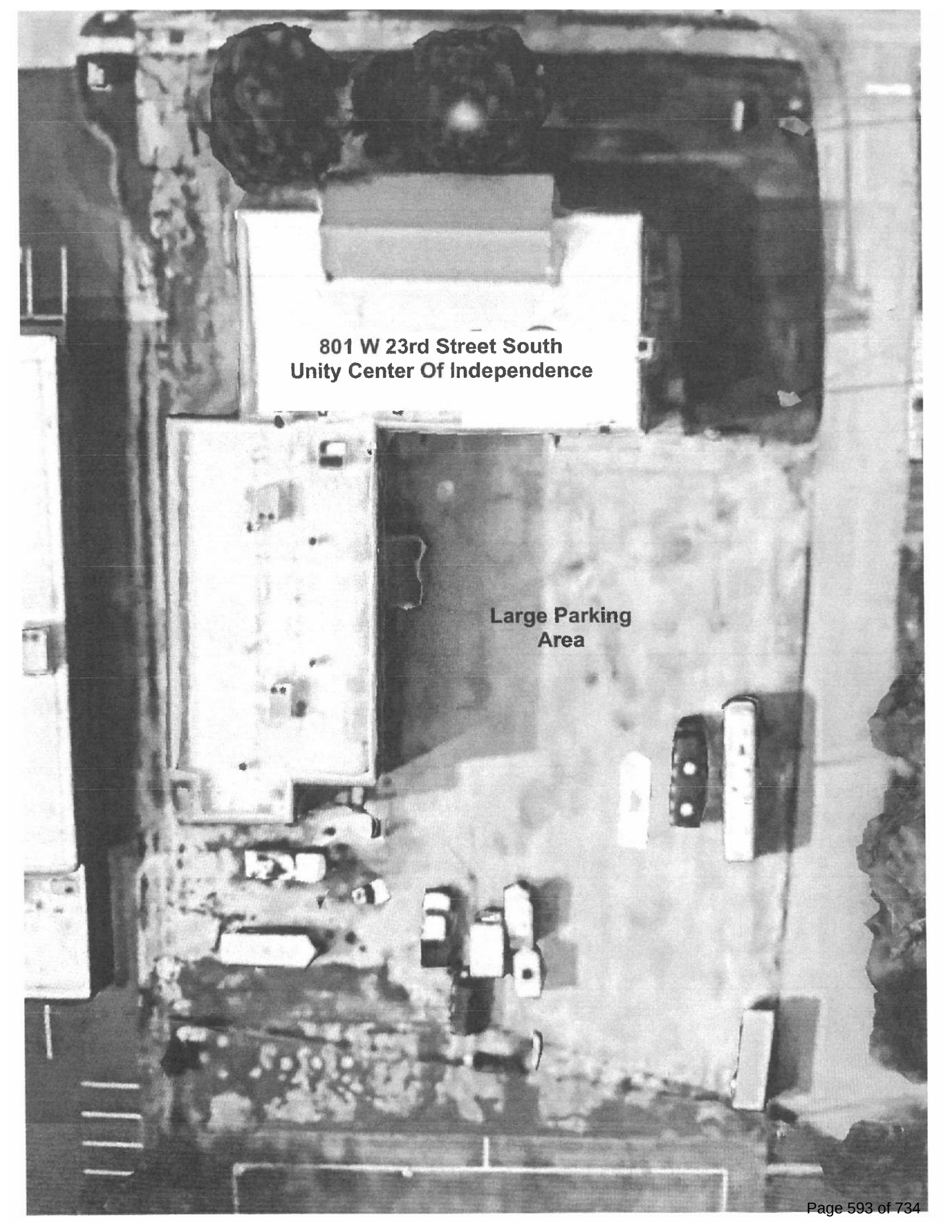
Applicant's Signature

Date

Cheri Tharp

Owner's Signature

Date

An aerial photograph showing a large, light-colored rectangular building with a flat roof. To the left of the building is a smaller, multi-story structure. In front of the main building is a large, paved parking area. Several vehicles, including cars and trucks, are parked in the lot. The surrounding area includes some trees and other buildings.

**801 W 23rd Street South
Unity Center Of Independence**

**Large Parking
Area**

Appendix B - Property Owner Notification Letter City of Independence, Missouri

Date: May 13, 2024

Case No. 24-200-04

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☐ Rezoning ☐ Rezoning/PUD ☒ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Transitional Housing : To provide temporary housing for women in the independence area who are experiencing homelessness or are at risk for being homeless. With the goal of interim stability and support to successfully move and maintain permanent housing.

Applicant: Unity Center of Independence

Location of Property: 803 W 23rd Street S., Independence MO 640544

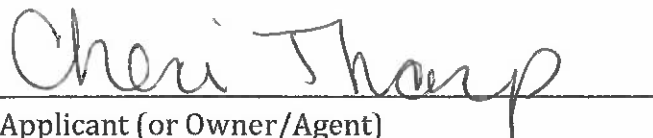
Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.


Applicant (or Owner/Agent)

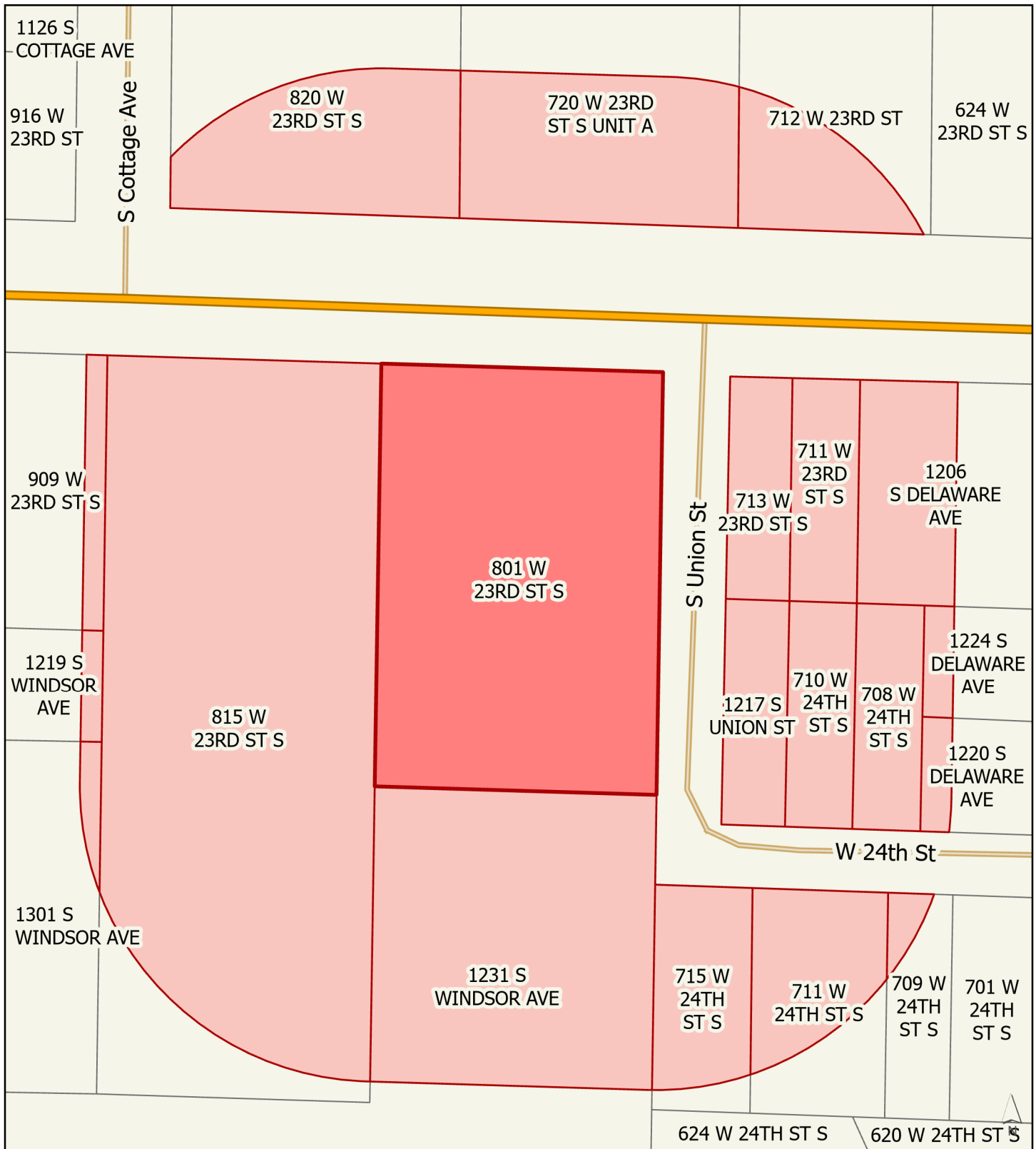
For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
ARF 6 LLC	PO BOX 1127	REDONDO BEACH	CA	90278
BALLMER TERRY	711 W 23RD ST S	INDEPENDENCE	MO	64055
BARTLETT HAROLD	1739 E MECHANIC	INDEPENDENCE	MO	64050
CROCKETT BARBARA R	713 W 23RD ST	INDEPENDENCE	MO	64055
DUTZEL REAL ESTATE LLC	212 SE BATTERY DR	LEES SUMMIT	MO	64063
FINK PETER J & CAROLYN I	1801 S 54TH ST	OMAHA	NE	68106
GILKISON KEVIN	PO BOX 175	BUCKNER	MO	64016
GOD'S LOVE MINISTRIES	803 W 23RD ST	INDEPENDENCE	MO	64055
HOLMAN PHILIP L & ROBIN L	720 W 23RD ST	INDEPENDENCE	MO	64055-1104
INDEPENDENCE SCHOOL DISTRICT	201 N FOREST AVE	INDEPENDENCE	MO	64050
JCKC PROPERTIES LLC	815 W 23RD ST	INDEPENDENCE	MO	64055
LOPES ALEXANDER KAHALELAUNIU III	1220 S DELAWARE AVE	INDEPENDENCE	MO	64055
MCVEY SHARON J	709 W 24TH ST S	INDEPENDENCE	MO	64055
NEMETH WILLIAM R	13000 E 41ST ST S	INDEPENDENCE	MO	64055
RODRIGUEZ VIRGINIA M	711 W 24TH ST	INDEPENDENCE	MO	64055
TAHIR MAJID ALI	10344 BENNET DR	MCKINNEY	TX	75072
TOLEN RONALD COOPER & ANA J	13675 MAPLE DR	TYLER	TX	75709
USC ENTERPRISE LLC	915 W 23RD ST	INDEPENDENCE	MO	64055
WICKMAN WESTONE	1217 S UNION ST	INDEPENDENCE	MO	64055

Notification Area

24-200-04

801 W 23rd Street, Independence, MO 64055



-  Subject Property
-  185 ft Buffer Area

0 25 50 100 Feet

Prepared by Joshua Garrett, Community Development
Date: 4/12/2024

Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-200-04

I, Cheri Tharp, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

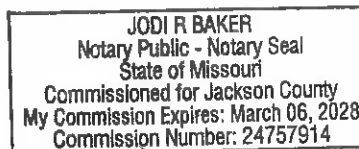
These notices were mailed on the 13 day of May, 2024.

Cheri Tharp

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 13th day of May, 2024 JB

Jodi R. Baker
Notary Public



March 6, 2028
Commission Expiration Date

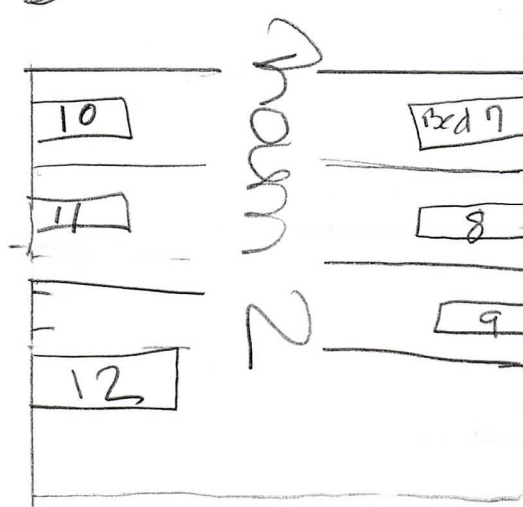
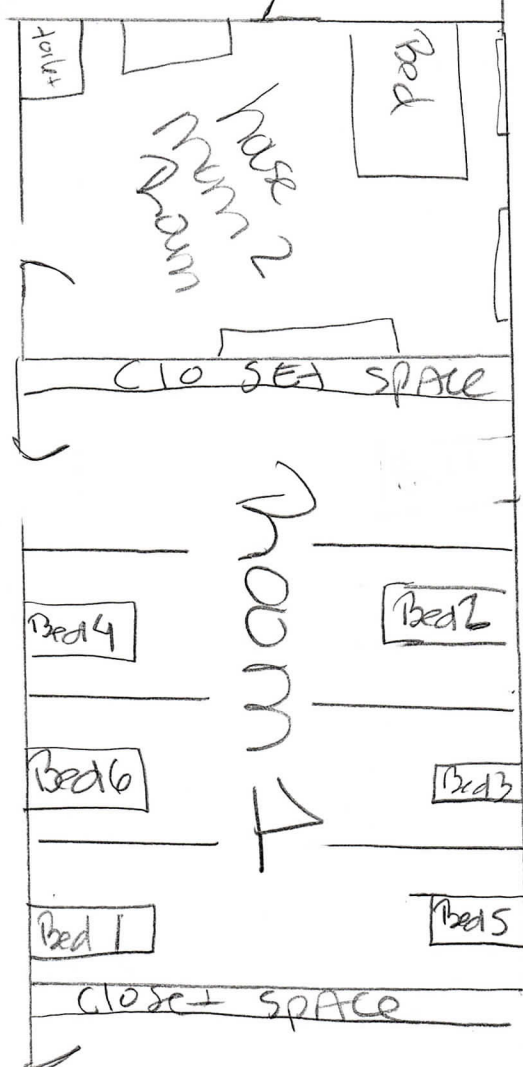
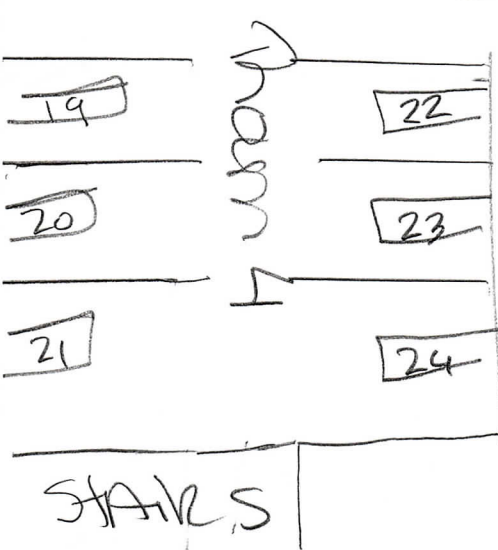
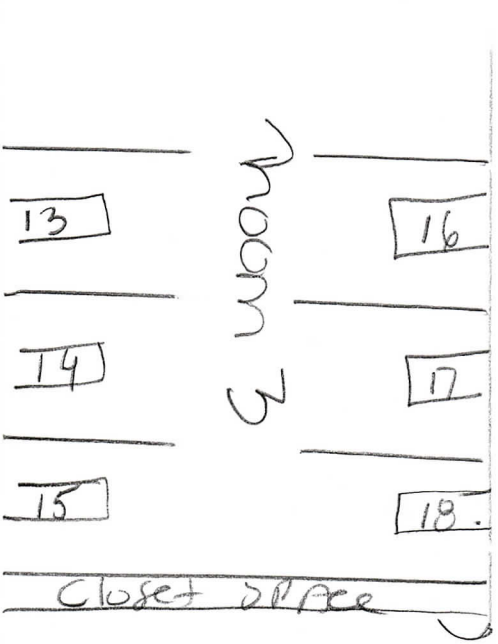
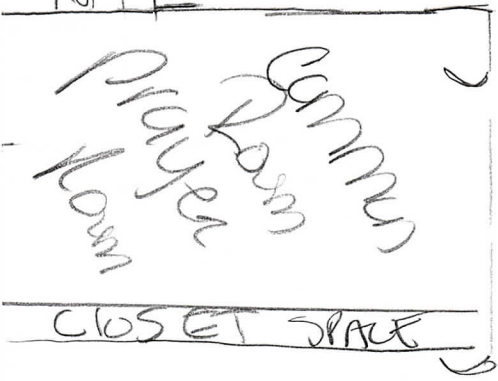


JESU
The Home Above



Summit Solar ACADEMY

UPSTAIRS
Living



← half wall

← half wall

Counseling offices

Security

Front entrance

Stair

Clinic

Health care

Kitchen

Dining Hall

MAIN Level

4 stall

Women's Bathroom

4 stall

Men's Bathroom

Stair

Clinic Health care

Stair

Legend

Major Roads

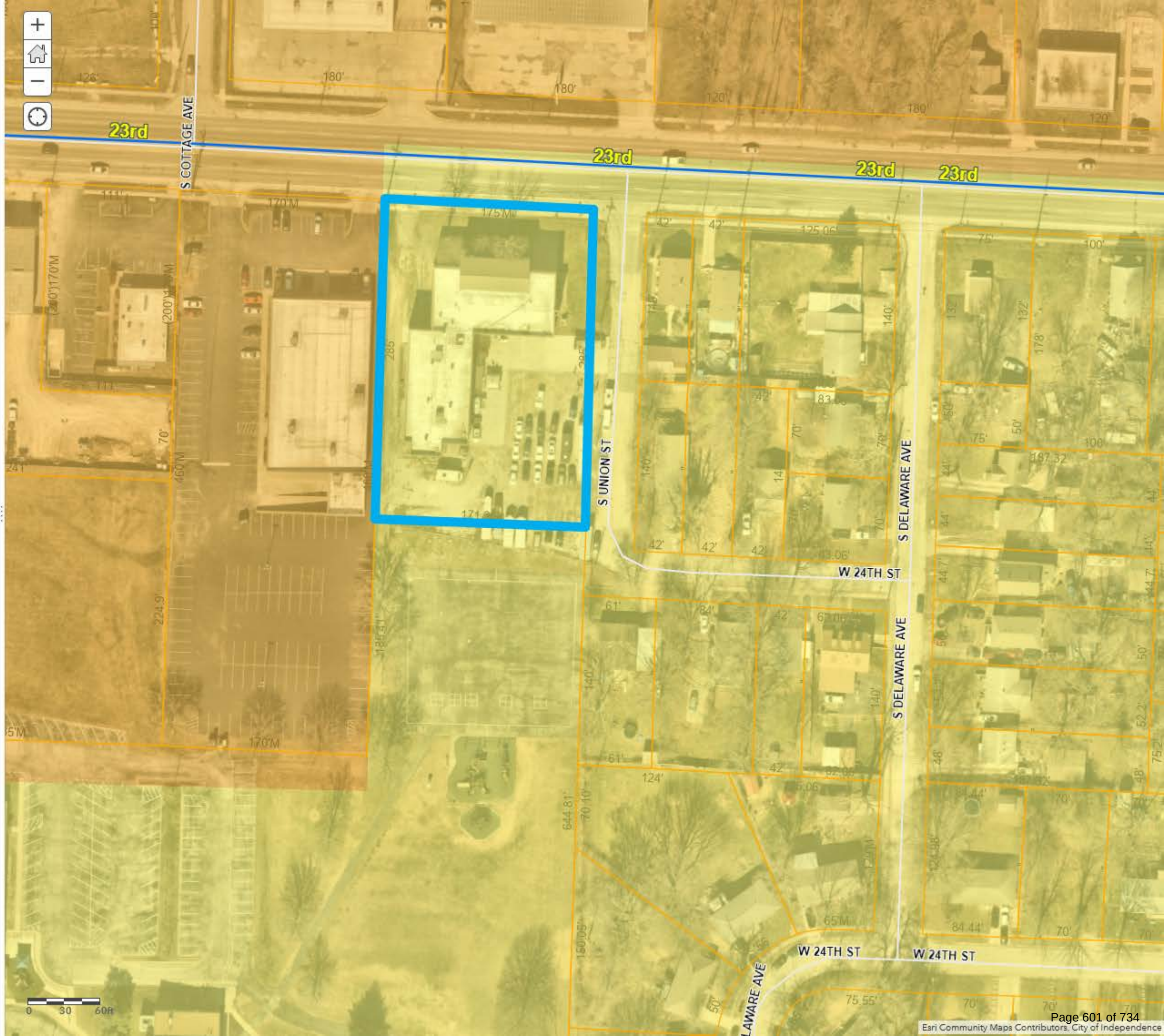
Road Centerline

Parcels

Municipal Boundaries

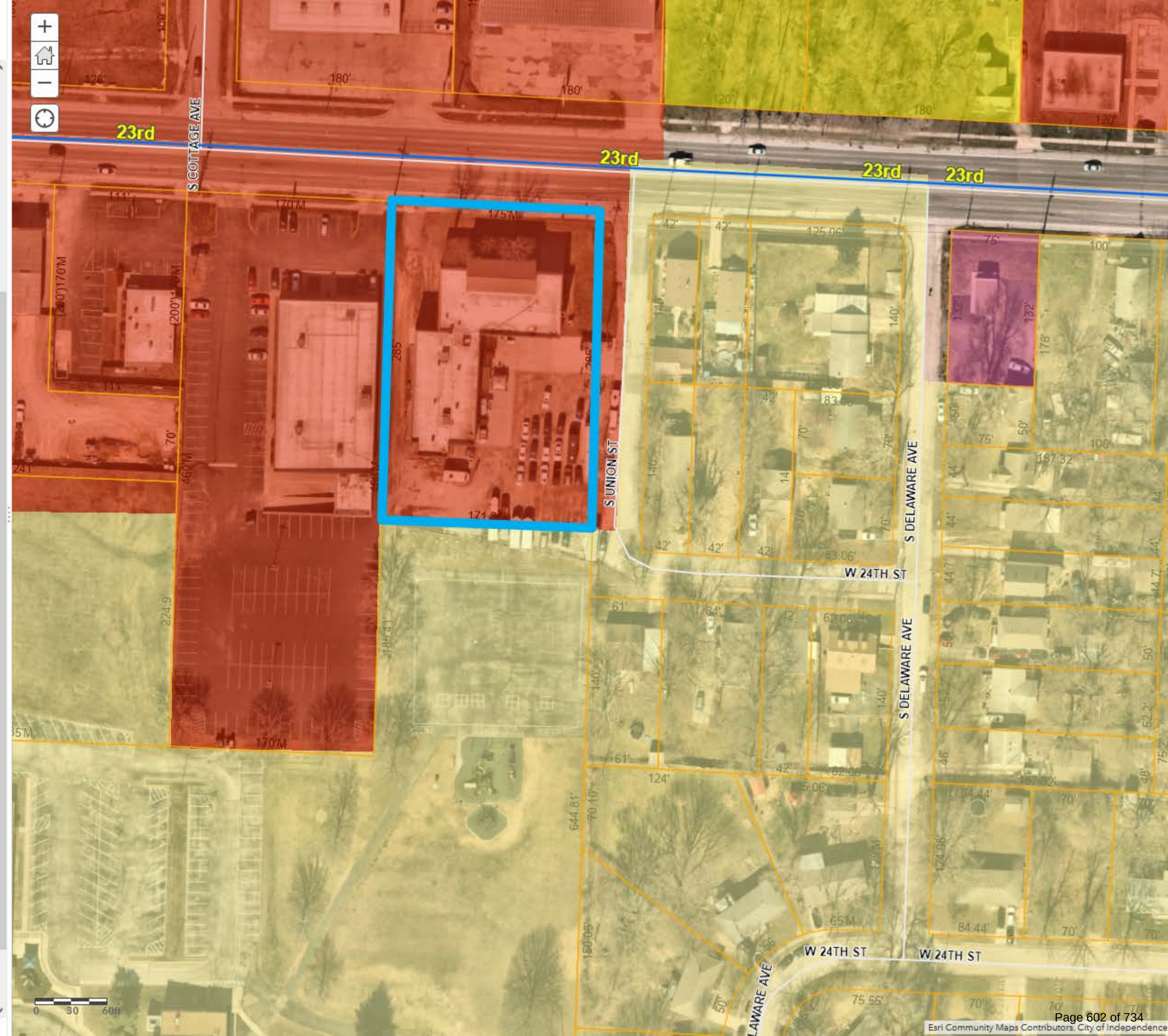
Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural



Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A





City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

We the undersigned, being property owners within 185 feet of subject property described as 803 W 23rd St S Indep MO 640544 hereby protest the application of Transitional Housing, City Case number 24-200-04 asking the Independence City Council deny the requested rezoning from District _____ to District Special Use Permit

Name Property Address Date of Signing

1. Jason York 815 W 23rd St S 7-1-24
Print Name Independence MO 64055
[Signature]
Signature

2. _____
Print Name

Signature

3. _____
Print Name

Signature

CONTACT PERSON: Jason York PHONE: 816-416-6364

On this 2nd day of July, 20 24, before me, the undersigned, a Notary Public, personally appeared Jason York to me known to be the person(s) described in and who executed the foregoing instrument and acknowledge that they executed the same as their free act and deed.

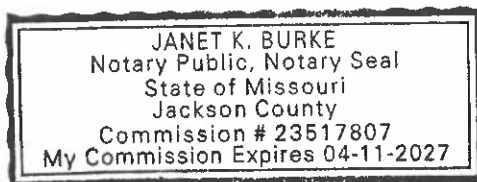
In testimony whereof, I have hereunto set my hand and affixed the official seal of my office the day and year first above written.

[Signature]
Notary Public
Janet K. Burke

My Commission Expires

4/11/2027

Updated 4/13



Legal Protest Petition Information for Special Use Permits

The Missouri Statutes and the Independence City Code provide for the filing of a protest petition against Special Use Permit applications. After an application has been filed for a particular property, notices are sent by the applicant to the owners of real property located within 185 feet of the boundaries of the tract for which the application is filed. The notices give some brief information about the request and invite the owners of the surrounding property to attend the public hearing before the Planning Commission. A notice of these hearings is also published in the local newspaper, posted in City Hall, and on the City website. At these public hearings, people in favor of, against, or wishing more information about an application, can address the Planning Commission. Generally, the Planning Commission holds its regularly scheduled meetings at 6:00 P.M. on the second and fourth Tuesdays of each month, and the City Council's regular meetings are at 6:00 P.M. on the first and third Mondays. Regular meetings for the Planning Commission and City Council are held in the Council Chambers on the first floor of City Hall, 111 E. Maple Avenue.

Opponents to such requested Special Use Permit may submit a protest petition signed by the owners of the property within 185 feet of the boundaries of the subject property which an application has been made. This petition, if determined valid, will require the affirmative vote of at least five members of the City Council rather than a simple majority approval. Only those signatures of the property owners of the land within 185 feet of the boundaries of the property however, qualify as valid per Section 14-700-13 of the Independence City Code. This section of the City Code is as follows:

14-700-13 PROTESTS

In the event a protest petition against any application for a rezoning, including a PUD, is presented to the City Clerk at least 48 hours prior to the final decision of the City Council that bears the notarized signatures of the owners of 30 percent or more, either of the areas of the land exclusive of streets and alleys included in such proposed change or within an area determined by lines drawn parallel with and 185 feet distant from the boundaries of the district proposed to be changed, such amendment will not become effective except by the favorable vote of two-thirds of all of the members of the City Council.

In the above section:

1. "Owners" refers to the owners of the land not the owners of a business or personal property on the land, nor renters of the land. Owners' names are derived from the Jackson County property tax records.
2. The term "... favorable vote of two-thirds of all members of the City Council." means an affirmative vote of at least five members of the Council, regardless of the number of Councilmembers present at the meeting when the final vote is taken.
3. For the specification of "...thirty percent (30%) or more... within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed..." means:
 - a) In most cases this excludes the area contained in the parcel of land for which the request is made, but rather only the area included in the 185-foot strip of land surrounding the parcel.
 - b) The area of streets, highways, alleys and other right-of-ways are excluded when calculating

the total area of the 185-foot strip of land surrounding the parcel.

c) The specification requires signatures of the owners of at least thirty percent (30%) or more of the land area, not thirty percent (30%) or more of the land owners.

d) If the 185-foot strip splits a property, only that part of the property which is located within the 185-foot line is considered in the area calculations.

An example of a protest petition is attached and may be used as necessary. If a petition is created by the protesting body, the petition must clearly refer to the specific application for which the request is made, including the legal description or address. Each signature of any submitted petition must be notarized. Petition circulators are advised to submit the completed and notarized petition to the City staff for review at least four (4) days before the date of the City Council hearing in order that the petition may be verified for accuracy.

In filling out this form please:

1. Enter the information about the property against which the protest is made, include the site's location or address and the applicant's name or company. This information can be found in the notice which you received on this case.
2. Submit the full name of the owner(s), address of their respective properties, and their signatures acknowledged by a notary public.
3. The owners of each property should file a separate protest petition for each tract or property protesting. If the property owner is a corporation, an affidavit must be attached, stating that the corporation has authorized the signature.
4. If the property is in multiple ownerships, all owners must sign. If the property is listed on the Jackson County tax records as owned by husband and wife, then both must sign. A husband cannot sign for his wife, or vice-versa.
5. The signature must be identical, or nearly identical, to the name of the owner(s) as it appears on the deed (and corresponding tax records). For example, if the name on the deed is John J. Doe, then Jack Doe would not be acceptable, whereas John Jacob Doe would be.
6. In the case of property listed in co-ownership by a husband and wife in whom one of the spouses is deceased, the surviving spouse must list the date and place (city/county/state) in which the deceased spouse died and then sign the statement. Example: "My husband, William J. Smith, died October 2, 1977 in Independence, Jackson County, Missouri"... signed Mary M. Smith.

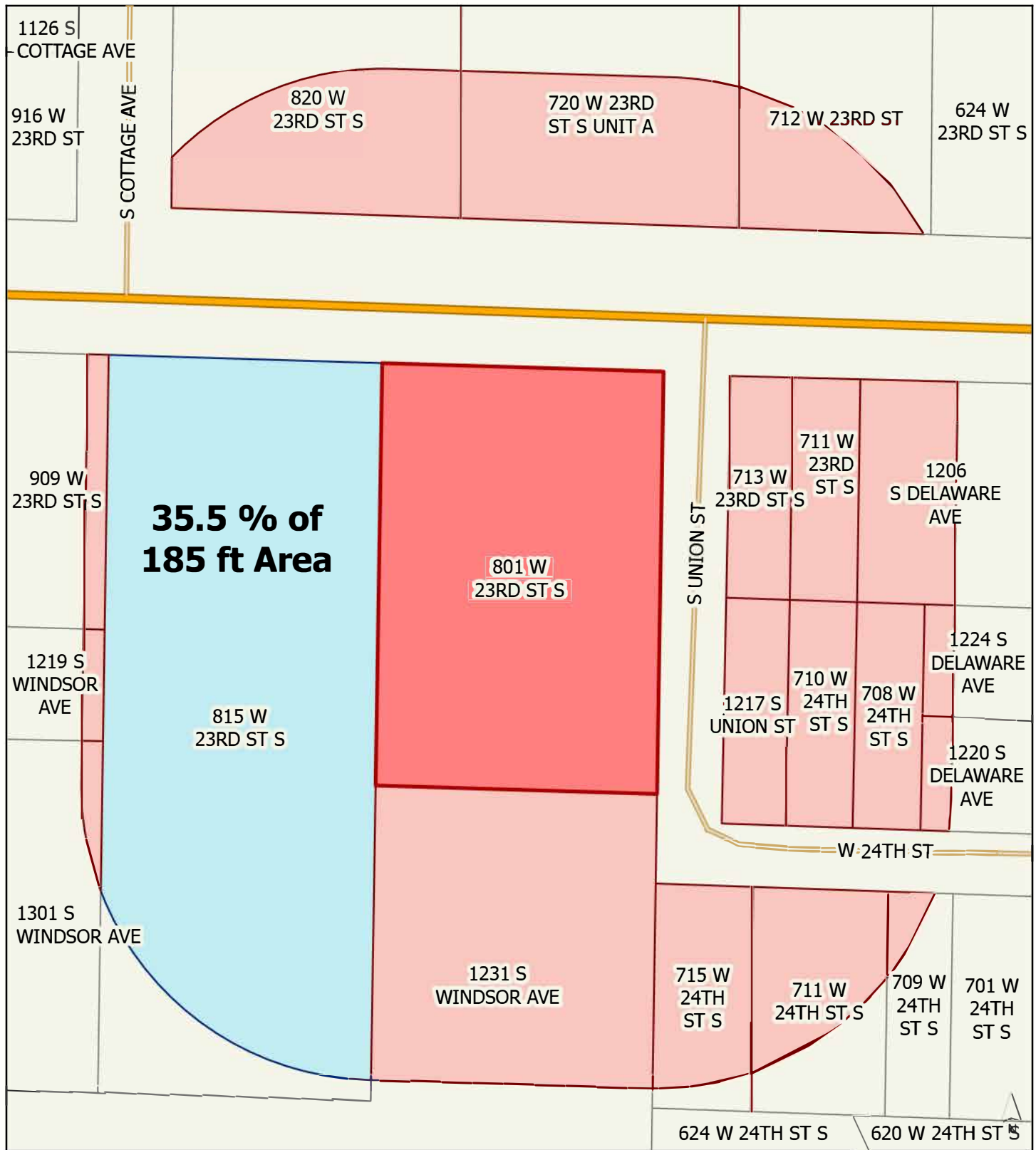
If you have any questions concerning this information, please contact the Community Development Department at City Hall building, 111 E. Maple, or call 816-325-7421.

LEGAL PROTEST PETITION

Notification Area

24-200-04

801 W 23rd Street S , Independence, MO 64052



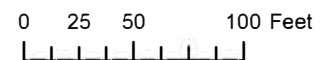
Subject Property



Protest Properties



185 ft Notification Area



Prepared by Joshua Garrett, Community Development
Date: 7/22/2024

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-077 **1R** An ordinance approving a rezoning from District C-2 (General Commercial) and C-1 (Neighborhood Commercial) to C-2 (General Commercial) for the property at 13001 E. US Highway 40. **1R**

Recommendations:

Commissioner Ashbaugh made a motion to recommend approval of case 24-100-14, the rezoning of 13001 E. US Highway 40. A second to the motion was made by Commissioner Ferguson. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Absent

Commissioner O'Neill – Yes

Commissioner Torres – Yes

Commissioner Wiley – Yes

The motion was approved, and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The property at 13001 E. US 40 Highway currently has two zoning designations. The portion of the property nearest 40 Highway that is mostly paved surface, but also contains a small part of the building is zoned C-1 (Neighborhood Commercial). The remainder of the lot, which includes the majority of the building and the portion of the parking lot with frontage along 47th Street S., is designated C-2 (General Commercial). For any use to be permitted on the property as it is currently zoned, the use must be allowed in both C-1 (Neighborhood Commercial) and C-2 (General Commercial) zones.

The applicant, Hi-Tech Machinery, Inc, is a business that sells used metalworking machinery. They have been operating out of two other locations within the City of Independence. Hi-Tech Machinery is intending to purchase and use the subject property to consolidate their inventory and use the building as a sales floor for their retail operation. City code defines this type of use as "Business Equipment Sales and Services." This use is permitted in C-2 (General Commercial) districts, but not allowed in districts designated C-1 (Neighborhood Commercial). Thus, the intended use of the property is not allowed on the property with the current zoning designation. The applicant seeks to have the zoning amended so that the entire property is designated as C-2 (General Commercial).

PROPERTY HISTORY:

The subject property was platted in 1954 as parts of lot 2 and 3 of the Twiehaus Addition.

However, the property has been bought and sold numerous times throughout the previous seven decades with complicated legal descriptions and little regard to the platted lot lines. This is ultimately how the subject property came to have mixed zoning.

The area that is now part of the subject property also had two zoning designations when zoning was introduced in 1965. The southern portion of Twiehaus Addition, Lot 3 was designated C-3 (Commercial) while the remainder of the area was C-1 (Neighborhood Commercial). In the late 1960s the property was part of rezoning case that established the current zoning configuration of the property. Area designated as C-1 (Neighborhood Commercial) was its own separate property at the time. Only later, in the 1980s, were the properties sold together establishing the current property boundaries. This created a situation where a single property contained two zoning designations.

For many years the property housed a bowling alley called "Strike and Spare." The bowling alley closed in 2020. In 2021, KC Floorworx, a carpet and flooring company opened at the location. Although, the issuance of the business license was in error because carpet and floor covering retail sales is also not permitted in C-1 (Neighborhood Commercial) districts.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The majority of the property is a paved parking lot with frontage on US 40 Highway and 47th Street currently the drives that allow the property to be accessed from 47th Street are blocked by large concrete blocks. The only way to access the property is via US 40 Highway. A large building approximately 30,000 square feet in size sits on the eastern part of the property. The building has been painted a light grey color and features an awning over the entrance that reads "KC Floorworx." The rear of the building can be accessed from 47th Street and features rolling garage door and an additional rear entrance.

CHARACTERISTICS OF THE AREA:

The area along US 40 Highway features various commercial uses typical of a commercial corridor. On either side of the street sits used car lots. West of the subject property is a restaurant. However, northwest of the subject property, across 40 highway lies two single-family homes. South of the subject property, across 47th street lies a single-family residential subdivision called Voorheis Vale.

REQUEST:

The applicant seeks to have the entire property rezoned to C-2 (General Commercial) so that he can purchase the property and operate a use metalworking machine retail sales floor.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the Independence for All, Strategic Plan. One of the objectives of the plan is to grow business and industry. The applicant, Hi-Tech Machinery, is a local business that has been operating in Independence for several years. By rezoning the property to accommodate the use of this business will allow them to continue to grow and expand their operation within our community.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. While the comprehensive plan intends for this to be a residential area, it is unlikely that this property or the surrounding properties could be use as such without significant redevelopment. This property has been used for commercial purposes for many years. Realistically, it will remain a commercial property for some time.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in on the property and in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA:

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria.

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Residential Neighborhoods. The proposed zoning does not conform to the comprehensive plan; however, commercial uses are practical for the property given the historical uses of the subject property and surrounding area.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

There are no recent neighborhood or sub-area plans for this area.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

The surrounding area is a mix of C-1 (Neighborhood Commercial), C-2 (General Commercial), and R-6 (Single-Family Residential). C-2 (General Commercial) is compatible with the adjacent commercial zoning districts. Generally, C-2 is not compatible with R-6 (Single Family Residential) zoning districts. However, the US 40 Highway and 47th Street rights-of-way provide a buffer from the subject property. By blocking the drives that access 47th street, the negative impact of a C-2 uses can be further separated from the adjacent residential homes.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

The surrounding area is a mix of commercial and residential uses. C-2 (General Commercial) is compatible with the adjacent commercial uses. Generally, C-2 is not compatible with single-family residential homes. However, the US 40 Highway and 47th Street rights-of-way provide a buffer from the subject property. By blocking the drives that access 47th street, the negative impact of a C-2 uses can be further separated from the adjacent residential homes.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

The two most recent uses of the property were a bowling alley and a flooring store. Neither of these uses are allowed in C-1 (Neighborhood Commercial). The historical and current land use of the property has been more compatible with C-2 (General Commercial) than C-1 (Neighborhood Commercial). By rezoning the property to C-2 (General Commercial) the de facto land use of the property will be allowed de jure.

6. The length of time the subject property has remained vacant as zoned.

The subject property is not vacant and has not been vacant, except for a brief period in 2021. The property is currently being used as carpet and flooring store. If the property is rezoned, the applicant will purchase the property and begin operations shortly after purchasing the property..

7. The extent of which approving the rezoning will detrimentally affect nearby properties. Given that the de facto land use of the property has been uses compatible with C-2 (General

Commercial) districts, rezoning the property to be entirely C-2 (General Commercial) will not affect the adjacent properties any more than any previous use at this property.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

The two zoning designations on this property create an undue burden on businesses looking to operate on the property. Denial of the rezoning will limit the allowed uses of this property to those uses that are allowed in both C-1 (Neighborhood Commercial) and C-2 (General Commercial.) This is more restrictive than what is intended by City Code. By rezoning the property to C-2 (General Commercial) property owners will be able to use the property as intended in the Unified Development Ordinance.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-100-14
2. Staff Report_24-100-14
3. Cover Letter
4. Application
5. Notification Letter
6. Address List
7. Affidavit
8. Notice Area Map

9. Comp Plan Map
10. Zoning Map
11. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) AND C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) FOR THE PROPERTY AT 13001 E. US HIGHWAY 40.

WHEREAS, an application submitted by Hi-Tech Machinery, Inc is requesting approval of a rezoning from District C-2 (General Commercial) and C-1 (Neighborhood Commercial) for the property at 13001 E. US Highway 40 was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on July 9, 2024, and rendered a report to the City Council recommending the rezoning be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application.

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described property is hereby rezoned from C-2 (General Commercial) and C-1 (Neighborhood Commercial) to C-2 (General Commercial) and shall be subject to the regulations of said district:

TWIEHAUS ADD; PT LOTS 2 AND 3 DAF: BEG SE COR LOT 3 TH N 197.53' TH W 160'; TH N TO SLY LI HWO 40 TH NWLY ALG SLY LI 169.9' TO NE COR; LOT 2 TH SLY ALG E LI 175' TH NWLY 105' TH S 340' TO N LI; OLD HWY 40 TH E ALG N LI 408.7' TO POB

SECTION 2. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 4. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Hi-Tech Machinery, Inc Rezoning Request

CASE NUMBER/REQUEST: **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery, Inc to rezone the subject property from C-1(Neighborhood Commercial) and C-2(General Commercial) to C-2(General Commercial).

APPLICANT/OWNER: Hi-Tech Machinery, Inc

PROPERTY ADDRESS: 13001 E. US 40 Highway, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: R-6 (Single Family Residential) and C-1 (Neighborhood Commercial) – Single Family Residences and Use Auto Lot

South: R-6 (Single Family Residential) – Single Family Homes

East/West: C-1 (Neighborhood Commercial) and C-2 (General Commercial) – Various Commerical Businesses

PUBLIC NOTICE

- Letters to property owners within 185 feet – May 30, 2024
- Public Notice published in the Independence Examiner – June 18, 2024
- Sign posted on property – June 21, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 5, 2024, and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Hi-Tech Machinery, Inc to rezone the subject property from C-1(Neighborhood Commercial) and C-2(General Commercial) to C-2(General Commercial).

Current Zoning:

C-1 (Neighborhood Commercial) &
C-2 (General Commercial)

Proposed Zoning:

C-2 (General Commercial)

Current Use: Carpet and Flooring Retail Sales

Proposed Use: Business Equipment Sales and Services

Acreage: 3.04 Acres

Building Square Footage: ≈ 30,000 Square Feet

BACKGROUND:

The property at 13001 E. US 40 Highway currently has two zoning designations. The portion of the property nearest 40 Highway that is mostly paved surface, but also contains a small part of the building is zoned C-1 (Neighborhood Commercial). The remainder of the lot, which includes the majority of the building and the portion of the parking lot with frontage along 47th Street S., is designated C-2 (General Commercial). For any use to be permitted on the property as it is currently zoned, the use must be allowed in both C-1 (Neighborhood Commercial) and C-2 (General Commercial) zones.

The applicant, Hi-Tech Machinery, Inc, is a business that sells used metalworking machinery. They have been operating out of two other locations within the City of Independence. Hi-Tech Machinery is intending to purchase and use the subject property to consolidate their inventory and use the building as a sales floor for their retail operation. City code defines this type of use as “Business Equipment Sales and Services.” This use is permitted in C-2 (General Commercial) districts, but not allowed in districts designated C-1 (Neighborhood Commercial). Thus, the intended use of the property is not allowed on the property with the current zoning designation. The applicant seeks to have the zoning amended so that the entire property is designated as C-2 (General Commercial).

PROPERTY HISTORY:

The subject property was platted in 1954 as parts of lot 2 and 3 of the Twiehaus Addition. However, the property has been bought and sold numerous times throughout the previous seven decades with complicated legal descriptions and little regard to the platted lot lines. This is ultimately how the subject property came to have mixed zoning.

The area that is now part of the subject property also had two zoning designations when zoning was introduced in 1965. The southern portion of Twiehaus Addition, Lot 3 was designated C-3 (Commercial) while the remainder of the area was C-1 (Neighborhood Commercial). In the late 1960s the property was part of rezoning case that established the current zoning configuration of the property. Area designated as C-1 (Neighborhood Commercial) was its own separate property at the time. Only later, in the 1980s, were the properties sold together establishing the current property boundaries. This created a situation where a single property contained two zoning designations.

For many years the property housed a bowling alley called “Strike and Spare.” The bowling alley closed in 2020. In 2021, KC Floorworx, a carpet and flooring company opened at the location. Although, the issuance of the business license was in error because carpet and floor covering retail sales is also not permitted in C-1 (Neighborhood Commercial) districts.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The majority of the property is a paved parking lot with frontage on US 40 Highway and 47th Street currently the drives that allow the property to be accessed from 47th Street are blocked by large concrete blocks. The only way to access the property is via US 40 Highway. A large building approximately 30,000 square feet in size sits on the eastern part of the property. The building has been painted a light grey color and features an awning over the entrance that reads “KC Floorworx.” The rear of the building can be accessed from 47th Street and features rolling garage door and an additional rear entrance.

CHARACTERISTICS OF THE AREA:

The area along US 40 Highway features various commercial uses typical of a commercial corridor. On either side of the street sits used car lots. West of the subject property is a restaurant. However, northwest of the subject property, across 40 highway lies two single-family homes. South of the subject property, across 47th street lies a single-family residential subdivision called Voorheis Vale.

PROPOSAL:

The applicant seeks to have the entire property rezoned to C-2 (General Commercial) so that he can purchase the property and operate a use metalworking machine retail sales floor.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to grow business and industry. The applicant, Hi-Tech Machinery, is a local business that has been operating in Independence for several years. By rezoning the property to accommodate the use of this business will allow them to continue to grow and expand their operation within our community.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. While the comprehensive plan intends for this to be a residential area, it is unlikely that this property or the surrounding properties could be use as such without significant redevelopment. This property has been used for commercial purposes for many years. Realistically, it will remain a commercial property for some time.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present on site and in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

- 1. Conformance of the requested zoning with the comprehensive plan.**

The Comprehensive Plan envisions this area to be Residential Neighborhoods. The proposed zoning does not conform to the comprehensive plan; however, commercial uses are practical for the property given the historical uses of the subject property and surrounding area.

2. **Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

There are no recent neighborhood or sub-area plans for this area.

3. **The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**

The surrounding area is a mix of C-1 (Neighborhood Commercial), C-2 (General Commercial), and R-6 (Single-Family Residential). C-2 (General Commercial) is compatible with the adjacent commercial zoning districts. Generally, C-2 is not compatible with R-6 (Single Family Residential) zoning districts. However, the US 40 Highway and 47th Street rights-of-way provide a buffer from the subject property. By blocking the drives that access 47th street, the negative impact of a C-2 uses can be further separated from the adjacent residential homes.

4. **The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**

The surrounding area is a mix of commercial and residential uses. C-2 (General Commercial) is compatible with the adjacent commercial uses. Generally, C-2 is not compatible with single-family residential homes. However, the US 40 Highway and 47th Street rights-of-way provide a buffer from the subject property. By blocking the drives that access 47th street, the negative impact of a C-2 uses can be further separated from the adjacent residential homes.

5. **The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

The two most recent uses of the property were a bowling alley and a flooring store. Neither of these uses are allowed in C-1 (Neighborhood Commercial). The historical and current land use of the property has been more compatible with C-2 (General Commercial) than C-1 (Neighborhood Commercial). By rezoning the property to C-2 (General Commercial) the de facto land use of the property will be allowed de jure.

6. **The length of time the subject property has remained vacant as zoned.**

The subject property is not vacant and has not been vacant, except for a brief period in 2021. The property is currently being used as carpet and flooring store. If the property is rezoned, the applicant will purchase the property and begin operations shortly after purchasing the property.

7. **The extent of which approving the rezoning will detrimentally affect nearby properties.**

Given that the de facto land use of the property has been uses compatible with C-2 (General Commercial) districts, rezoning the property to be entirely C-2 (General Commercial) will not affect the adjacent properties any more than any previous use at this property.

8. **The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.**

The two zoning designations on this property create an undue burden on businesses looking to operate on the property. Denial of the rezoning will limit the allowed uses of this property to those uses that are allowed in both C-1 (Neighborhood Commercial) and C-2 (General Commercial.) This is more restrictive than what is intended by City Code. By rezoning the property to C-2 (General Commercial) property owners will be able to use the property as intended in the Unified Development Ordinance.

Further, the applicant is under contract to purchase the property. If the rezoning is denied the applicant will not purchase the property and look elsewhere. This will require the current property owner to continue to look for a buyer, who will likely encounter the same limitations of the property as the applicant.

EXHIBITS

1. Cover Letter
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notice Area Map
7. Comp Plan Map
8. Zoning Map

May 16, 2024

Mr. Joshua Garrett, Planner
Community Development - Planning Division
111 E. Maple Avenue
Independence, Missouri 64050

RE: Request for Rezoning – 13001 E US 40 Highway, Independence MO 64055

Dear Mr. Garrett,

On behalf of Hi-Tech Machinery Inc., we respectfully request the rezoning of the property at 13001 E US 40 Hwy Independence MO 64055, from its current C-2 General Commercial and C-1 Neighbourhood Commercial, to a unified C-2 General Commercial zone. After discussion with City staff, we understand that in order to be issued a business license to operate a retail business of Used Metalworking Machinery at said location, the entire property must be zoned as a C-2 General Commercial Zone. This change is a requirement by the City of Independence .

Hi-Tech Machinery, Inc. already operates two warehouses in Independence, Missouri, (14914 E Truman Rd and 301 N Kiger Rd) demonstrating our ongoing investment and commitment to the city's economic growth. Our expansion within the city with a retail location of a Used Metalworking Machinery, underscores our confidence in Independence as a strategic location for business development. The proposed rezoning and development of our business will further stimulate local economic activity and provide additional employment opportunities, benefiting the community.

We have attached the required rezoning application & Application Fee with this letter for your review. Should you have any questions or require additional information, please feel free to contact me at info@hitechmachineryinc.com or 913-306-1377.

Thank you for your attention to this matter.

Respectfully submitted,



Gurpreet Singh
President



Planning and Zoning Application Form

Community Development
111 E. Maple Avenue
Independence, MO 64050
(816) 325-7421
cdplanning@indepmo.org

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☒ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

HI-TECH MACHINERY INC.

Project Name

13001 E US 40 HWY, INDEPENDENCE MO 64055

Project Address/Location

30854

Sq. Ft. of Building

3.06

Acreage

1

Number of Lots/Tracts

No

Stream Buffer (Yes or No)

C1/C2

Existing Zoning

C2

Proposed Zoning

CARPET RETAIL

Existing Land Use

USED MACHINERY SALES

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☒ Completed & Signed Application Form	☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
☒ Application Fee	☐ One PDF copy of a plat map or site plan
☒ Cover Letter Describing Details of Project	☐ Legal Description of the property in question

Contact Information

Applicant

HI-TECH MACHINERY INC

Name

Company

14914 E TRUMAN RD, INDEPENDENCE MO 64050

Address

913-306-1377 INFO@HYTECHMACHINERYINC.COM

Phone

Email

Architect/Engineer/Surveyor/Other: _____

Name

Company

Address

Phone

Email

The applicant hereby agrees that the information provided above is accurate.

[Signature]
Applicant's Signature

05/16/24
Date

Owner

Joseph M Bartels II KC Floorworks

Name

Company

13001 E US 40 HWY, Independence Mo 64055

Address

913-904-6497 jbartels@kcfloorworks.com

Phone

Email

Architect/Engineer/Surveyor/Other: _____

Name

Company

Address

Phone

Email

[Signature]
Owner's Signature

05/16/24
Date

May 2022

Property Owner Notification Letter

City of Independence, Missouri

Date: 5/30/2024

Case No. 24-100-14

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezone the property from C-1 (Neighborhood Comm.)

and C-2 (General Commercial) to C-2 (General Commercial).

Applicant: HI-TECH MACHINERY INC

Location of Property: 13001 E US 40 HWY

Planning Commission Meeting Date: July 9th, 2024, at 6:00 p.m.

City Council Meeting Date: August 19th, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.



Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
40 HWY CARWASH LLC	3635 BELLEVIEW AVE	KANSAS CITY	MO	64111
BRATKOVIC LINDA	4719 S UNION AVE	INDEPENDENCE	MO	64055
CLA REALTY LLC	2600 GRAND BLVD STE 1000	KANSAS CITY	MO	64108
D & S INVESTING LLC	404 NE FOX TRAIL DR	BLUE SPRINGS	MO	64014
ESTB LLC	17910 W 154TH ST	OVERLAND PARK	KS	66223
FRED J HANEY REVOCABLE TRUST AGREEMENT	12712 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
GURGUNG KUSHAL	12808 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
HART KRISTINE M	4715 S UNION AVE	INDEPENDENCE	MO	64055
HEIPLE JANET LEA	12622 RAGSDALE RD	LONE JACK	MO	64070
HENSLEY ELSIE F	12802 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
IREY BEVERLY A	4717 S UNION	INDEPENDENCE	MO	64055
JB'S ENTERPRISE LLC	1025 MAPLE WOODS DR	LIBERTY	MO	64068
JOHNSON ELOISE M--TRUSTEE	12806 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
KING KONG PROPERTIES LP	12903 E 35TH TER S	INDEPENDENCE	MO	64055
KUFAHL AMY C	12710 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
MERRYMAN LISA	12804 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
MIDWEST MHP LINDALE LLC	355 RAMBLEWOOD LN	SHERMAN	IL	62684
RENSHAW LISA M & DAVID M JR	12714 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
RHEAUME LUKE	12800 E 47TH TERCT S	INDEPENDENCE	MO	64055
RUSHTON TYLER C	13002 E 40 HIGHWAY	INDEPENDENCE	MO	64055
TAYLOR JOLENE K	12706 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
VOORHEIS VALE CONDOMINIUM ASSOCIATION	2134 NW 7 HWY	BLUE SPRINGS	MO	64014
VOORHEIS VALE CONDOMINIUM ASSOCIATION	9230 PFLUMM RD	LENEXA	KS	66215
W A ELLIS CONSTRUCTION CO	21500 E US 24 HWY	INDEPENDENCE	MO	64056
WALKER CUSTOM HOMES LLC	4210 NW LAKE DR	LEES SUMMIT	MO	64064
WHITE LAURA	12810 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
WOFFORD BARBARA JO	12708 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
WOODWARD DALLAS	12910 E US 40 HWY	INDEPENDENCE	MO	64055

Property Owner Notification Affidavit

STATE OF MISSOURI

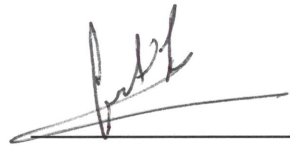
COUNTY OF JACKSON

Case No. 24-100-14

I, GURPREET SINGH, of lawful age being first duly sworn upon oath, state:

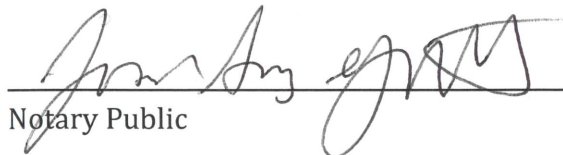
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 31ST day of MAY, 2024.



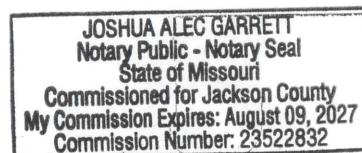
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 31 day of May, 2024.



Notary Public

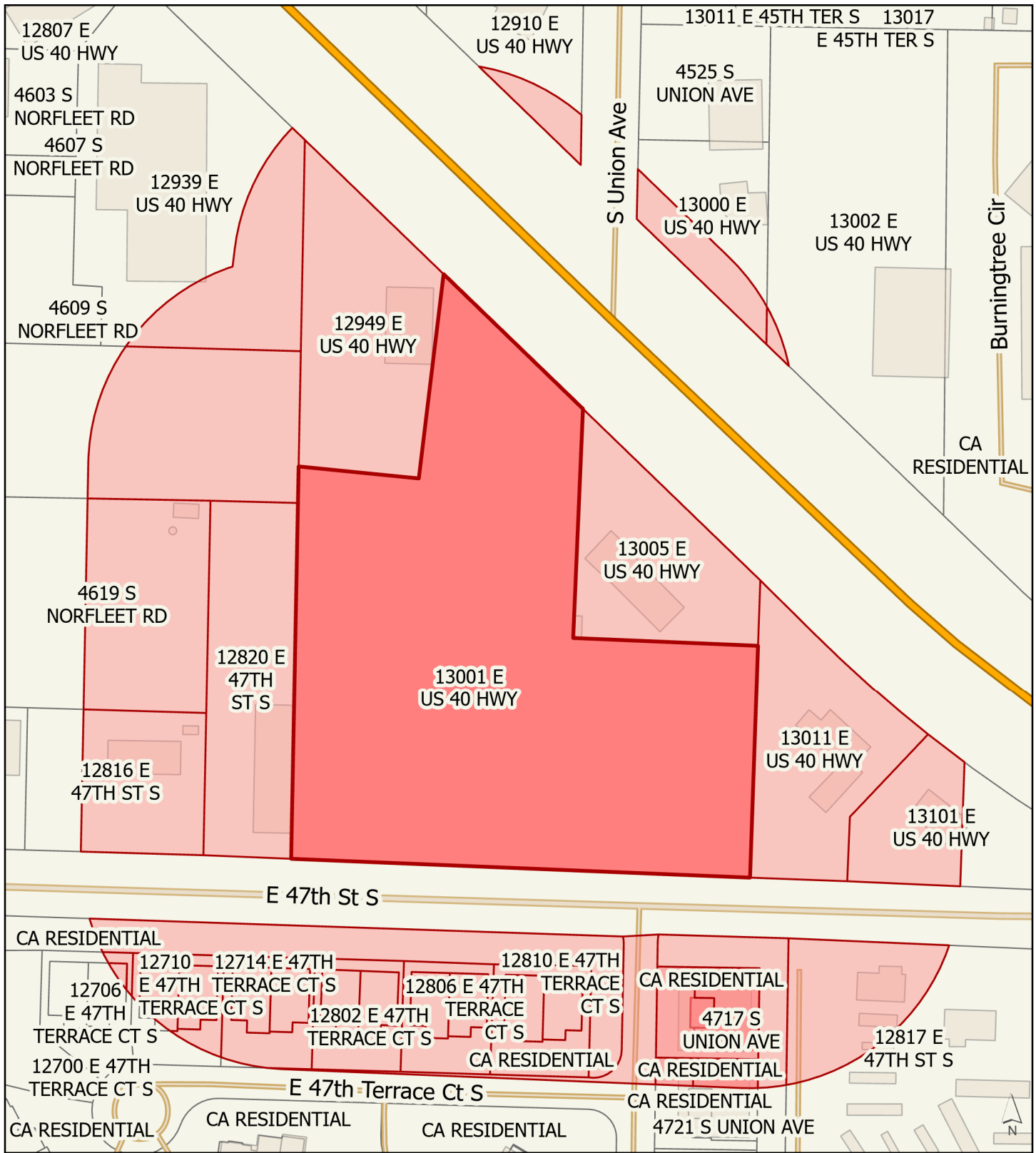
August 9, 2027
Commission Expiration Date



Notification Area

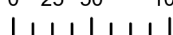
24-100-14

13001 E US 40 Highway, Independence, MO 64055



 Subject Property

 185 ft Buffer Area

0 25 50 100 Feet


Prepared by Joshua Garrett, Community Development
Date: 6/6/2024



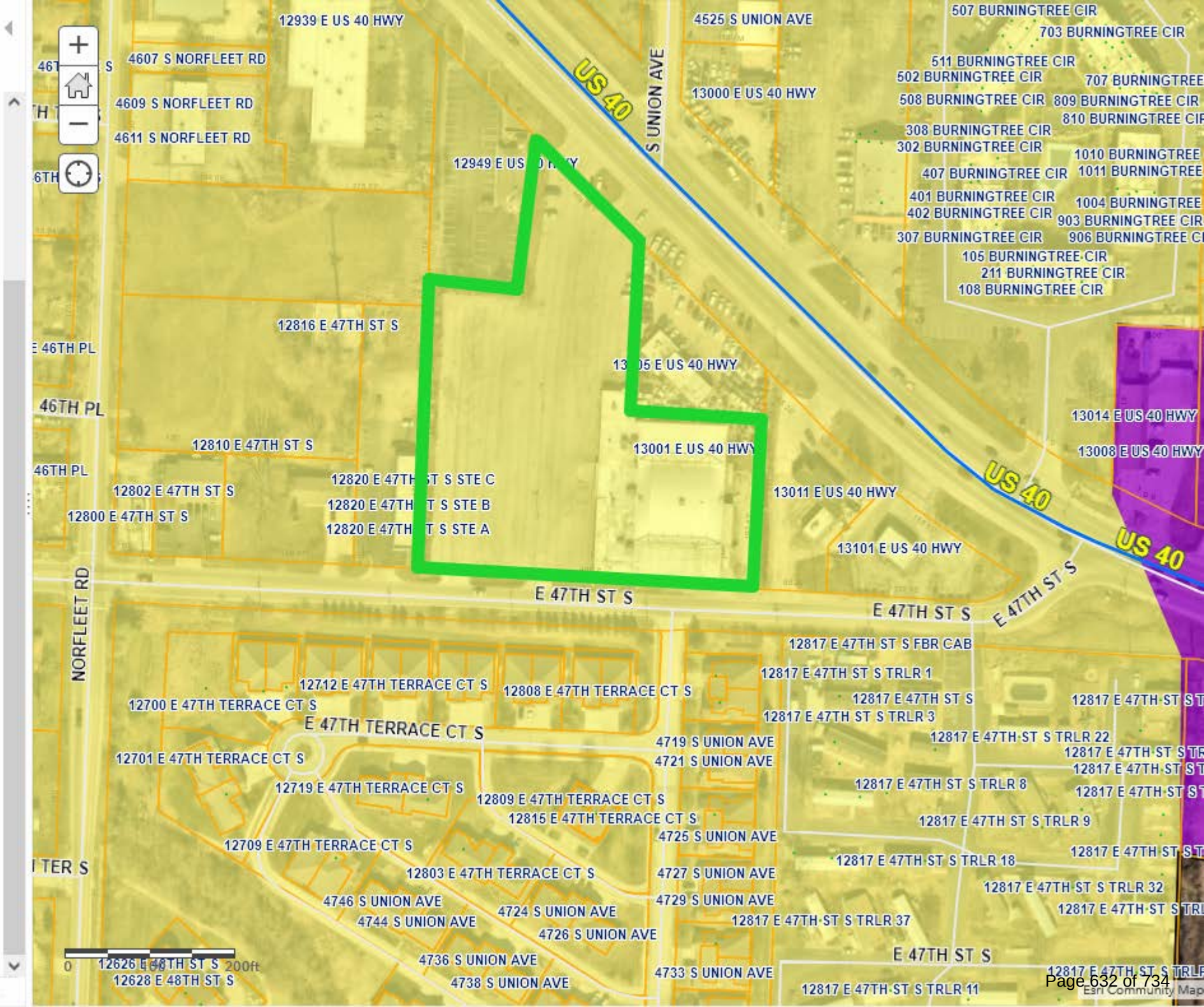
Legend

Parcels

Municipal Boundaries

Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural

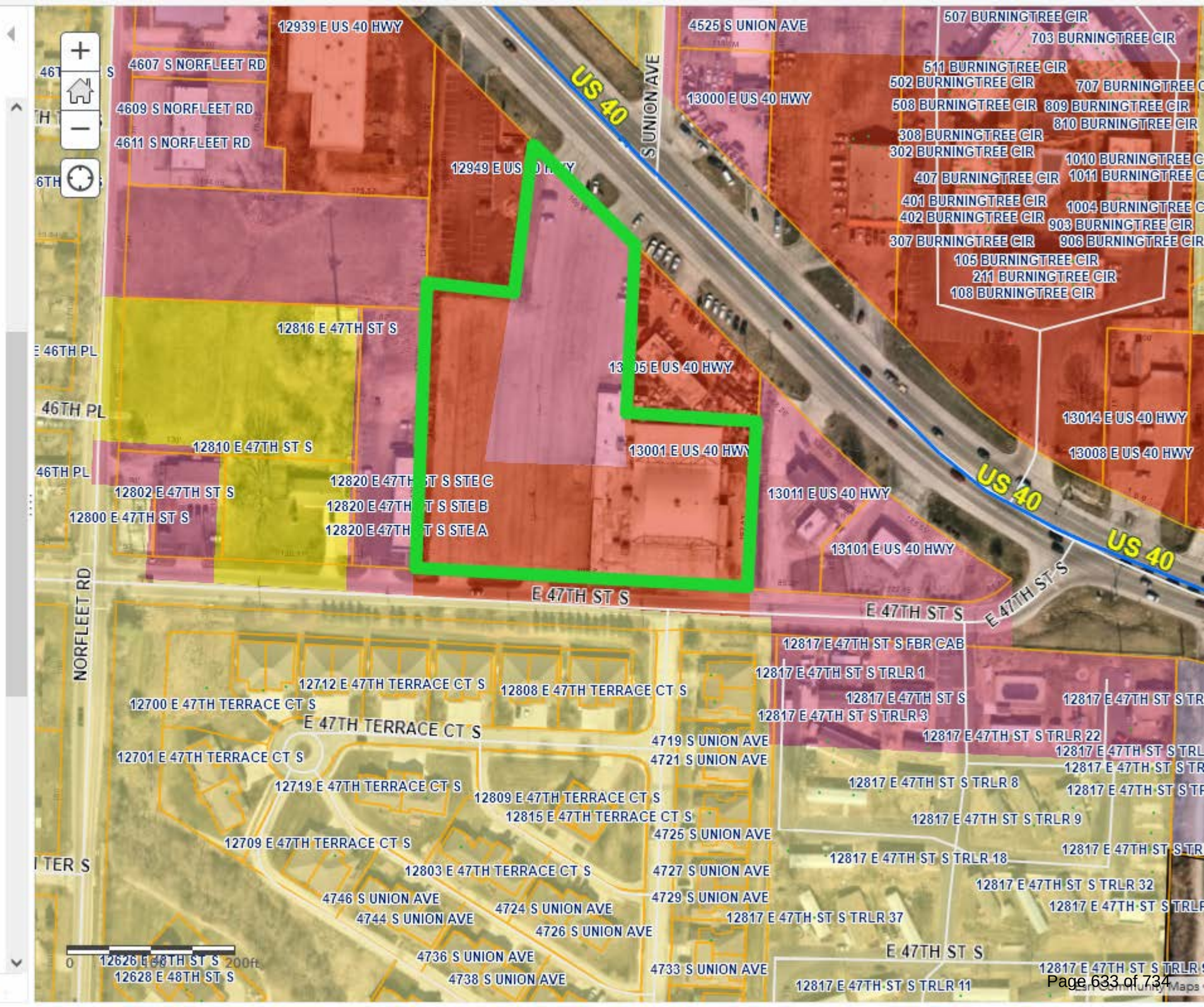




Legend

Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL





City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-078 **1R** An ordinance amending Article 5 of Chapter 19 of the City Code enacting a maximum number of refuse collection establishments operating in the City. **1R**

Recommendations:

Staff recommends approval.

Background:

At the July 1, 2024 City Council meeting, it was requested that staff bring forward an amendment to the City Code to enact a limit on the number of refuse collectors operating with the City.

The City currently has eight (8) refuse collectors operating in the City. The proposed amendment leaves in place the Certificate of Public Convenience and Necessity process and establishes a limit based on a population density factor of one (1) refuse collection establishment per 15,500 population based on the last decennial census.

With the adjustable factor, as the residential population grows, there could be need for additional refuse collection establishments in the future. However, with the Certificate of Public Convenience and Necessity process, the decision to review additional establishment will still be made by the City Council.

Emergency Justification:**Fiscal Impact:**

There is no fiscal impact to the City.

Council Action:

**Department /
Contact**

Community Development /

REVIEWERS

Tom Scannell

Jeremy Cover

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance Enacting Maximum Number of Trash Collectors
2. City Code Article 5. Refuse Collectors

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 5 OF CHAPTER 19 OF THE CITY
CODE ENACTING A MAXIMUM NUMBER OF REFUSE COLLECTORS
OPERATING IN THE CITY.

WHEREAS, the City of Independence has regulated trash collectors since the 1940s; and may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, since the adoption, there have been several amendments to the refuse collectors article mostly dealing with singular topics; and,

WHEREAS, City Council desires to update these regulations to enact a maximum number of refuse collectors that can operate in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Independence Section 19.05.002 shall hereby be amended as follows:

Sec. 19.05.002. Certificate of public convenience and necessity required **and number of establishments.**

No person, firm or corporation shall engage in the business of regularly collecting refuse without first obtaining a certificate of public convenience and necessity from the City Council for each vehicle to be operated as a refuse collection vehicle. The certificate shall be in addition to any business or occupational license required by other ordinances. **No certificate of public convenience and necessity shall be approved where it is determined that the total number of such establishments operating within the City of Independence will exceed the population density factor of one refuse collection establishment per 17,500 residents based on the last decennial census. Should the maximum number of establishments decrease due to a decrease in the City's decennial census decrease, those lawfully licensed refuse collection establishments shall be allowed to continue operations subject to provisions in the City Code.**

SECTION 2. This Ordinance shall be in full force and effect from and after passage.

SECTION 3. Correction of any scrivener's' errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY

City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.

ARTICLE 5. REFUSE COLLECTORS

Sec. 19.05.001. Definitions.

Whenever the following words and phrases are used in this article, they shall have the meanings set out herein:

CERTIFICATE HOLDER means any person to whom a certificate of public convenience and necessity has been issued under the provisions of this article and which certificate has not been revoked or suspended.

COLLECTION VEHICLE means any self-propelled or drawn vehicle engaged or capable of being engaged in the collection, transportation and disposal of refuse.

COLLECTOR means any person engaged in the business of collecting, transporting and disposing of refuse over a regular route within the City of Independence or upon call.

COMPLIANCE STICKERS will be issued to each vehicle in a form prescribed by the License Officer as evidence that the vehicle owner has a certificate therefore, that all fees have been paid, and the vehicle is in compliance with this article.

DESIGNATE shall mean the individual duly appointed by, and authorized to act on behalf of, any officer or employee assigned specific duties and responsibilities under this chapter.

LICENSE OFFICER means the proper designee of the City Manager.

OPERATING WITHIN THE CITY OF INDEPENDENCE means receiving, picking up, or otherwise collecting, within the corporate limits of the City of Independence, Missouri, any such refuse, and the hauling of such over the streets of the City to any point within or without the City.

PREMISES means business establishments, boarding houses, rooming houses, offices, theaters, hotels, tourist camps, apartments, restaurants, cafes, bars, hospitals, schools, private residences, vacant lots or other places within the City limits of the City of Independence, Missouri.

REFUSE shall include putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and the consumption of food; all solid wastes; small tree limbs, tree prunings, shrubbery trimmings, and small crating materials of wood and/or cardboard; brush, wood, cardboard boxes, heavy yard trimmings which cannot be conveniently cut into five foot lengths, discarded fence posts, old lumber, and other earthen, wooden or metal materials; all organic or inorganic matter, which has been discarded, damage thrown away or which no longer has value or use, or is inoperative or unworkable.

Sec. 19.05.002. Certificate of public convenience and necessity required and number of establishments.

No person, firm or corporation shall engage in the business of regularly collecting refuse without first obtaining a certificate of public convenience and necessity from the City Council for each vehicle to be operated as a refuse collection vehicle. The certificate shall be in addition to any business or occupational license required by other ordinances. No certificate of public convenience and necessity shall be approved where it is determined that the total number of such establishments operating within the City of Independence will exceed the population density factor of one refuse collection establishment per 17,500 residents based on the last decennial census. Should the maximum number of establishments decrease due to a decrease in the City's decennial census decrease, those lawfully licensed refuse collection establishments shall be allowed to continue operations subject to provisions in the City Code.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-079 **1R** An ordinance approving a final plat for Behavioral Health, in Independence, Jackson County, Missouri. **1R**

Recommendations:

Commissioner O’Neil made a motion to recommend approval of the final plat of Behavioral Health with the following conditions:

1. Situs Addresses for the Lots and Tracts on the Final Plat shall be as follows:

Lot 1 20501 E. 42nd Street S.

Lot 2 will be 20500 E. 42nd Street S.

2. Provide State Plane Coordinates.

3. The first signature block should read, “City Engineer,” not, “Municipal Services Director”.

4. Commercial lots will need follow water quality Best Management Practices (BMP’s). These can be built during the development phase or building permit phase.

A second to the motion was made by Commissioner Ashbaugh. The City Planning Commission voted as follows:

Commissioner Wiley - Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Absent

Commissioner O’Neil – Yes

Commissioner Ashbaugh – Yes

Commissioner Torres - Yes

The motion passed with a recommendation for approval to be forwarded to the City Council for consideration. Staff concurs with the recommendation of the Planning Commission.

Background:

PROJECT DESCRIPTION: A request by Sean Ray, of Kimley-Horn, to approve a Final Plat the property located at 20441 E. 42ND Street S. (to be readdressed as 20501 and 20500 E. 42nd Street S.).

PROPOSAL:

The project entails the construction of a new Behavioral Health Facility on 8.36-acres of the remaining unplatted Trinity Development. Lot 2, north of E. 42nd Street S., will remain undeveloped at this time.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed two lot plat will be a 12.37-acre property, consisting of the unplatted remainder of the Trinity Development located northeast of the intersection E. Valley View Parkway and E. Trinity Place.

CHARACTERISTICS OF THE AREA:

The Trinity Development contains restaurant, hotel, banking, office, multiple-family, library and medical uses. To the north Lot 2 is Interstate 70. The properties to the west of Lot 2 are a vacant lot and a hotel. To the west of Lot 1 is a children's hospital. To the east of both proposed lots is a nursing home. To the south of Lot 1 across E. Trinity Place is an undeveloped property.

The topography to the rises to the west. The new subdivision will be located in the relatively flat Little Blue Valley.

PROPOSED DEVELOPMENT:

The proposed development project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534-square foot one-story facility will provide treatment for 120 inpatients.

The 8.36-acre site will include parking for 180 vehicles, drop-off for passenger vehicles and ambulances, truck loading and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with additional landscaping. A schematic design of detention areas has been developed.

ANALYSIS**Consistency with *Independence for All*, Strategic Plan:**

The application is within keeping with the Measures for Success for, "Improve...major commercial corridors."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Mixed Uses for this site. The Guiding Principles state the need to, "Ensure that opportunities for convenient and concentrated commercial developments are provided to support both the local and regional market."

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Water, sanitary and electrical services are available along the E. 42nd Street S. and E. Trinity Place rights-of-way and nearby easements.

Stream Buffers and Flood Plain Area:

There are not any Stream Buffer zones within the plat area. However, portions of Lot 1 are within both the 100 and 500-year flood plains.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:**Fiscal Impact:**

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-320-03
2. Staff Report 24-320-03
3. Narrative
4. Application
5. Final Plat
6. Zoning Map
7. Comp Plan Map
8. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FINAL PLAT FOR BEHAVIORAL HEALTH, IN
INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS, the application submitted by UHS Behavioral Health Facility, requesting approval of the final plat entitled "Behavioral Health," was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on July 9, 2024, and rendered a report to the City Council recommending the plat be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the final plat is consistent with the approval criteria in Section 14-702-04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the final plat entitled "Behavioral Health" is a subdivision located in part of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri and being more particularly described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 12, TRINITY 2ND PLAT, LOTS 6-12, A SUBDIVISION OF LAND AS RECORDED AT THE JACKSON COUNTY, MISSOURI RECORDER OF DEEDS OFFICE; THENCE NORTH 88°20'54" EAST, 521.31 FEET; THENCE ALONG A CURVE TO THE RIGHT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 215.00 FEET, AN ARC LENGTH OF 162.85 FEET, TO THE NORTHERLY CORNER OF EAST TRINITY PLACE, AS NOW ESTABLISHED, AND AS SHOWN ON THE FINAL PLAT OF, TRINITY WOODS, SECOND PLAT- LOT 4, A SUBDIVISION OF LAND AS RECORDED IN SAID OFFICE, THENCE, ALONG THE WESTERLY AND NORTHERLY SIDE OF SAID EAST TRINITY PLACE, THE FOLLOWING SIX (6) COURSES, SOUTH 41°44'45" WEST, 50.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 48°15'15" EAST, A RADIUS OF 165.00 FEET, AN ARC LENGTH OF 240.12 FEET; THENCE, TANGENT TO THE LAST DESCRIBED CURVE, SOUTH 35°07'38" WEST, 146.71 FEET; THENCE ALONG A CURVE TO THE RIGHT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 238.50 FEET, AN ARC LENGTH OF 228.41 FEET; THENCE, TANGENT TO THE LAST DESCRIBED CURVE, NORTH 90°00'00" WEST, 359.35 FEET; THENCE, ALONG A CURVE TO THE LEFT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 145.33 FEET TO THE SOUTHEAST CORNER OF LOT 23, TRINITY 3RD PLAT, LOTS 22-23, A SUBDIVISION OF LAND AS RECORDED AT SAID OFFICE; THENCE ALONG THE EAST LINE OF SAID LOT 23, NORTH 06° 19'30" WEST, 278.14 FEET TO THE SOUTHEAST CORNER OF LOT 22 OF SAID TRINITY 3RD PLAT, LOTS 22-23; THENCE, ALONG THE EAST LINE OF SAID LOT 22, NORTH 01°39'06" WEST, 209.82 FEET TO A POINT ON THE SOUTH LINE OF EAST 42ND STREET SOUTH, AS NOW ESTABLISHED; THENCE ALONG THE SOUTH LINE OF SAID EAST 42ND STREET SOUTH, NORTH 88°20'54" EAST, 157.30 FEET; THENCE, ALONG THE EAST LINE OF SAID EAST 42ND STREET SOUTH, NORTH 01 °39'06" WEST, 50.00 FEET TO THE POINT OF BEGINNING.

SECTION 2. All of the conditions of approval have been resolved by the applicant except for the conditions listed below:

1. Situs Addresses for the Lots and Tracts on the Final Plat shall be as follows:
Lot 1 20501 E. 42nd Street S.
Lot 2 will be 20500 E. 42nd Street S.
2. Provide State Plane Coordinates.
3. The first signature block should read, "City Engineer," not, "Municipal Services Director".
4. Commercial lots will need follow water quality Best Management Practices (BMP's). These can be built during the development phase or building permit phase.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: UHS Behavioral Health Facility

CASE NUMBER/REQUEST: Case 24-320-03 - Final Plat – Behavioral Health – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.

APPLICANT: UHS Behavioral Health Facility

OWNER: Universal Health Services

LOCATION: 20441 E. 42nd Street S.

SITE ACREAGE: 12.37-acres

NUMBER OF LOTS: 2-lots

PROPERTY ZONING: C-2 (General Commercial)

SURROUNDING ZONINGS/LAND USES:

North: Interstate 70...Freeway

East: C-2 (General Commercial)...nursing home

South: C-2 (General Commercial)...vacant land

West: C-2 (General Commercial)...childrens hospital

CURRENT USE: Undeveloped land

FURTHER ACTION:

Following action by the Planning Commission, this final plat request is scheduled for consideration by the City Council on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Final Plat subject to the conditions listed below:

1. Situs Addresses for the Lots and Tracts on the Final Plat shall be as follows:
Lot 1 20501 E. 42nd Street S.
Lot 2 will be 20500 E. 42nd Street S.
2. Provide State Plane Coordinates.
3. The first signature block should read, "City Engineer," not, "Municipal Services Director".
4. Commercial lots will need to follow water quality Best Management Practices (BMP's) and City Specifications as per engineering approval. These can be built during the development phase or building permit phase.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Sean Ray, of Kimley-Horn, to approve a Final Plat the property located at 20441 E. 42ND Street S. (to be readdressed as 20501 and 20500 E. 42nd Street S.).

Current Zoning: C-2 (General Commercial)

Current Use: Undeveloped lots

Acreage: 12.37-acres

Proposed Use: Mental health facility

Number of lots Two lots

PROPOSAL:

The project entails the construction of a new Behavioral Health Facility on 8.36-acres of the remaining unplatted Trinity Development. Lot 2, north of 42nd Street, will remain undeveloped at this time.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed two lot plat will be a 12.37-acre property, consisting of the unplatted remainder of the Trinity Development located northeast of the intersection Valley View Parkway and Trinity Place.

CHARACTERISTICS OF THE AREA:

The Trinity Development contains restaurant, hotel, banking, office, multiple-family, library and medical uses. To the north Lot 2 is Interstate 70. The properties to the west of Lot 2 are a vacant lot and a hotel. To the west of Lot 1 is a children's hospital. To the east of both proposed lots is a nursing home. To the south of Lot 1 across Trinity Place is an undeveloped property.

The topography to the west rises. The new subdivision will be located in the relatively flat Little Blue Valley.

PROPOSED DEVELOPMENT:

The proposed development project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534-square foot one-story facility will provide treatment for 120 inpatients.

The 8.36-acre site will include parking for 180 vehicles, drop-off for passenger vehicles and ambulances, truck loading and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with additional landscaping. A schematic design of detention areas has been developed.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improve...major commercial corridors."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Mixed Uses for this site. The Guiding Principles state the need to, "Ensure that opportunities for convenient and concentrated commercial developments are provided to support both the local and regional market."

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Water, sanitary and electrical services are available along the 42nd Street and Trinity Place rights-of-way and nearby easements.

Stream Buffers and Flood Plain Area:

There are not any Stream Buffer zones within the plat area. However, portions of Lot 1 are within both the 100 and 500-year flood plains.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

EXHIBITS

1. Narrative
2. Application
3. Final Plat
4. Zoning Map
5. Comprehensive Plan Map



October 26, 2023

Joshua Garrett
Community Development, Planning Division
111 East Maple Avenue
Independence, Missouri 64050

Joshua-

We are submitting plans for the UHS Behavioral Health Facility at roughly 20441 East 42nd Street South. This application is for both a Preliminary Plan and Preliminary Development Plan.

This project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534 GSF one-story facility will provide treatment for 120 inpatients configured in five units comprised of sleeping rooms, day rooms, consult, and clinical support spaces. All the patients will have access to secured exterior activity yards containing different types of amenities. The facility will also provide the following departments: Administration, Outpatient, Admissions, Recreational Therapy including a half-court gymnasium, Dietary including a commercial kitchen and dining for patient and staff use, as well as ancillary support spaces.

The 8.36 acre site includes parking for 180 vehicles, dropoff for passenger vehicles and ambulances, truck loading, and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with minimal additional landscaping. Preliminary site landscaping is shown to meet code requirements, and schematic design of detention areas has been developed.

A new roadway connection between East 42nd Street South and East Trinity Place is shown, along with new public sidewalks. These construction plans will be submitted as part of a public improvement package.

Please reach out with any questions.

A handwritten signature in blue ink, appearing to read "Sean Ray".

Sean Ray
Landscape Architect / Project Applicant
Kimley-Horn
805 Pennsylvania Avenue, Suite 150
Kansas City, Missouri 64105

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☒ Preliminary Plat ☒ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☒ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

UHS Behavioral Health Facility

Project Name

20441 E 42nd Street S (TBD)

Project Address/Location

78,534	8.36 AC	2	No
Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Steam Buffer (Yes or No)
C-2	C-2	None	Behavioral Health Facility
Existing Zoning	Proposed Zoning	Existing Land Use	Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☒ Completed & Signed Application Form	☒ One 24" x 36" set of plans for Land Sub. & Site Dev.
☒ Application Fee	☒ One PDF copy of a plat map or site plan
☒ Cover Letter Describing Details of Project	☒ Legal Description of the property in question

Contact Information

Applicant

Sean Ray	Kimley-Horn
Name	Company
805 Pennsylvania Avenue, Suite 150, KC MO 64105	
Address	
816-319-2182	sean.ray@kimley-horn.com
Phone	Email

Architect/Engineer/Surveyor/Other: Architect

Charles Hill	Stengel Hill Architecture
Name	Company
613 West Main Street, Louisville KY 40202	
Address	
502-893-1875	chip@stengelhill.com
Phone	Email

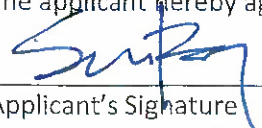
Owner

Brad Durham	Universal Health Services
Name	Company
367 South Gulph Road, King of Prussia PA 19406	
Address	
610-768-3300	brad.durham@uhsinc.com
Phone	Email

Architect/Engineer/Surveyor/Other:

Name	Company
Address	
Phone	Email

The applicant hereby agrees that the information provided above is accurate.


Applicant's Signature

10/26/2023
Date

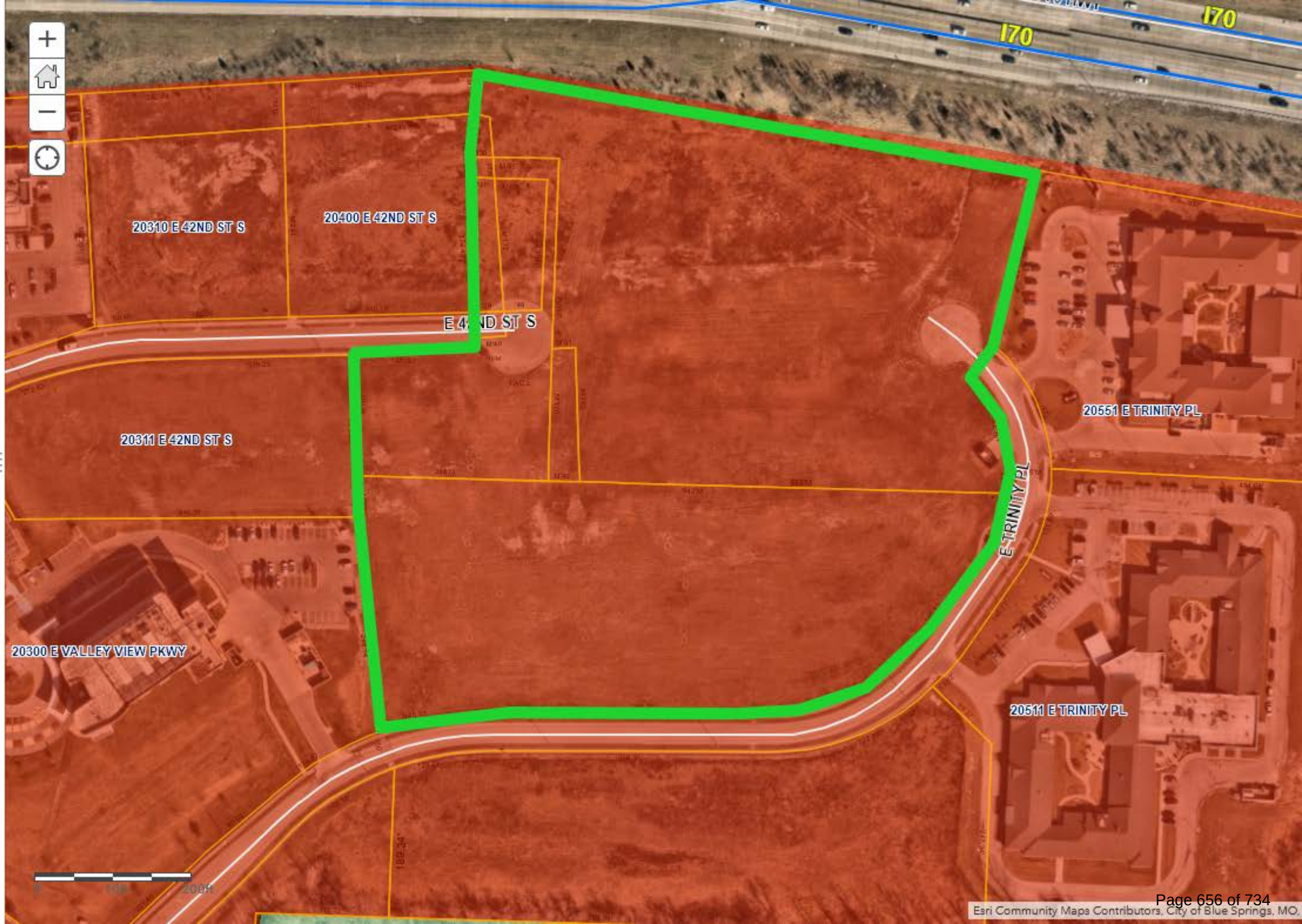
Owner's Signature

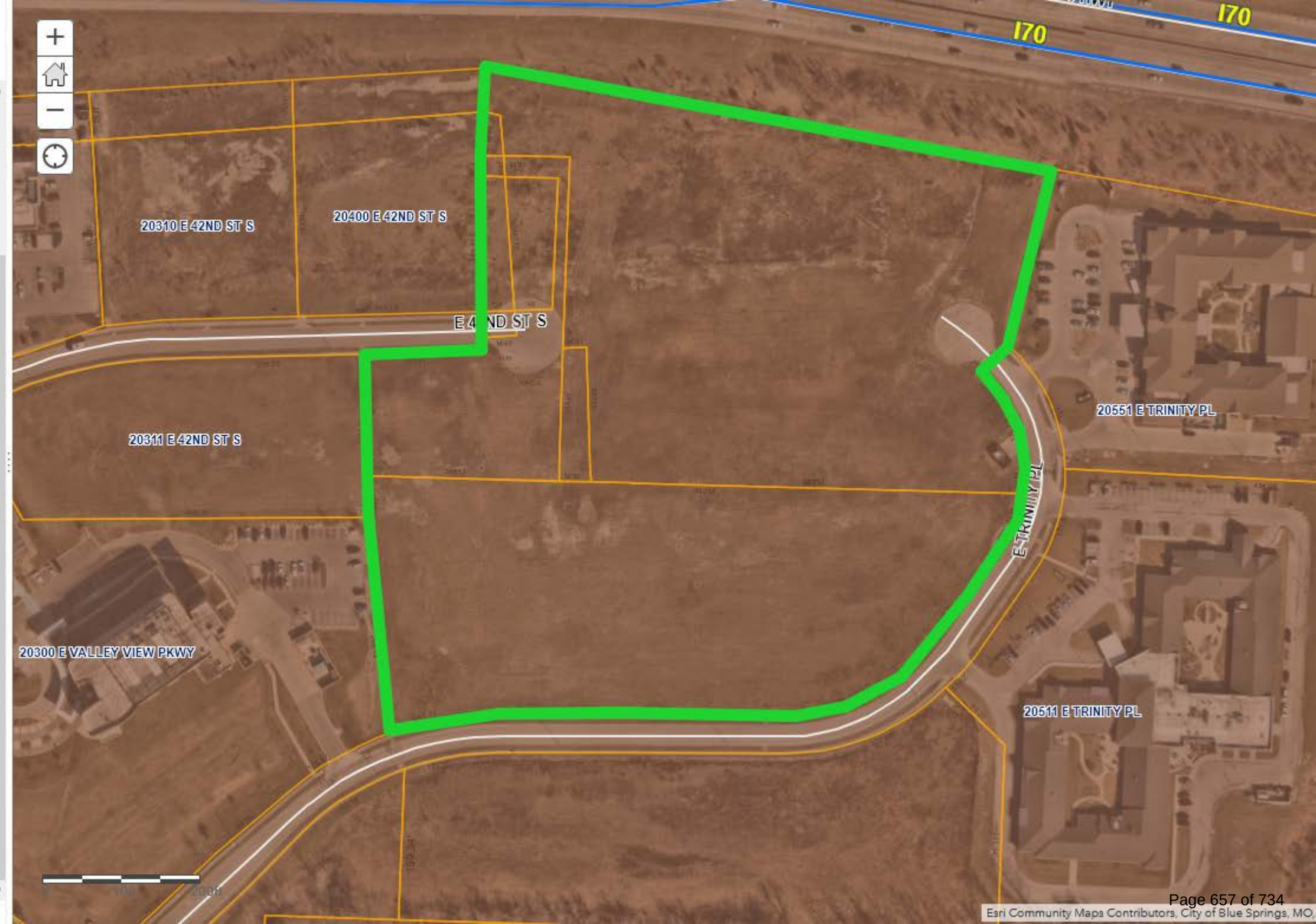
Date



Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL







City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-080 **1R** An ordinance approving a final plat for Timber Creek Ranch – 3rd Plat, in Independence, Jackson County, Missouri. **1R**

Recommendations:

Commissioner O’Neil made a motion to recommend approval of the final plat of Timber Creek Ranch – 3rd Street with the following conditions:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for Bundschu Road in conjunction with the construction of Phase 3 per engineering requirements.

A second to the motion was made by Commissioner Ashbaugh. The City Planning Commission voted as follows:

Commissioner Wiley - Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Absent

Commissioner O’Neil – Yes

Commissioner Ashbaugh – Yes

Commissioner Torres - Yes

The motion passed with a recommendation for approval to be forwarded to the City Council for consideration. Staff concurs with the recommendation of the Planning Commission.

Background:**PROJECT DESCRIPTION:**

A request by Jim Pollard, Pollard Development, Inc., to approve a Final Plat the property located at Holland Court and 13th Street.

PROPOSAL:

This is part of the final build out of 64-lots for Timber Creek Ranch to finish out the subdivision.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed 23-lot plat is a 6.356-acre phase, located north of 12th Terrace. It has fairly flat topography and some trees along the property’s west and north perimeters abutting neighboring single-family additions.

CHARACTERISTICS OF THE AREA:

The properties to the north and west are developed single-family residential neighborhoods. To the east are undeveloped phases of Timber Creek Ranch. To the south is the developed portion of the subdivision.

The topography generally slopes to the southeast. The existing homes in the area are a mixture of ranch and two-story homes with siding and brick wainscots.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improved housing conditions."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Uses for this site. The Guiding Principles state the need to, "Facilitate the development of connected...neighborhoods;"

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Both water and sanitary services are available along the Holland Court and 13th Street rights-of-way and in the general area. Electrical service will be available in easements at the rear of the property.

Homes Association:

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Storm Water Detention, Stream Buffers and Flood Plain Area:

The development drains to detention basins located in the east central and southern portions of the property located in a creek basin within a stream buffer area. Stream Buffers, the 100-year flood plains and floodway are confined to east central, southern and southwestern portions of the property. The common tracts are within the federally designated flood plain area and within the City's designated Stream Buffer Area.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-320-04
2. Staff Report 24-320-04
3. Narrative
4. Application
5. Revised Preliminary Plat
6. Final Plat
7. Comp Plan Map
8. Zoning Map
9. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FINAL PLAT FOR TIMBER CREEK RANCH – 3rd PLAT, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS, the application submitted by Pollard Development, LLC, requesting approval of the final plat entitled “Timber Creek Ranch - 3rd Plat,” was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on July 9, 2024, and rendered a report to the City Council recommending the plat be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the final plat is consistent with the approval criteria in Section 14-702-04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the final plat entitled “Timber Creek Ranch – 3rd Plat” is a subdivision located in part of the Northwest Quarter of Section 28, Township 50 North, Range 31 West, in Independence, Jackson County, Missouri and being more particularly described as follows:

That part of the East Half of the Northwest Quarter of Section 28, Township 50 North, Range 31 West of the 5th Principal Meridian, Independence, Jackson County, Missouri, described as follows: Commencing at the Northeast corner of said Northwest Quarter; THENCE N87°42'42"W on the north line of said Northwest Quarter, 1028.80 feet to the POINT OF BEGINNING; THENCE continuing N87°42'42"W on said north line, 293.64 feet to the Northwest corner of the East Half of said Northwest Quarter; THENCE S02°15'58"W on the west line of said East Half, 933.10 feet to the northwest corner of Lot 50, Timber Creek Ranch 2nd Plat, a subdivision of record; THENCE S87°55'55"E on the north line of said Lot 50 and its easterly extension, 171.87 feet to the east right of way line of North Holland Drive; THENCE S02°04'05"W on said east right of way line, 12.34 feet to the northwest corner of Lot 51, Timber Creek Ranch 2nd Plat; THENCE S87°55'55"E on the north line of said Lot 51, 125.00 feet to the southwest corner of Lot 67, Timber Creek Ranch 2nd Plat; THENCE N02°04'05"E on the west line of said Lot 67 and its northerly extension, 944.31 feet to the POINT OF BEGINNING. Containing 6.356 acres more or less. All bearings herein are referenced to the Missouri State Plane Coordinated System of 1983, West Zone.

SECTION 2. All of the conditions of approval have been resolved by the applicant except for the conditions listed below:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for E. Bundschu Road in conjunction with the construction of Phase 3 and the above per engineering requirements.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: Timber Creek Ranch 3rd Plat

CASE NUMBER/REQUEST: **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.

APPLICANT: Timber Creek Ranch 3rd Plat

OWNER: Pollard Development, LLC

LOCATION: Timber Creek Ranch 3rd Plat

SITE ACREAGE: 6.356-acres

NUMBER OF LOTS: 23-lots

PROPERTY ZONING: R-4 (Single-Family Residential)

SURROUNDING ZONINGS/LAND USES:

North: R-6 (Single-Family Residential)...single-family homes

East: R-4 (Single-Family Residential)...undeveloped

South: R-4 (Single-Family Residential)...single-family homes

West: R-6 (Single-Family Residential)...single-family homes and undeveloped

CURRENT USE: Undeveloped land

FURTHER ACTION:

Following action by the Planning Commission, this Final Plat request is scheduled for consideration by the City Council on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Final Plat subject to the conditions listed below:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for Bundschu Road in conjunction with the construction of Phase 3 per engineering requirements.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Jim Pollard, Pollard Development, Inc., to approve a Final Plat the property located at Holland Court and 13th Street.

Current Zoning: R-4 (Single-Family Residential)

Current Use: Undeveloped lots

Acreage: 6.356-acres

Proposed Use: Single-Family Homes

Number of lots 23-lots

PROPOSAL:

This is part of the final build out of 64-lots for Timber Creek Ranch to finish out the subdivision.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed 23-lot plat is a 6.356-acre phase, located north of 12th Terrace. It has fairly flat topography and some trees along the property's west and north perimeters abutting neighboring single-family additions.

CHARACTERISTICS OF THE AREA:

The properties to the north and west are developed single-family residential neighborhoods. To the east are undeveloped phases of Timber Creek Ranch. To the south is the developed portion of the subdivision.

The topography generally slopes to the southeast. The existing homes in the area are a mixture of ranch and two-story homes with siding and brick wainscots.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improved housing conditions."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Uses for this site. The Guiding Principles state the need to, "Facilitate the development of connected...neighborhoods;"

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Both water and sanitary services are available along the Holland Court and 13th Street rights-of-way and in the general area. Electrical service will be available in easements at the rear of the property.

Homes Association:

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Storm Water Detention, Stream Buffers and Flood Plain Area:

The development drains to detention basins located in the east central and southern portions of the property located in a creek basin within a stream buffer area. Stream Buffers, the 100-year flood plains and floodway are confined to east central, southern and southwestern

portions of the property. The common tracts are within the federally designated flood plain area and within the City's designated Stream Buffer Area.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

EXHIBITS

1. Narrative
2. Application
3. Preliminary Plat
4. Final Plat
5. Comp Plan Map
6. Zoning Map

POLLARD DEVELOPMENT, LLC
Jim Pollard
3030 S. Crenshaw
Independence, Missouri 64057

June 17, 2024

To: City of Independence

This is the final build out of 64 lots for Timber Creek Ranch to finish out the subdivision. The engineering for the 3 final phases have been submitted and phase 3 and 4 have been approved. I have submitted corrections on comments on phase 5.

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Jim Pollard

Developer

24-320-04



Planning and Zoning

Application Form

Community Development
111 E. Maple Avenue
Independence, MO 64050
(816) 325-7421
cdplanning@indepmo.org

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☒ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

TIMBER CREEK RANCH 3RD PLAT

Project Name

THE END OF N HOLLAND CT AND E 13TH ST N

Project Address/Location

23 LOTS

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Stream Buffer (Yes or No)

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
---	---

Contact Information

Applicant

TIM POLLARD - Pollard Development LLC

Name

Company

3030 S. CRAWFORD RD. INDEP MO 64057

Address

816-686-8800

Phone

tim.pollard@pollarddev.com

Email

Architect/Engineer/Surveyor/Other: _____

TODD REIK CRS ENGINEERS

Name

Company

3015 E CARO ST SPRINGFIELD MO 65802

Address

417-986-4067 tpolk@CRS.com

Phone

Email

Owner

SAME AS APPLICANT

Name

Company

Address

Phone

Email

Architect/Engineer/Surveyor/Other: _____

BRIAN GLENN

Name

Company

Phoenix Eng & Survey LLC

Address

3855 S NORTHERN BLVD INDEP MO 64052

Phone 816-743-9000

Email

brian@phoenix-llc.com

The applicant hereby agrees that the information provided above is accurate.

[Signature] June 17, 2024

Applicant's Signature

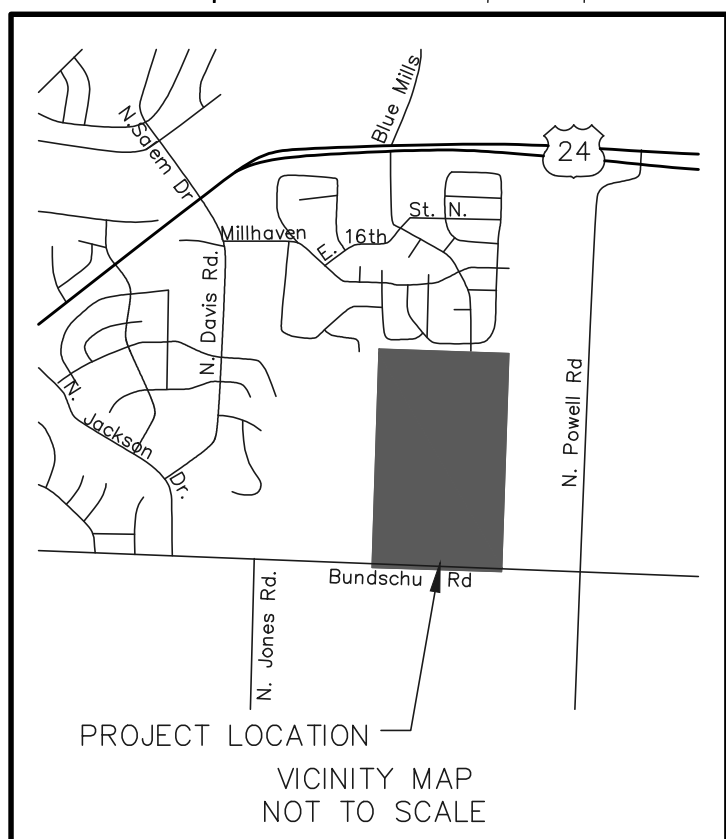
Date

[Signature] June 17, 2024

Owner's Signature

Date

THE EAST 1/2 OF THE NW 1/4 OF SEC. 28 T2N 50N R3E, A SUBDIVISION
OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.



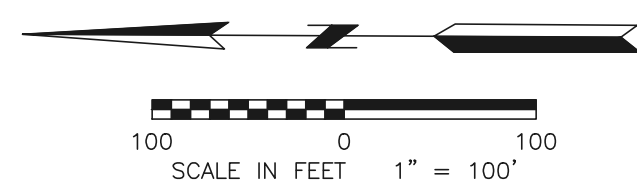
PROPOSED		EXISTING	
●	Manhole	○	
⌒	Curb Inlet	⌒	
■	Field Inlet	□	
▣	Flared End Section	▢	
⚡	Fire Hydrant	⚡	
▷	Blow Off	▷	
⌒	Water Valve	⌒	
⌒	Water Meter	⌒	
⌒	Straddle	⌒	
=====	4' Sidewalk	=====	
=====	2' Curb	=====	
⌒	Contour	⌒	
HCR 	Handicap Ramp	HCR 	

LOT#	OWNER/ADDRESS
34	Juliana Bryon T. & Jill R. 1401 Old Mill Ct. Independence, MO. 64056
35	Cape Kent K. 1403 Old Mill Ct. Independence, MO. 64056
130	Kellis Michael D. & Katherine F. 1404 Holland Dr. Independence, MO. 64056
131	Hernandez Jorge H. & Veronica 1404 Holland Dr. Independence, MO. 64056
484	US SFE Asset Company S LLC 20307 E. 14th St. N. Independence, MO. 64056
485	Harp Matthew E. & Jennifer 20305 E. 14th St. N. Independence, MO. 64056
486	Wilson Larry Raymond & Deborah S. 20305 E. 14th St. N. Independence, MO. 64056

LOT#	OWNER/ADDRESS
487	Howell Scott D. Jr & Stacy A. 20301 E 14th St. N. Independence, MO 64056
535	Farmer Jared. 20225 E 14th St. N. Independence, MO 64056
536	Highland Scott A. 20221 E 14th St. N. Independence, MO 64056
537	D'Arcy Investments LLC 3105 E Burgess Rd Buckner, MO 64016
538	Oliver Coyle R. 20213 E 14th St. N. Independence, MO 64056
539	Schumacher George L. & Lisa M. 20209 E 14th St. N. Independence, MO 64056
540	Turner Travis L. & Trina D. 20707 E 14th St. N. Independence, MO 64056

LOT#	OWNER/ADDRESS
541	Allison Joshua 20205 E 14th St. N. Independence, MO. 64056
542	Gotway Robert L. 20203 E 14th St. N. Independence, MO. 64056
543	Lloyd Clayton E. & Susan A. 20103 E 14th St. N. Independence, MO. 64056
544	Oliver Charles K. & Amanda L. 20101 E 14th St. N. Independence, MO. 64056
545	Jorgensen Benjamin & Diana 20005 E. 14th St. N. Independence, MO. 64056
546	Andrews Michael D. 20313 E. 17th TER. N. Independence, MO. 64056
547	MacDonald Larry B. & Nancy 20000 E. 14th St. N. Independence, MO. 64056

LOT#	OWNER/ADDRESS
548	Helm Bradley W. 1400 N Holland Dr. Independence, MO. 64056



CONSTRUCTION PHASE	# OF LOTS
PHASE 1	41 LOTS
PHASE 2	46 LOTS
PHASE 3	23 LOTS
PHASE 4	20 LOTS
PHASE 5	21 LOTS
PHASE 6	2 LOTS

LEGAL DESCRIPTION:
THE EAST HALF OF THE NORTHWEST QUARTER OF
SECTION 28, TOWNSHIP 50 NORTH, RANGE 31 WEST
OF THE 5TH PRINCIPAL MERIDIAN, INDEPENDENCE,
JACKSON COUNTY, MISSOURI, CONTAINING 80.4 ACRES,
MORE OR LESS.

DEVELOPER:
ANDACHTER-POLLARD DEVELOPMENT LLC
3030 S. CRENSHAW ROAD
INDEPENDENCE, MO. 64057
PH. 816-686-8800
FAX 816-795-6360

TIMBER CREEK RANCH

THE EAST 1/2 OF THE NW 1/4 OF
SEC. 28 T2N 50N R6E 31W,
A SUBDIVISION OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

BID DOCUMENTS	
ISSUE DATE	-/-/-
No Description	Done

PRELIMINARY
PLAT

C1.0

NOT FOR
CONSTRUCTION

[illegible]

Designed by: TRP	Date: 5/18/2022
Dwn by: DJS	Project No. 22-5321
Submitted by: TRP	Plot scale: NA
File name: DJS_22-5321 TCR Preflat.dwg	

CFS ENGINEERS

cfse.com

FINAL PLAT

TIMBER CREEK RANCH 3RD PLAT

LOTS 130 THROUGH 152

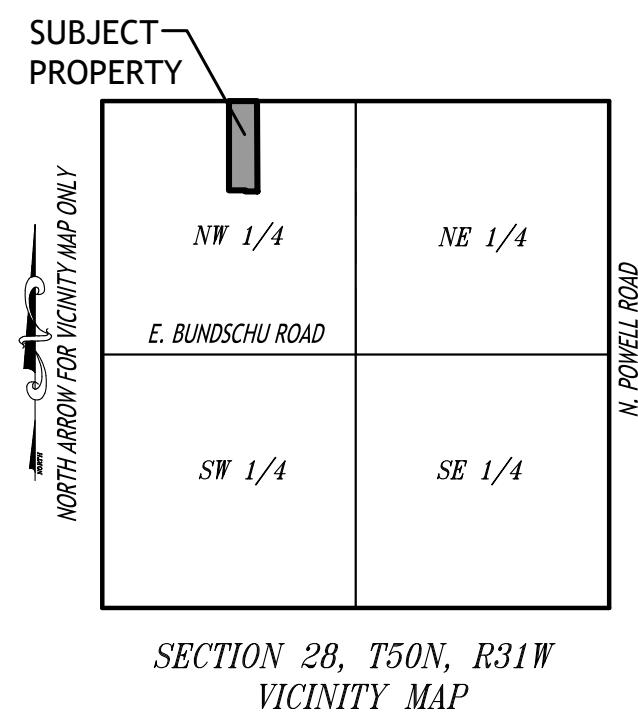
PART OF THE NW 1/4 OF SEC 28, TOWNSHIP 50N, RANGE 31W,
INDEPENDENCE, JACKSON COUNTY, MISSOURI

LEGAL DESCRIPTION:

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 50 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN, INDEPENDENCE, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N87°42'42"W ON THE NORTH LINE OF SAID NORTHWEST QUARTER, 1028.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°42'42"W ON SAID NORTH LINE, 293.64 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER; THENCE S02°15'58"W ON THE WEST LINE OF SAID EAST HALF, 933.10 FEET TO THE NORTHWEST CORNER OF LOT 50, TIMBER CREEK RANCH 2ND PLAT, A SUBDIVISION OF RECORD; THENCE S87°55'55"E ON THE NORTH LINE OF SAID LOT 50 AND ITS EASTERLY EXTENSION, 171.87 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HOLLAND DRIVE; THENCE S02°04'05"W ON SAID EAST RIGHT OF WAY LINE, 12.34 FEET TO THE NORTHWEST CORNER OF LOT 51, TIMBER CREEK RANCH 2ND PLAT; THENCE S87°55'55"E ON THE NORTH LINE OF SAID LOT 51, 125.00 FEET TO THE SOUTHWEST CORNER OF LOT 67, TIMBER CREEK RANCH 2ND PLAT; THENCE N02°04'05"E ON THE WEST LINE OF SAID LOT 67 AND ITS NORTHERLY EXTENSION, 944.31 FEET TO THE POINT OF BEGINNING, CONTAINING 6.356 ACRES MORE OR LESS. ALL BEARINGS HEREIN ARE REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE.

NOTES

- THIS DOCUMENT WAS PREPARED FROM INFORMATION PROVIDED BY AND THE LAND REFERRED TO IN FIRST AMERICAN TITLE INSURANCE COMPANY'S CONDITION OF TITLE - GUARANTEE NO.: 1638315, EFFECTIVE DATE JULY 13, 2023.
- THIS SURVEY MEETS OR EXCEEDS THE MISSOURI DEPARTMENT OF NATURAL RESOURCES MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEY REQUIREMENTS FOR URBAN CLASS PROPERTY.
- BEARINGS SHOWN HEREON ARE REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE BY UTILIZATION OF NATIONAL GEODETIC SURVEY - NGS DATA SHEET "SHROUT AZ MK" 2023 ADJUSTMENT DATA.
- THE SUBJECT TRACT CONTAINS 6.356 ACRES MORE OR LESS.
- ITEM NO. 1 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 19740181899. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- ITEM NO. 2 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 19740181900. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- ITEM NO. 3 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 19760263962. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- THE SUBJECT PROPERTY IS LOCATED WITHIN "ZONE X" (UNSHADED); AN AREA DESIGNATED AS AN AREA OF MINIMAL FLOODING ACCORDING TO THE JACKSON COUNTY, MISSOURI AND INCORPORATED AREAS, FLOOD INSURANCE RATE MAPS (FIRM), MAP NUMBER 29095C01906 MAP REVISED DATE: JANUARY 20, 2017 & MAP NUMBER 20905C20302G MAP REVISED DATE: JANUARY 20, 2017
- ALL REAR LOT CORNERS SHALL BE SET WITH 1/2" IRON BAR & CAP UPON SUBSTANTIAL COMPLETION OF GRADING AND THE PROLONGATION OF THE SIDE LOT LINES SHALL BE MONUMENTED BY A CHISELED CUT ON THE CURB.



DEDICATION:

THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH PLAT AND SUBDIVISION SHALL HEREFTER BE KNOWN AS "TIMBER CREEK RANCH 3RD PLAT".

STREETS: STREETS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

EASEMENTS: AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF INDEPENDENCE, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE AND USE OF CONDUITS FOR ALL OR ANY PURPOSE, WATER, GAS, SEWER MAINS, POLES AND WIRES TO ALL OR ANY OF THEM OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" (U/E) OR WITHIN ANY STREET OR THOROUGHFARE DEDICATED TO PUBLIC USE ON THIS PLAT.

BUILDING LINES: BUILDING LINES OR SET BACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE CONSTRUCTED BETWEEN THIS LINE AND THE STREET RIGHT OF WAY LINE.

EXECUTIONS:

IN TESTIMONY WHEREOF: JAMES POLLARD OF POLLARD DEVELOPMENT, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF ____, 20__.

POLLARD DEVELOPMENT, LLC

JAMES POLLARD

ATTEST

STATE OF MISSOURI)

) SS
COUNTY OF JACKSON)

BE IT REMEMBERED: THAT ON THIS ____ DAY OF ____, 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, APPEARED JAMES POLLARD OF POLLARD DEVELOPMENT, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED HEREIN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND BEING DULY SWORN BY ME ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED AND ON BEHALF OF SAID LLC.

IN WITNESS THEREOF: I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN SAID COUNTY, THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE MY COMMISSION EXPIRES

ACKNOWLEDGMENT:

THIS CERTIFIES THAT THE PLAT OF TIMBER CREEK RANCH 3RD PLAT, WAS SUBMITTED TO AND DULY APPROVED BY THE CITY OF INDEPENDENCE, MISSOURI, THIS ____ DAY OF ____, 20__, BY ORDINANCE NO. ____.

BY: ____
CITY CLERK

CITY OF INDEPENDENCE, MISSOURI APPROVALS:
STREET LOCATIONS AND LOT DIMENSIONS APPROVED

BY: ALEX LOPEZ
MUNICIPAL SERVICES DIRECTOR DESIGNEE

BY: TOM SCANNELL
DIRECTOR OF COMMUNITY DEVELOPMENT

BY: JACKSON COUNTY ASSESSOR

PREPARED BY:

PHOENIX ENGINEERING
& SURVEYING, LLC

3855 S. NORTHERN BLVD., INDEPENDENCE, MO 64052
(816) 743-9000 FAX: (816) 743-9700

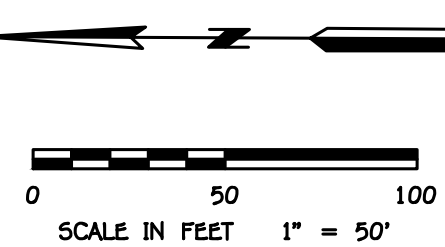
DEVELOPER

POLLARD DEVELOPMENT, LLC
ATTENTION: JAMES POLLARD
3030 S. CHRNSHAW ROAD
INDEPENDENCE, MO 64057
PHONE: 816-686-8800
FAX: 816-795-6360

PROJECT NO.	040028	DATE PREPARED:	08-14-2023	DATE REVISED:	04-25-2024
PROJECT NAME	TIMBER CREEK RANCH 3RD PLAT				
DIR. & DWG. NAME	S:\PROJECTS\2004\040028 - Timber Creek Ranch 3rd\dwg\TCR3FINALPLAT.DWG				

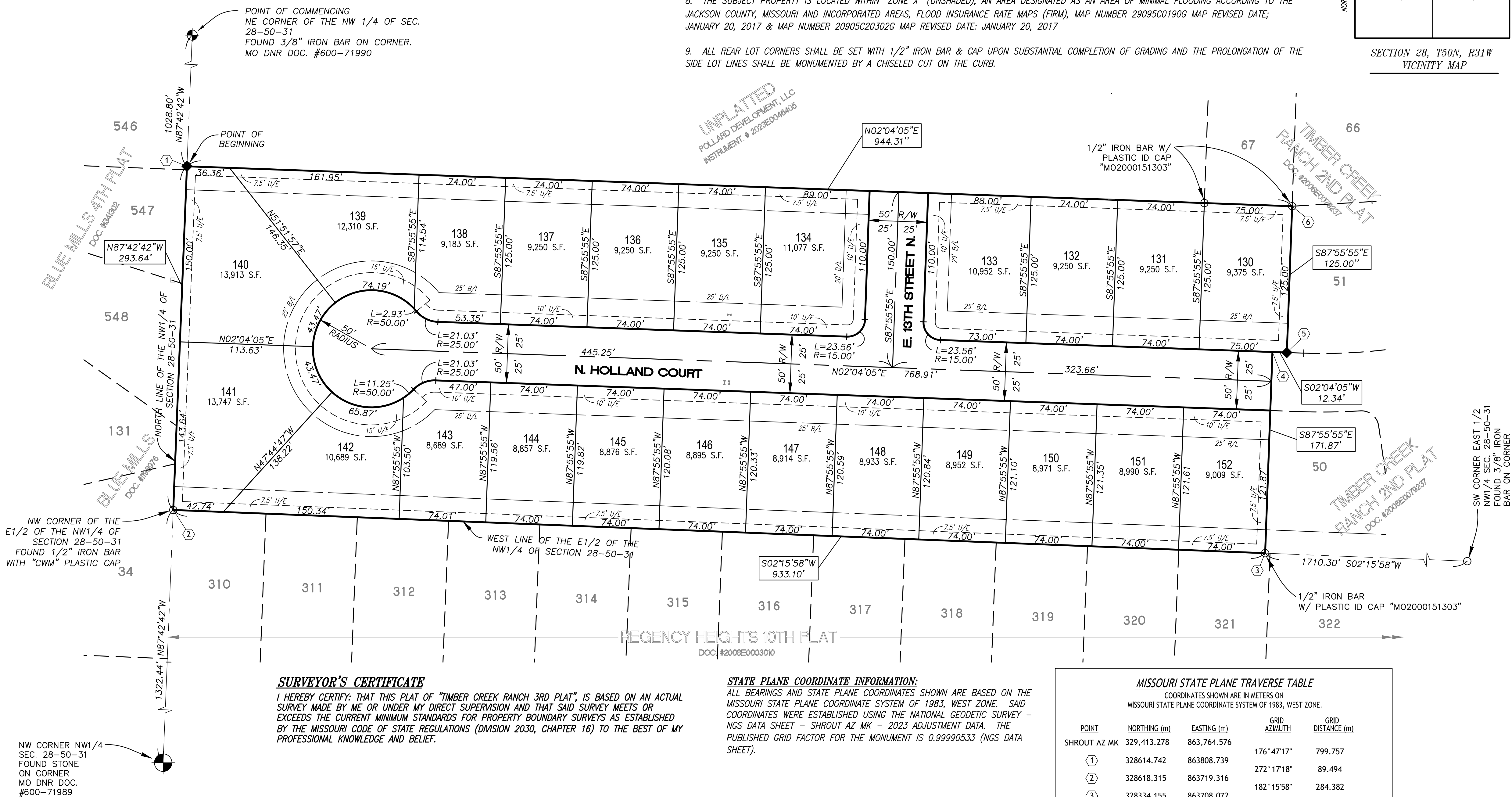
M5031-28

SHEET 1 of 1



LEGEND

- FOUND SECTION CORNER / 1/4 SECTION CORNER MONUMENT AS NOTED
- SET MONUMENT: 5/8" IRON BAR WITH ALUMINUM CAP STAMPED "M02000 151303"
- SET MONUMENT: 1/2" IRON BAR WITH PLASTIC CAP STAMPED "M02000 151303"
- FOUND SURVEY MONUMENT AS NOTED
- (M) = MEASURED DIMENSION
- (D) = DEED DIMENSION
- C/L = CENTERLINE
- R/W = RIGHT OF WAY
- D/E = DRAINAGE EASEMENT
- L/E = LANDSCAPE EASEMENT
- U/E = UTILITY EASEMENT
- B/L = BUILDING SETBACK LINE
- (NR) = NON-RADIAL
- R = RADIUS
- L = ARC LENGTH
- Pr. O.S. = PRIVATE OPEN SPACE



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY: THAT THIS PLAT OF "TIMBER CREEK RANCH 3RD PLAT", IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI CODE OF STATE REGULATIONS (DIVISION 203.0, CHAPTER 16) TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

STATE PLANE COORDINATE INFORMATION:

ALL BEARINGS AND STATE PLANE COORDINATES SHOWN ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. SAID COORDINATES WERE ESTABLISHED USING THE NATIONAL GEODETIC SURVEY - NGS DATA SHEET - SHROUT AZ MK - 2023 ADJUSTMENT DATA. THE PUBLISHED GRID FACTOR FOR THE MONUMENT IS 0.99990533 (NGS DATA SHEET).

MISSOURI STATE PLANE TRAVERSE TABLE

COORDINATES SHOWN ARE IN METERS ON
MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE.

POINT	NORTHING (m)	EASTING (m)	GRID AZIMUTH	GRID DISTANCE (m)
SHROUT AZ MK	329,413.278	863,764.576	176° 47' 17"	799.757
①	328614.742	863808.739	272° 17' 18"	89.494
②	328618.315	863719.316	182° 15' 58"	284.382
③	328334.155	863708.072	92° 04' 05"	52.380
④	328332.265	863760.418	182° 04' 05"	3.761
⑤	328328.506	863760.282	92° 04' 05"	38.096
⑥	328327.131	863798.353	02° 04' 05"	287.798
①	328614.742	863808.739		

06/01/2023

Date of Survey

Wesley Scroggins M.O.L.S. 2184
as agent of Phoenix Engineering & Surveying, L.L.C.
M.O.L.S. 2000151303

Legend

Parcels

Municipal Boundaries

Proposed Land Use (Comp Plan)

Residential Neighborhoods

Residential Urban Neighborhoods

Mixed Use

Neighborhood Commercial

Community Commercial

Regional Commercial

Office

Business Park

Industrial

Civic/Public

Community Attraction

Parks

Agricultural

Trust Center

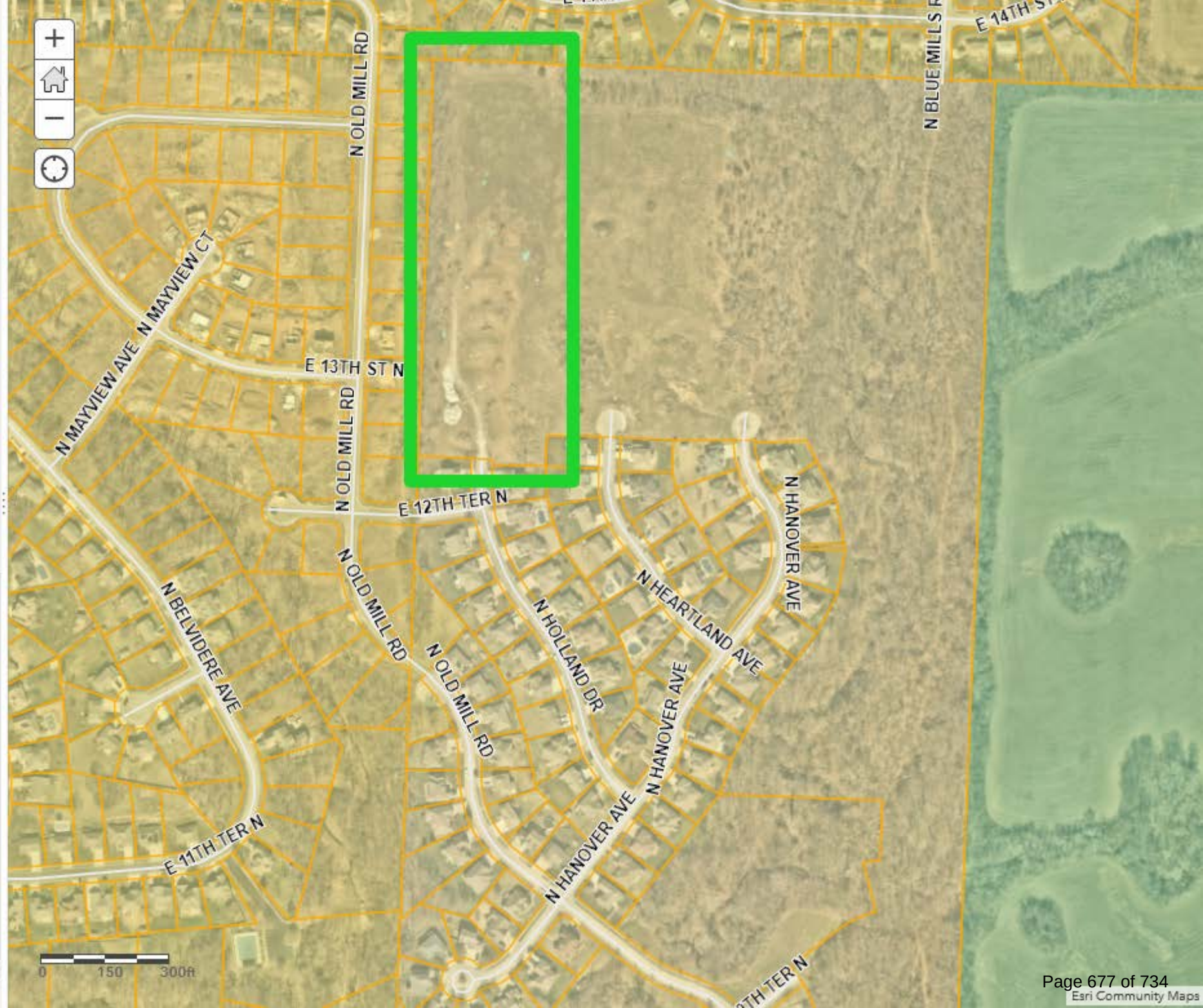
Contact Esri

Report Abuse

An aerial photograph of a suburban area with a green rectangular overlay highlighting a specific parcel. The map includes several street labels: N MAYVIEW AVE, N MAYVIEW CT, N OLD MILL RD, E 13TH ST N, E 12TH TER N, N BELVIDERE AVE, E 11TH TER N, N HOLLAND DR, N HANOVER AVE, N HEARTLAND AVE, N BLUE MILLS RD, and E 14TH ST N. A scale bar at the bottom left indicates distances of 0, 150, and 300 feet. The map interface includes a legend on the left with categories for parcels, municipal boundaries, and proposed land use (comp plan). The land use legend lists various categories with corresponding color swatches: Residential Neighborhoods (light yellow), Residential Urban Neighborhoods (orange), Mixed Use (brown), Neighborhood Commercial (pink), Community Commercial (red), Regional Commercial (dark red), Office (light purple), Business Park (purple), Industrial (dark purple), Civic/Public (light blue), Community Attraction (blue), Parks (green), and Agricultural (light green). Navigation controls (zoom in, home, zoom out, full screen) are located at the top left of the map area.

Page 676 of 734
Esri Community Maps

- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A
- R-A/I-2/U
- R-A/PUD





City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-081 **1R** An ordinance approving a final plat for Timber Creek Ranch – 4th Plat, in Independence, Jackson County, Missouri. **1R**

Recommendations:

Commissioner O’Neil made a motion to recommend approval of the final plat of Timber Creek Ranch – 4th Street with the following conditions:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for Bundschu Road in conjunction with the construction of Phase 3 per engineering requirements.
4. Show the portions of the Stream Buffer outer zone located within the two southeastern most lots.

A second to the motion was made by Commissioner Ashbaugh. The City Planning Commission voted as follows:

Commissioner Wiley - Yes
Commissioner Ferguson – Yes
Commissioner McClain – Yes
Commissioner Nesbitt – Absent
Commissioner O’Neil – Yes
Commissioner Ashbaugh – Yes
Commissioner Torres - Yes

The motion passed with a recommendation for approval to be forwarded to the City Council for consideration. Staff concurs with the recommendation of the Planning Commission.

Background:

PROJECT DESCRIPTION: A request by Jim Pollard, Pollard Development, Inc., to approve a Final Plat the property located at Heartland Court and 13th Street.

PROPOSAL:

This is part of the final build out of 64-lots for Timber Creek Ranch to finish out the subdivision.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed 17-lot plat is a 5.252-acre area, located north of the terminuses of Heartland Court and Hanover Court. It has slightly sloping topography that slopes eastward toward a creek basin.

CHARACTERISTICS OF THE AREA:

The property to the north (across an undeveloped tract) is developed single-family residential neighborhood. To the west and north is an undeveloped phase of Timber Creek Ranch. To the east is a creek. To the south is the developed portion of the subdivision.

The topography generally slopes to the southeast. The existing homes in the area are a mixture of ranch and two-story homes with siding and brick wainscots.

ANALYSIS**Consistency with *Independence for All*, Strategic Plan:**

The application is within keeping with the Measures for Success for, "Improved housing conditions."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Uses for this site. The Guiding Principles state the need to, "Facilitate the development of connected...neighborhoods;"

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Both water and sanitary services are available along the Hanover Court, Heartland Court and 13th Street rights-of-way and in the general area. Electrical service will be available in easements at the rear of the property.

Homes Association:

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Storm Water Detention, Stream Buffers and Flood Plain Area:

The development drains to detention basins located in the east central and southern portions of the property located in a creek basin within a stream buffer area. Stream Buffers, the 100-year flood plains and floodway are confined to east central, southern and southwestern portions of the property. The common tracts are within the federally designated flood plain area and within the City's designated Stream Buffer Area. Portions of the Stream Buffer's outer zone are located within the two southeastern most lots.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:**Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-320-05
2. Staff Report 24-320-05
3. Narrative
4. Application
5. Revised Preliminary Plat
6. Final Plat
7. Comp Plan Map
8. Zoning Map
9. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FINAL PLAT FOR TIMBER CREEK RANCH – 4th
PLAT, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS, the application submitted by Pollard Development, LLC, requesting approval of the final plat entitled “Timber Creek Ranch – 4th Plat,” was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on July 9, 2024, and rendered a report to the City Council recommending the plat be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the final plat is consistent with the approval criteria in Section 14-702-04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the final plat entitled “Timber Creek Ranch – 4th Plat” is a subdivision located in part of the Northwest Quarter of Section 28, Township 50 North, Range 31 West, in Independence, Jackson County, Missouri and being more particularly described as follows:

That part of the East half of the Northwest Quarter of Section 28, Township 50 North, Range 31 West of the Fifth Principal Meridian, Independence, Jackson county, Missouri described as follows: Commencing at the Northeast Corner of said Northwest Quarter; thence North 87 degrees 42 minutes 42 seconds West on the North Line of said Northwest Quarter, 1028.80 feet to the northerly extension of the west line of Lot 67, Timber Creek Ranch 2nd Plat, a subdivision of record; thence South 02 degrees 04 minutes 05 seconds West on said extension, 494.31 feet to the Point of Beginning; thence continuing South 02 degrees 04 minutes 05 seconds West on said extension, 375.00 feet to the northwest corner of said Lot 67; thence South 87 degrees 55 minutes 55 seconds East on the north line of said Lot 67 and it’s easterly extension, 175.00 feet to the east right of way line of North Heartland Avenue; thence South 02 degrees 04 minutes 05 seconds West on said east right of way line, 2.21 feet to the northwest corner of Lot 68, Timber Creek Ranch 2nd Plat; thence South 87 degrees 55 minutes 55 seconds East on the north line of said Lot 68, 125.00 feet to the northwest corner of Lot 77, Timber Creek Ranch 2nd Plat; thence North 89 degrees 39 minutes 06 seconds East on the north line of said Lot 77 and it’s easterly extension, 190.32 feet to the east right of way line of North Hanover Avenue; thence Southerly on a curve to the left on said east right of way line (said curve having an initial tangent bearing of South 0 degrees 20 minutes 54 seconds East, a radius of 175.00 feet, a chord bearing of South 01 degrees 26 minutes 33 seconds East, a chord distance of 6.68 feet) an arc length of 6.68 feet to the northwest corner of Lot 78, Timber Creek Ranch 2nd Plat; thence North 87 degrees 27 minutes 48 seconds East on the north line of said Lot 78, 122.72 feet; thence North 02 degrees 04 minutes 05 seconds East, 362.15 feet; thence North 87 degrees 55 minutes 55 seconds West, 122.88 feet; thence North 02 degrees 04 minutes 05 seconds East, 3.85 feet; thence North 87 degrees 55 minutes 55 seconds West, 490.00 feet to the Point of Beginning. Contains 5.252 acres more or less.

SECTION 2. All of the conditions of approval have been resolved by the applicant except for the conditions listed below:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:

Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.

2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for E. Bundschu Road in conjunction with the construction of Phase 3 and the above per engineering requirements.
4. Show the portions of the Stream Buffer outer zone located within the two southeastern most lots.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: Timber Creek Ranch 4th Plat

CASE NUMBER/REQUEST: Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.

APPLICANT: Timber Creek Ranch, 4th Plat

OWNER: Pollard Development, LLC

LOCATION: Timber Creek Ranch, 4th Plat

SITE ACREAGE: 5.252-acres

NUMBER OF LOTS: 17-lots

PROPERTY ZONING: R-4 (Single-Family Residential)

SURROUNDING ZONINGS/LAND USES:

North: R-4 (Single-Family Residential)...undeveloped
East: R-4 (Single-Family Residential)...undeveloped
South: R-4 (Single-Family Residential)...single-family homes
West: R-4 (Single-Family Residential)...undeveloped

CURRENT USE: Undeveloped land

FURTHER ACTION:

Following action by the Planning Commission, this Final Plat request is scheduled for consideration by the City Council on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Final Plat subject to the conditions listed below:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 89 through 93 will be 1305 through 1321 N. Hanover Court (odd every fourth).
Lots 106 through 109 will be 1320 through 1304 N. Hanover Court (even every fourth).
Lots 110 through 113 will be 1307 through 1323 N. Heartland Court (odd every fourth).
Lots 126 through 129 will be 1322 through 1306 N. Heartland Court (even every fourth).
Lots 126, 127, 112, 113, 107 and 106 will also be 20050, 20051, 20101, 20100, 20151 and 20150 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;

3. Improvements are needed for Bundschu Road in conjunction with the construction of Phase 3 and above per engineering requirements.
4. Show the portions of the Stream Buffer outer zone located within the two southeastern most lots.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Jim Pollard, Pollard Development, Inc., to approve a Final Plat the property located at Heartland Court and 13th Street.

Current Zoning: R-4 (Single-Family Residential)

Current Use: Undeveloped lots

Acreage: 5.252-acres

Proposed Use: Single-Family Homes

Number of lots 23-lots

PROPOSAL:

This is part of the final build out of 64-lots for Timber Creek Ranch to finish out the subdivision.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed 17-lot plat is a 5.252-acre area, located north of the terminuses of Heartland Court and Hanover Court. It has slightly sloping topography that slopes eastward toward a creek basin.

CHARACTERISTICS OF THE AREA:

The property to the north (across an undeveloped tract) is developed single-family residential neighborhood. To the west and north is an undeveloped phase of Timber Creek Ranch. To the east is a creek. To the south is the developed portion of the subdivision.

The topography generally slopes to the southeast. The existing homes in the area are a mixture of ranch and two-story homes with siding and brick wainscots.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improved housing conditions."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Uses for this site. The Guiding Principles state the need to, "Facilitate the development of connected...neighborhoods;"

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Both water and sanitary services are available along the Hanover Court, Heartland Court and 13th Street rights-of-way and in the general area. Electrical service will be available in easements at the rear of the property.

Homes Association:

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Storm Water Detention, Stream Buffers and Flood Plain Area:

The development drains to detention basins located in the east central and southern portions of the property located in a creek basin within a stream buffer area. Stream Buffers, the 100-year flood plains and floodway are confined to east central, southern and southwestern portions of the property. The common tracts are within the federally designated flood plain area and within the City's designated Stream Buffer Area. Portions of the Stream Buffer's outer zone are located within the two southeastern most lots.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

EXHIBITS

1. Narrative
2. Application
3. Preliminary Plat
4. Final Plat
5. Comp Plan Map
6. Zoning Map

POLLARD DEVELOPMENT, LLC
Jim Pollard
3030 S. Crenshaw
Independence, Missouri 64057

June 17, 2024

To: City of Independence

This is the final build out of 64 lots for Timber Creek Ranch to finish out the subdivision. The engineering for the 3 final phases have been submitted and phase 3 and 4 have been approved. I have submitted corrections on comments on phase 5.

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Jim Pollard

Developer

24-320-05



INDEPENDENCE
MISSOURI

Planning and Zoning

Application Form

Community Development
111 E. Maple Avenue
Independence, MO 64050
(816) 325-7421
cdplanning@indepmo.org

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☒ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

TIMBER CREEK RANCH 4th PLAT
Project Name

THE END OF N HEARTLAND COURT AND E 13th ST N
Project Address/Location
E NITOLLAND CT

17 LOTS
Sq. Ft. of Building Acreage Number of Lots/Tracts Steam Buffer (Yes or No)

Existing Zoning Proposed Zoning Existing Land Use Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

- | | |
|---|---|
| ☐ Completed & Signed Application Form
☐ Application Fee
☐ Cover Letter Describing Details of Project | ☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
☐ One PDF copy of a plat map or site plan
☐ Legal Description of the property in question |
|---|---|

Contact Information

Applicant

JIM POLLARD - Pollard Development LLC
Name Company
3030 S. CLEMENS RD. INDEP MO 64057
Address

816-686-8800 jim@dreamsb6@gmail.com
Phone Email

Architect/Engineer/Surveyor/Other: _____

Todd Polk CRS Engineers
Name Company

3015 E CAIRO ST SPRINGFIELD MO 65802
Address

417-986-4067 tpolk@crs-engineers.com
Phone Email

Owner

SAME AS APPLICANT
Name Company

Address

Phone Email

Architect/Engineer/Surveyor/Other: _____

BRIAN GLENN
Name Company

PHOENIX ENG & SURVEY LLC
Address

3855 S NORTHERN BLVD INDEP MO 64052
Phone Email
816-743-9000 BRIAN@PHOENIX-LLC.COM

The applicant hereby agrees that the information provided above is accurate.

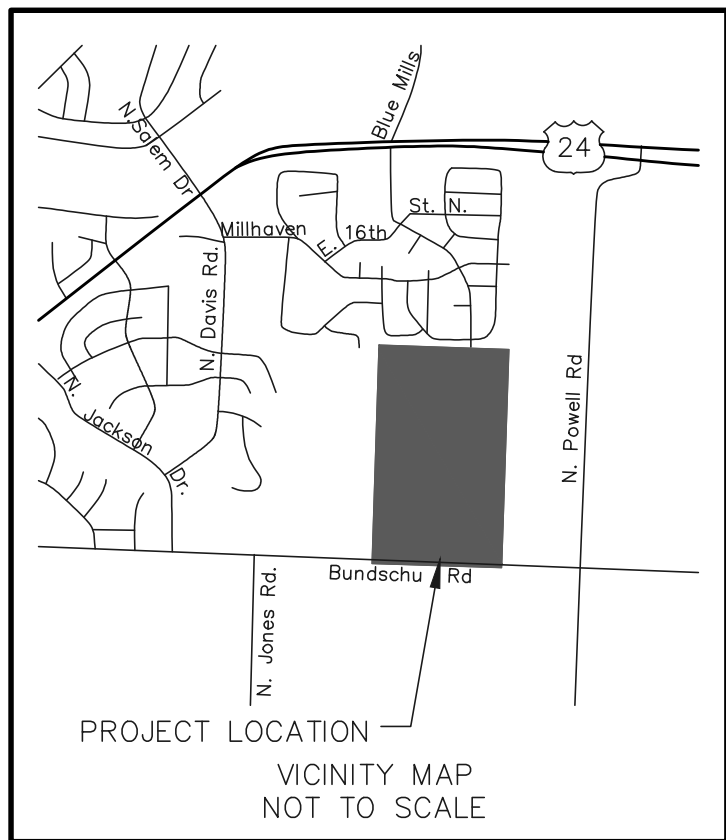
Applicant's Signature

Date

Owner's Signature

Date

THE EAST 1/2 OF THE NW 1/4 OF SEC. 28 T2N 50N R3E 31W, A SUBDIVISION
OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.



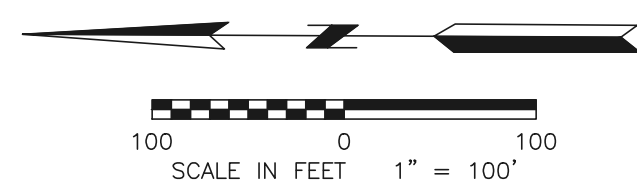
PROPOSED		EXISTING		
●	Manhole	○		
⬮	Curb Inlet	⬮		
■	Field Inlet	□		
	Flared End Section	△		
⚡	Fire Hydrant	⚡		
⌂	Blow Off	⌂		
⌂	Water Valve	⌂		
⌂	Water Meter	⌂		
⌂	Straddle	⌂		
=====	4' Sidewalk	=====		
=====	2' Curb	=====		
				
HCR		Handicap Ramp	HCR	

LOT#	OWNER/ADDRESS
34	Juliana Bryon T. & Jill R. 1401 Old Mill Ct. Independence, MO. 64056
35	Cape Kent K. 1403 Old Mill Ct. Independence, MO. 64056
130	Kellis Michael D. & Katherine F. 1404 Holland Dr. Independence, MO. 64056
131	Hernandez Jorge H. & Veronica 1404 Holland Dr. Independence, MO. 64056
484	US SFE Asset Company 5 LLC 20307 E. 14th St. N. Independence, MO 64056
485	Harp Matthew E. & Jennifer 20305 E. 14th St. N. Independence, MO. 64056
486	Wilson Larry Raymond & Deborah S. 20307 E. 14th St. N. Independence, MO. 64056

LOT#	OWNER/ADDRESS
487	Howell Scott D. Jr. & Stacy A. 20301 S 14th St. N. Independence, MO 64056
535	Farmer Jared. 20225 E 14th St. N. Independence, MO 64056
536	Highland Scott A. 20221 E 14th St. N. Independence, MO 64056
537	D'Arcy Investments LLC 20219 E Burgess Rd Buckner, MO 64016
538	Oliver Gayle R. 20213 E 14th St. N. Independence, MO 64056
539	Schumacher George L. & Lisa M. 20209 E 14th St. N. Independence, MO 64056
540	Turner Travis L. & Trina D.. 20207 E 14th St. N. Independence, MO 64056

LOT#	OWNER/ADDRESS
541	Allison Joshua 20205 E 14th St. N. Independence, MO. 64056
542	Gotway Robert L. 20203 E 14th St. N. Independence, MO. 64056
543	Lloyd Clayton E. & Susan A. 20103 E 14th St. N. Independence, MO. 64056
544	Oliver Charles K. & Amanda L. 20104 E 14th St. N. Independence, MO. 64056
545	Jorgensen Benjamin & Diana 20005 E. 14th St. N. Independence, MO. 64056
546	Andrews Michael D 20133 E. 17th TER. N. Independence, MO. 64056
547	MacDonald Larry B. & Nancy 20103 E. 14th St. N. Independence, MO. 64056

LOT#	OWNER/ADDRESS
548	Helm Bradley W. 1400 N Holland Dr. Independence, MO. 64056



CONSTRUCTION PHASE	# OF LOTS
PHASE 1	41 LOTS
PHASE 2	46 LOTS
PHASE 3	23 LOTS
PHASE 4	20 LOTS
PHASE 5	21 LOTS
PHASE 6	2 LOTS

LEGAL DESCRIPTION:
THE EAST HALF OF THE NORTHWEST QUARTER OF
SECTION 28, TOWNSHIP 50 NORTH, RANGE 31 WEST
OF THE 5TH PRINCIPAL MERIDIAN, INDEPENDENCE,
JACKSON COUNTY, MISSOURI, CONTAINING 80.4 ACRES,
MORE OR LESS.

DEVELOPER:
ANDACHTER-POLLARD DEVELOPMENT LLC
3030 S. CRENSHAW ROAD
INDEPENDENCE, MO. 64057
PH. 816-686-8800
FAX 816-795-6360

TIMBER CREEK RANCH

THE EAST 1/2 OF THE NW 1/4 OF
SEC. 28 T2N 50N R31W,
A SUBDIVISION OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

[illegible]

PRELIMINARY
PLAT

C1.0

NOT FOR
CONSTRUCTION

[illegible]

Designed by: TRP	Date: 5/18/2022	
Dwn by: DJS	Ckd by: TRP	Project No. 22-5321
Submitted by: TRP	Plot scale: NA	
File name: DJS_22-5321 TCR PrePlatform.dwg		

CFS ENGINEERS

cfse.com



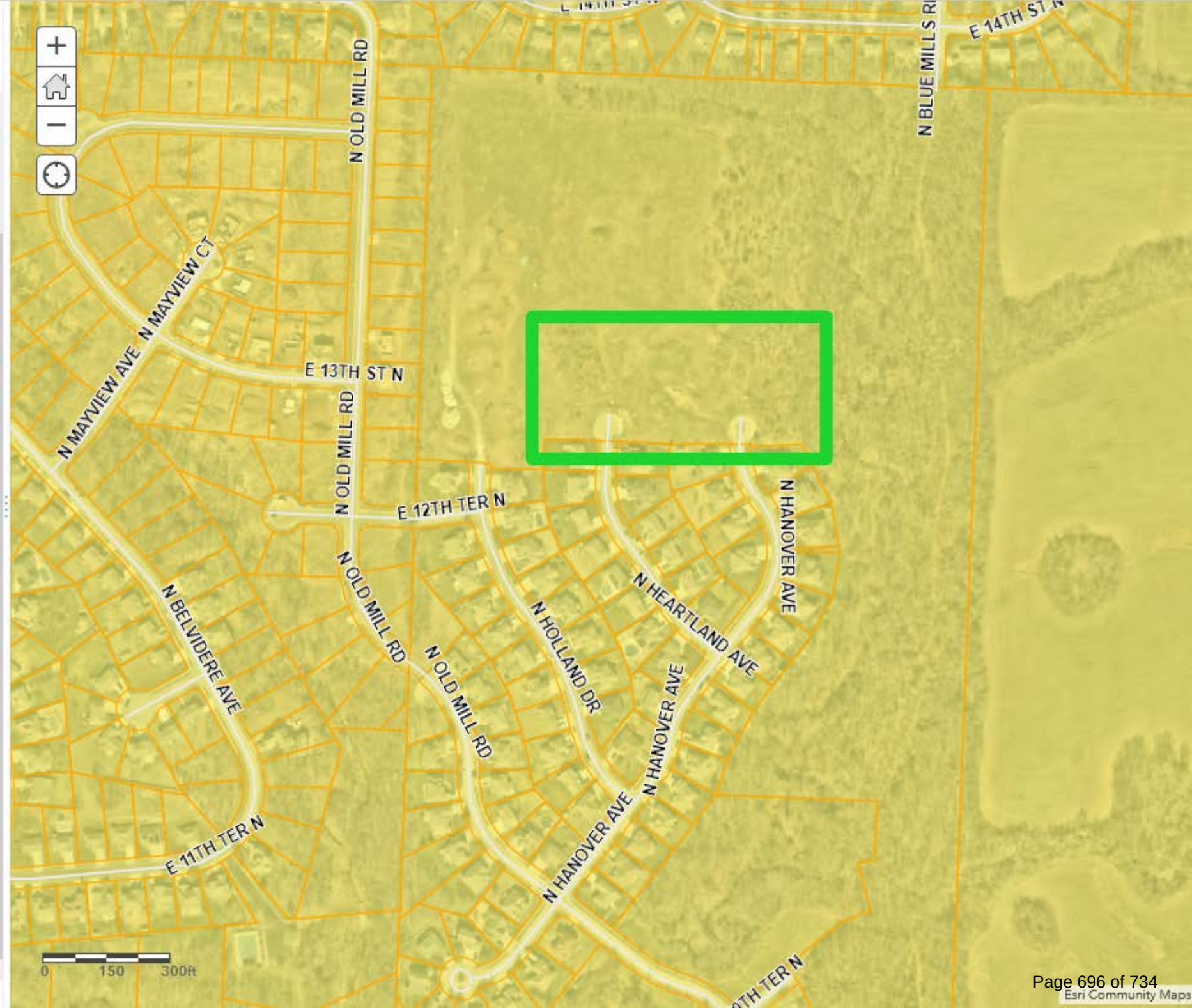
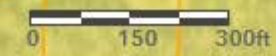
Legend

Parcels

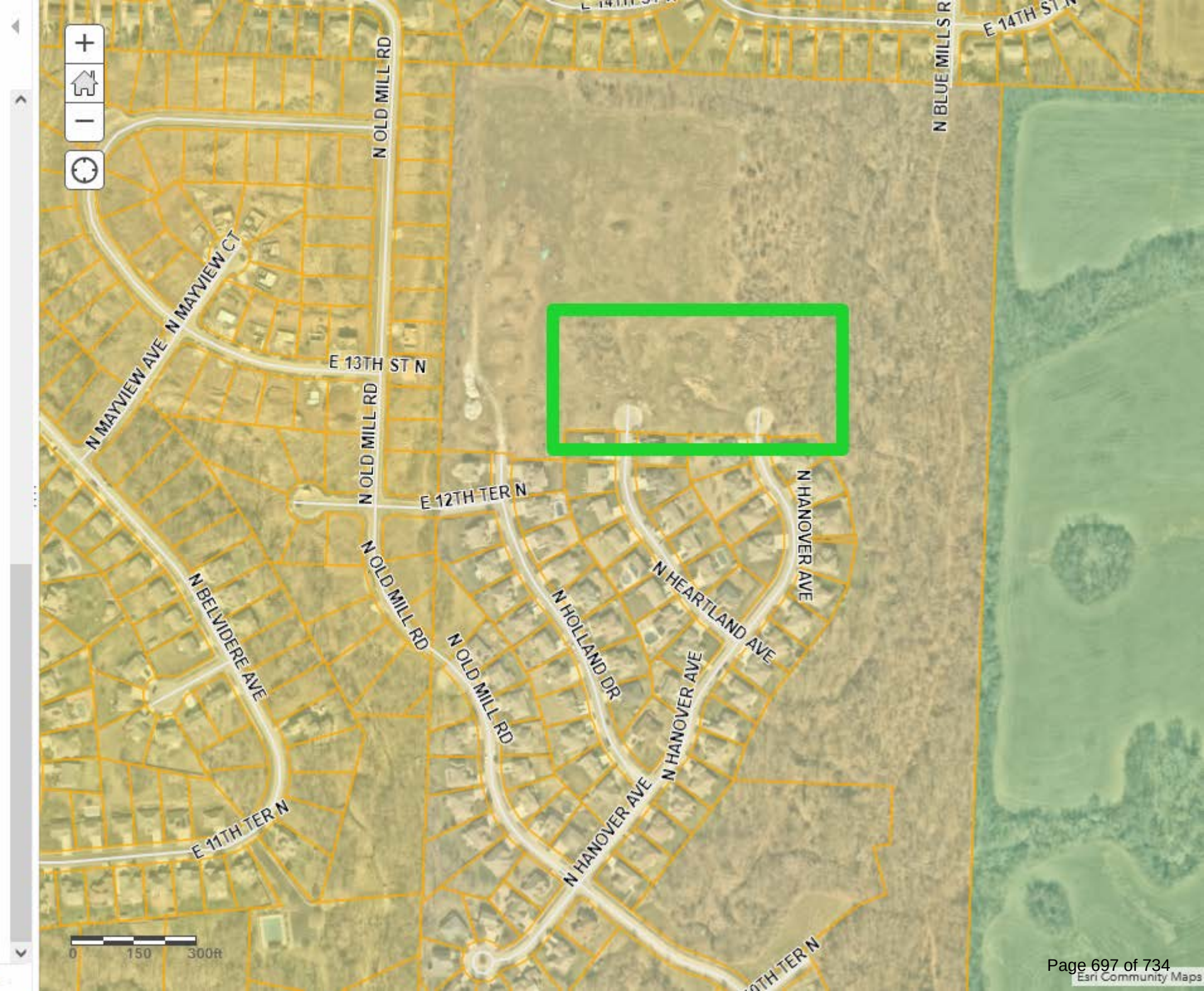
Municipal Boundaries

Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural



- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A
- R-A/I-2/U
- R-A/PUD





City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-082 **1R** An ordinance vacating an existing unconstructed right-of-way being part of St Clair Park, on, and across lots 240-248, a subdivision in Independence, Jackson County, Missouri. **1R**

Recommendations:

Council approval is recommended.

Background:

City Staff have received a request for vacation from the majority property owner of an unconstructed right-of-way. This vacation will support additional development of this property located at 8903 E. Winner Road. Staff recommend approval of this vacation.

Emergency Justification:**Fiscal Impact:**

There is no fiscal impact to the City.

Council Action:

Department / Contact	Municipal Services /
---------------------------------	----------------------

REVIEWERS

Lisa Reynolds
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 8903 E Winner Road Vacation Ordinance
2. 8903 E Winner Road Vacation - Boundary Survey

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE VACATING AN EXISTING UNCONSTRUCTED RIGHT-OF-WAY BEING PART OF ST CLAIR PARK, ON, AND ACROSS LOTS 240-248, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS the unconstructed Right-Of-Way was recorded in 1908 on page 79 in Book 4 of the Jackson County, Missouri Deed Records; and,

WHEREAS the vacation of the Unconstructed Right-Of-Way will support additional development of the property; and,

WHEREAS, the City has received a request for vacation from a majority of the abutting property owners.

WHEREAS, the entirety of the vacated right of way will be reserved as a general utility easement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri does hereby vacate the Unconstructed Right-Of-Way, Recorded in Book 4, Page 79 in its entirety and described as follows:

DESCRIPTION OF UNCONSTRUCTED RIGHT-OF-WAY TO BE VACATED

BEING A PART OF ST. CLAIR PARK, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 241, OF SAID ST. CLAIR PARK; THENCE ALONG THE EASTERLY RIGHT OF WAY OF KENTUCKY AVENUE, NORTH 14 DEGREES 26 MINUTES 14 SECONDS EAST, A DISTANCE OF 40.78 FEET; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 86 DEGREES 47 MINUTES 01 SECOND EAST, 186.42 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF HWY 24 A.K.A. EAST WINNER ROAD; THENCE ALONG SAID RIGHT OF WAY, SOUTH 55 DEGREES 27 MINUTES 38 SECONDS EAST, 76.94 FEET TO THE NORTH CORNER OF LOT 248; THENCE LEAVING SAID RIGHT OF WAY, NORTH 86 DEGREES 47 MINUTES 01 SECOND WEST, 260.08 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the Municipal Services Department is directed to file for record a certified copy of this ordinance in the Office of the Division of Property Records, in and for the County of Jackson, State of Missouri, at Independence.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

ATTEST:

City Clerk

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

APPROVED - FORM AND LEGALITY:

City Counselor
City of Independence, Missouri

Director of Finance and Administration
City of Independence, Missouri

REVIEWED BY:

City Manager

BOUNDARY SURVEY

PROPERTY DESCRIPTION

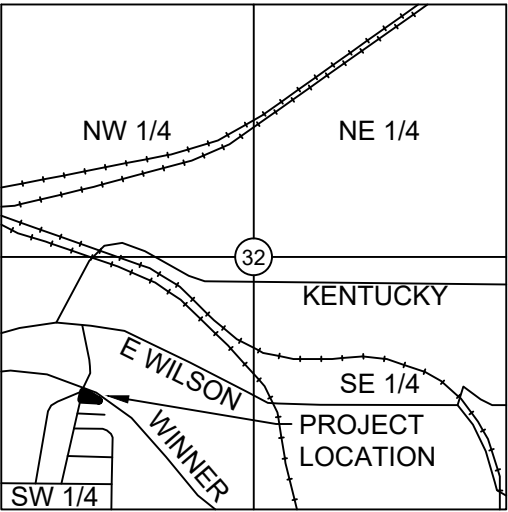
ALL OF LOTS 239 AND 240, ST. CLAIR PARK, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

RIGHT OF WAY TO BE VACATED

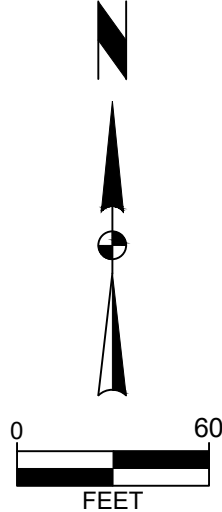
BEING A PART OF ST. CLAIR PARK, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 241, OF SAID ST. CLAIR PARK; THENCE ALONG THE EASTERLY RIGHT OF WAY OF KENTUCKY AVENUE, NORTH 14 DEGREES 26 MINUTES 14 SECONDS EAST, A DISTANCE OF 40.78 FEET; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 86 DEGREES 47 MINUTES 01 SECOND EAST, 186.42 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF HWY 24 A.K.A. EAST WINNER ROAD; THENCE ALONG SAID RIGHT OF WAY, SOUTH 55 DEGREES 27 MINUTES 38 SECONDS EAST, 76.94 FEET TO THE NORTH CORNER OF LOT 248; THENCE LEAVING SAID RIGHT OF WAY, NORTH 86 DEGREES 47 MINUTES 01 SECOND WEST, 260.08 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART IN ROADS.

GENERAL NOTES

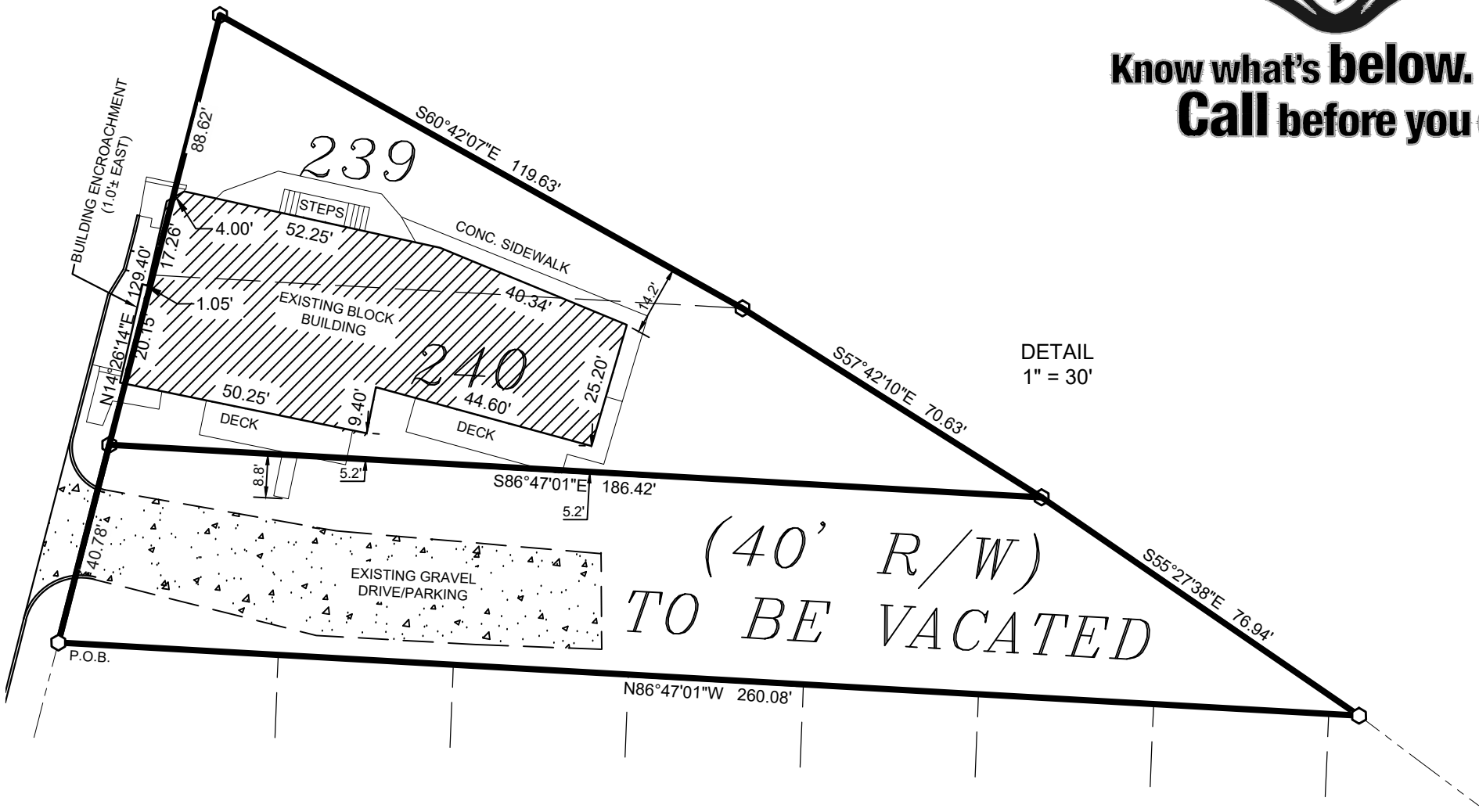
- 1. NO TITLE REPORT WAS PROVIDED FOR THIS SURVEY. THEREFORE, ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.
- 2. BASIS OF BEARING: MISSOURI STATE PLANE COORDINATE SYSTEM.
- 3. LOTS 239 AND 240 CONTAINS 8323.41 SQUARE FEET OR 0.19 ACRES, MORE OR LESS. RIGHT OF WAY TO BE VACATED CONTAINS 8930.08 SQUARE FEET OR 0.21 ACRES, MORE OR LESS.
- 4. NO UNDERGROUND UTILITIES WERE LOCATED FOR THIS SURVEY. MISSOURI LAW REQUIRES THE USE OF THE MISSOURI ONE CALL SYSTEM (TOLL FREE 1-800-344-7483) PRIOR TO ANY EXCAVATING OR DIGGING. IT IS THE EXCAVATOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF AND PROTECT ALL UTILITIES WHETHER SHOWN OR NOT.



LOCATION MAP
SECTION 32-50-32
(NOT TO SCALE)



Know what's below.
Call before you dig.

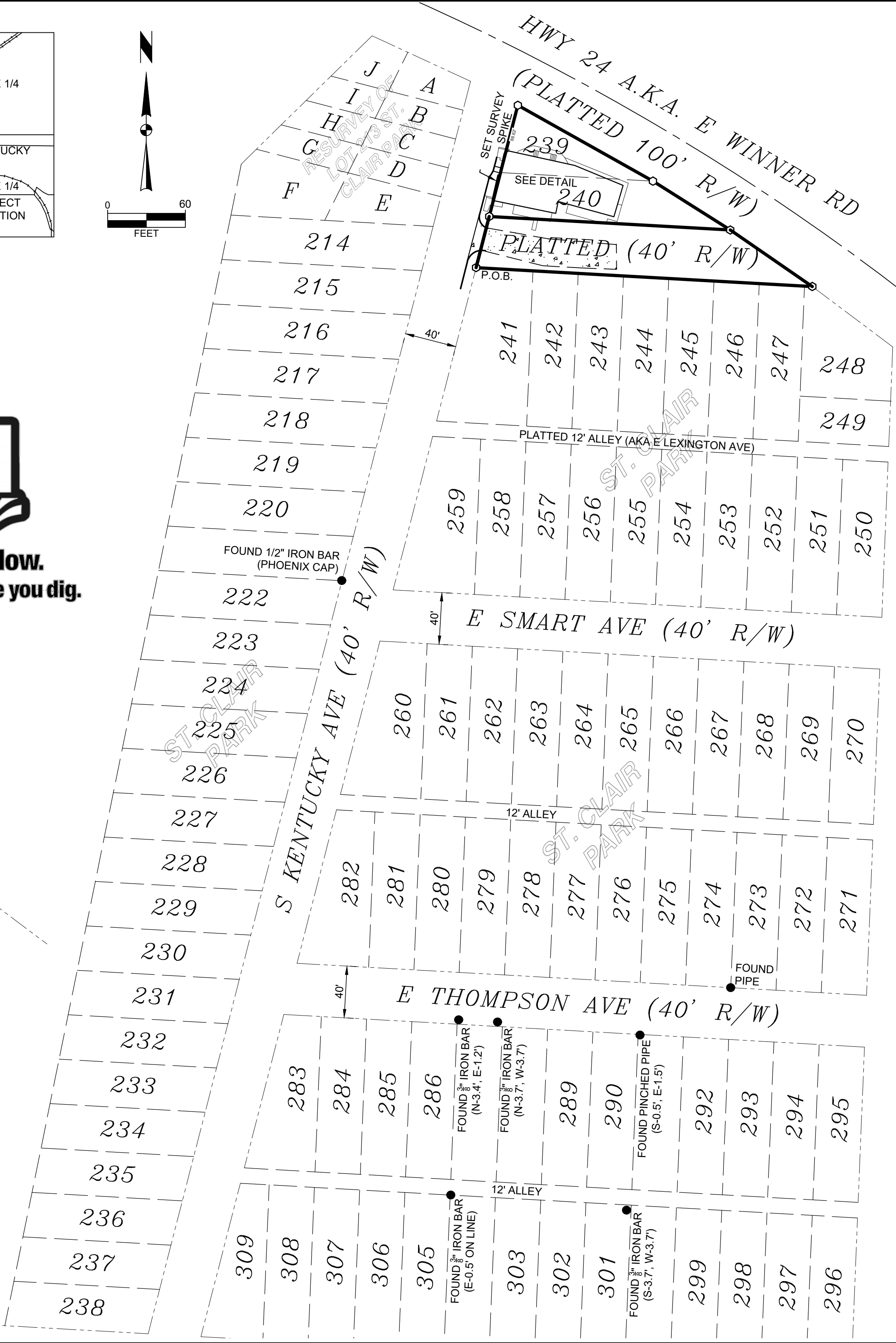


NOTE: THIS SURVEY MEETS THE ACCURACY REQUIREMENTS FOR AN URBAN CLASS OF PROPERTY.

I HEREBY STATE THAT THIS BOUNDARY SURVEY IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MISSOURI SURVEY STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI DEPARTMENT OF AGRICULTURE, LAND SURVEY DIVISION, AND MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS, ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS. I FURTHER STATE THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND THE PLATTING OF SUBDIVISIONS TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

DATE: _____

ZACHARY A. BRINKER - LS 2016042019
CERTIFICATE OF AUTHORITY - LS 2013023732



BOUNDARY SURVEY - LOTS 239 AND 240, ST. CLAIR PARK

PIE2REI, LLC.

SNYDER & ASSOCIATES

Project No: 124.0555.13
Sheet 1 OF 1

MISSOURI

802 FRANCIS STREET
ST. JOSEPH, MISSOURI 64501
816-364-5222 | www.snyder-associates.com

Surveyor: ZAB
Checked By: ZAB
Date: 06/10/2024
Scale: 1" = 60'
T-R-S:
Snyder & Associates Engineers & Planners, Inc.
Missouri State Certificate of Authority #2013023732

MARK
REVISION
DATE
BY

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-083 **1R** An ordinance authorizing an agreement with the Missouri Highways and Transportation Commission for the Public Transit Operating Assistance Grant in the amount of \$141,300.64 for operating expenses associated with transit service for the period July 1, 2024, through June 30, 2025; and making the necessary appropriations. **1R**

Recommendations:

Staff recommends approval.

Background:

Transit operating assistance from the Missouri Highways and Transportation Commission is a program offered to cities and agencies providing fixed-route transit service in their respective service areas. The amount of the award is \$141,300.64 and is applied beginning immediately through June 30, 2025 until funds are exhausted.

The Missouri Highways and Transportation Commission announced availability of limited funding for the operation of fixed-route transit systems for fiscal year 2024-2025. The Commission awarded the City of Independence \$141,300.64 for transit operated in the City. Matching funds are not required as part of this grant agreement, and the grant will provide reimbursement for actual expenses as they occur.

Emergency Justification:**Fiscal Impact:**

The Public Transit Operating Assistance Grant will off-set previously approved budgeted costs for the operation of public transit system in Independence. The fiscal impact to the City is \$141,300.64. The Revenue will be deposited in account 4414 in the General Fund.

Council Action:

**Department /
Contact**

Community Development /

REVIEWERS

Tom Scannell

Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance
2. Draft Agreement

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PUBLIC TRANSIT OPERATING ASSISTANCE GRANT IN THE AMOUNT OF \$141,300.64 FOR OPERATING EXPENSES ASSOCIATED WITH TRANSIT SERVICE FOR THE PERIOD JULY 1, 2024, THROUGH JUNE 30, 2025; AND MAKING THE NECESSARY APPROPRIATIONS.

WHEREAS, the transit operating assistance from the Missouri Highways and Transportation Commission is a program offered to cities and agencies providing fixed-route transit service in their respective service areas.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, shall be and is hereby authorized and directed to execute in the name and on behalf of said City a certain agreement with the Missouri Highways and Transportation Commission providing for public transit assistance in the amount of One Hundred Forty-One Thousand Three Hundred and 64/100 Dollars (\$141,300.64) for the purpose of supporting bus service for the period of July 1, 2024 through June 30, 2025, to be reimbursed to the City of Independence, Missouri for the operation of local fixed route transit service, said grant agreement being substantially the same form as the copy attached hereto.

SECTION 2. That appropriations are hereby increased in the Community Development Department Operating Budget within the Grants Fund in the amount of One Hundred Forty-One Thousand Three Hundred and 64/100 Dollars (\$141,300.64) for operating expenses associated with transit service from grant revenues received from the Missouri Highways and Transportation Commission for Public Transit Operating Assistance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED – FORM AND LEGALITY

City Counselor

REVIEWED BY:

City Manager

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, sufficient to meet the obligation hereby incurred.

Source is: Community Development
Operating Budget

Director of Finance and Administration
City of Independence, Missouri

CCO Form: MO79
Approved: 06/96 (RMH)
Revised: 05/24 (MWH)
Modified:

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
PUBLIC TRANSIT OPERATING
ASSISTANCE GRANT AGREEMENT**

THIS AGREEMENT is entered into between the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Independence (hereinafter, "Grantee").

WITNESSETH:

WHEREAS, the purpose of this Agreement is to provide financial assistance to the Grantee as appropriated from the State Fund and to set forth the conditions upon which the assistance will be provided;

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations in this Agreement, the parties agree as follows:

(1) SCOPE OF WORK: The Grantee shall provide general public transportation in accordance with the "Missouri State Transit Assistance Application" which is attached and made a part of this Agreement as Attachment A.

(2) AMOUNT OF GRANT: The Commission awards the Grantee the sum of one hundred forty-one thousand three hundred dollars and sixty-four cents (\$141,300.64) during the period from July 1, 2024, to June 30, 2025.

(3) PERFORMANCE OF AGREEMENT: The Grantee shall immediately notify the Commission in writing of any condition or event which may significantly affect its ability to perform the required activities in accordance with the provisions of this Agreement.

(4) RETENTION AND AUDIT OF RECORDS:

(A) The Grantee shall maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its representatives during the period of this Agreement and any extension thereof, and for three (3) years after the date of final payment made under this Agreement.

(B) The Grantee shall submit to the Commission such data, reports, documents, and other information relating to the Grantee's activities as the Commission may require at any time.

(C) At any time during or after the grant period provided in this Agreement, the Commission may inspect, copy, and audit all records possessed by or available to the Grantee, which may be pertinent to this Agreement. If the Commission notifies the Grantee of its specific intention to inspect, copy or audit any of these records, then the Grantee shall retain all of the records pertinent to this Agreement until the Commission notifies the Grantee that it has completed its inspection, copying, or audit.

(5) THIRD PARTY CONTRACTS:

(A) Prior to execution by either party, the Grantee shall submit to the Commission for review, comment and approval all contracts for services included in the Public Transportation Budget and Service Statement to be provided to the Grantee by a third party.

(B) The Commission shall not be liable to contractors or subcontractors of the Grantee or any other person not a party to this Agreement in connection with the performance of the project.

(6) PAYMENTS:

(A) Limitations on Commission Contribution: Funds made available to the Commission and the Grantee are subject to appropriations made by the General Assembly. In the event state funds available to the Commission are reduced so that the Commission is incapable of completely satisfying its obligations to all the Grantees for the current state fiscal year, the Commission may recompute and reduce this grant. When added to federal operating assistance funds available and applied to the same operating period, the maximum Commission payment on any monthly or quarterly request shall not cause the total of state and federal operating assistance to exceed the amount of operating assistance for which the Grantee would have qualified in federal funds had additional federal funds been available.

(B) Progress Payments: Progress payments, based upon actual allowable costs, for not less than one (1) month and for no more than three (3) months may be made upon receipt of an itemized invoice from the Grantee in an appropriate format approved by the Commission. The itemized invoice shall be reviewed by the Commission prior to payment and must include a certification that costs have been incurred in the performance of the Agreement and a record of the actual costs. Any costs deemed ineligible for reimbursement by the Commission in accordance with the terms of this Agreement shall be deducted from the itemized invoice before payment is made. Any rejected or unaccepted costs shall be borne by the Grantee.

(C) Availability of Funds: The Commission's duty to pay the Grantee as provided in this Agreement is subject to the availability of funds appropriated by the Missouri General Assembly to and from the State Transportation Fund and any

subsequent directives mandated by the Governor regarding the withholding of appropriations.

(7) ASSIGNMENT: The Grantee shall not assign, transfer or delegate any interest in this Agreement, or its performance of any work required by this Agreement, without the prior written consent of the Commission.

(8) INDEMNIFICATION: To the extent allowed or imposed by law, the Grantee shall defend, indemnify, and hold harmless the Commission, including its members and the Missouri Department of Transportation ("MoDOT" or "Department") employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Grantee's wrongful or negligent performance of its obligations under this Agreement.

(8) INDEMNIFICATION: To the extent allowed or imposed by law, the Grantee shall defend, indemnify, and hold harmless the Commission, including its members and the Missouri Department of Transportation ("MoDOT" or "Department") employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Grantee's wrongful or negligent performance of its obligations under this Agreement.

(9) INSURANCE:

(A) The Grantee is required or will require any contractor procured by the Grantee to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the MoDOT and its employees, as additional insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$600,000 per claimant and \$4,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to section 537.610 RSMo.

(B) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(10) RIGHT OF COMMISSION TO TERMINATE AGREEMENT: Upon written notice to the Grantee, the Commission may suspend or terminate all or part of the financial assistance provided for in this Agreement when the Grantee is, or has been, in violation of any of the terms of this Agreement.

(11) COMMISSION'S REPRESENTATIVE: The Commission's chief engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(12) NONDISCRIMINATION CLAUSE: The Grantee shall comply with all state and federal statutes applicable to the Grantee relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 USC §2000d and §2000e, *et seq.*); and with every applicable provision of the "Americans with Disabilities Act" (42 USC §12101, *et seq.*).

(13) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Grantee shall comply with all local, state, and federal laws and regulations relating to the performance of this Agreement.

(14) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or respecting its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(15) NONSOLICITATION: The Grantee warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Grantee, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gifts, or contingent fee.

(16) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment or supplemental agreement signed and approved by the duly authorized representatives of the Grantee and the Commission.

(17) DISPUTES: Any disputes that arise under this Agreement shall be decided by the Commission or its representative.

(18) LACK OF WAIVER: In no event shall payment of grant funds to the Grantee by the Commission constitute or be construed as a waiver by the Commission of any breach of covenants, or any default which may exist on the part of the Grantee, and the making of any such payment by the Commission while any such breach or default shall exist shall in no way impair or prejudice any right or remedy available to the Commission with respect to such breach or default.

(19) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

(A) To the Grantee:
City of Independence
111 E. Maple Ave.
Independence, MO 64050
Facsimile No.:816-325-7400

(B) To the Commission:
Missouri Department of Transportation
105 W. Capitol Ave
Jefferson City, MO 65102
Facsimile No.:573-751-6555

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

[Remainder of page intentionally left blank]

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-084 **1R** An ordinance authorizing the City Manager to accept a grant from Mid-America Regional Council in the amount of \$88,007 for the City's senior adult nutrition site program for fiscal year 2024-2025, and execute the amendment community center services agreement; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and, authorizing certain future appropriations. **1R**

Recommendations:

Staff recommends Council approval of this Ordinance.

Background:

This grant through Mid-America Regional Council (MARC) helps make possible the City's Nutrition Site Program offered through the Parks/Recreation/Tourism Department's Senior Adult Services Division. The Program is offered to area seniors, 60 years and over and their spouses, as well as disabled individuals, 18 years and over. Lunches are offered at the Palmer Recreation Center, Monday through Friday. Home delivered meals are available to those individuals that are homebound and meet program guidelines.

In previous years, the City has applied for and received grant funding annually from MARC for operating expenses associated with salaries for personnel to operate the Nutrition Site. In March 2024, the Parks/Recreation/Tourism Department staff submitted a Request for Proposal response to MARC for The Palmer Center. Following review by the Board of Directors of MARC, the City was selected to provide Community Center Services for up to \$33,000 annually in grant funding for up to three years for administering the program. This amount was included in the adopted current fiscal year budget.

The proposed Ordinance also includes appropriations of up to \$55,007 for Senior Adult Services, designated as follows: up to \$18,365 for transportation, up to \$26,642 for Frozen Home Delivered Meal Delivery and up to \$10,000 for evidenced-based programming.

Emergency Justification:**Fiscal Impact:**

\$55,007 for operation of the City's Senior Adult Nutrition Site program will be deposited to the Parks & Recreation Grant Fund, account 012-3275.

Funds will be expensed from account 6050-5240-MARCS for \$18,365, 6050-5100-MARCS for \$26,642, and 6050-5309-MARCS for \$10,000 on page 139 of the FY24-25 Proposed Budget Book.

Council Action:

Department / Contact	Parks, Recreation and Tourism /
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REVIEWERS

Morris Heide
Jennifer Kim
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Ordinance MARC Senior Adult Nutrition Site Grant FY24-25
2. Independence City of SFY 25 Center Srvs final

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM MID-AMERICA REGIONAL COUNCIL IN THE AMOUNT OF \$88,007 FOR THE CITY'S SENIOR ADULT NUTRITION SITE PROGRAM FOR FISCAL YEAR 2024-2025, AND EXECUTE THE AMENDMENT COMMUNITY CENTER SERVICES AGREEMENT; MAKING THE NECESSARY APPROPRIATIONS; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS; AND, AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.

WHEREAS, the Mid-America Regional Council (MARC) has been conducting a Senior Adult Nutrition site in Independence at the Palmer Center at 218 N. Pleasant under authority of Ordinance No. 19241; and,

WHEREAS, the City of Independence has deemed it appropriate to continue to provide a nutrition center at Palmer Center; and,

WHEREAS, for Fiscal Year 2024-25 the Mid-America Regional Council awarded the City of Independence Thirty-Three Thousand and NO/100 Dollars (\$33,000.00) in grant funding for administering the Senior Adult Nutrition Site program; and,

WHEREAS, for Fiscal Year 2024-25, the Mid-America Regional Council awarded the City of Independence additional reimbursements up to Eighteen Thousand, Three Hundred Sixty-Five and NO/100 Dollars (\$18,365.00) for participant transportation services to and from the Palmer Center's Senior Adult Nutrition Site; and,

WHEREAS, for Fiscal Year 2024-25, the Mid-America Regional Council awarded the City of Independence additional reimbursement up to Twenty-Six Thousand Six Hundred Forty-Two and No/100 Dollars (\$26,642.00) for Frozen Home Delivered Meal Delivery; and

WHEREAS, for Fiscal Year 2024-25, the Mid-America Regional Council awarded the City of Independence additional reimbursements up to Ten Thousand and NO/100 Dollars (\$10,000.00) for Evidence-Based Disease Prevention/Health Promotion Programs; and,

WHEREAS, the adopted budget for Fiscal Year 2024-25 originally included an appropriation of Thirty-Three Thousand and NO/100 Dollars (\$33,000.00) in the Parks, Recreation, Tourism Department Operating Budget within the Senior Adult Services Division for anticipated annual grant funding from Mid-America Regional Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, is hereby authorized and directed to execute, for and on behalf of said City, the Community Center Services Agreement (Contract #07670-CoI-25) with the Mid-America Regional Council for the provision of a nutrition site at the Palmer Center under the guidelines of the MARC Commission on Aging Policies and Procedures Manual, from July 1, 2024 through June 30, 2025, for a subsidy of up to Thirty Three Thousand and NO/100 Dollars (\$33,000.00), plus additional reimbursements up to a maximum of up to Eighteen Thousand, Three Hundred Sixty-Five and NO/100 Dollars (\$18,365.00) for participant transportation

services, Twenty-Six Thousand Six Hundred Forty-Two and No/100 Dollars (\$26,642.00) for Frozen Home Delivered Meal Delivery, and Ten Thousand and NO/100 Dollars (\$10,000.00) for Evidence-Based Disease Prevention/Health Promotion Programs, a copy of the agreement being attached hereto, incorporated herein by reference thereto, and made a part hereof as though fully set out herein.

SECTION 2. That appropriations are hereby increased in the Parks, Recreation and Tourism Department Operating Budget within the Parks & Recreation Grant Fund in the amount of \$58,007.00 for participant transportation to and from the Nutrition Site (\$18,365.00), Frozen Home Delivered Meal Delivery (\$26,642.00), and costs associated with offering Evidence-Based Disease Prevention/Health Promotion Programs (\$10,000.00), from grant reimbursement revenues received from the Mid-America Regional Council.

SECTION 3. That the City Manager is further authorized to approve future change orders, extensions, amendments or addendums to this agreement without Council approval, or an extension of time for completing the terms of the grant or for the receipt of additional funding for this same grant project, provided there are no changes in the terms and/or conditions or responsibilities to the City and provided each and every such change order, extension, amendment or addendum is approved by the City Manager, does not add more than 90% to the length of time of the grant or more than 50% to the original funding, is identified as being authorized by this ordinance and a copy is filed with the City Clerk.

SECTION 4. That the City Manager is hereby authorized to increase appropriations by the amount of any increased grant awards authorized by change order, extension, amendment or addendum for any increased funding under the terms of the previous section, provided a copy of that action is also provided to the Finance Department.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

AGREEMENT
Contract #07670-CoI-25

This Agreement, entered into as of this First day of July, 2024 is by and between the City of Independence, MO, (hereinafter referred to as Contractor), with offices located at with offices located at 111 E. Maple, Independence, Missouri and Mid-America Regional Council (hereinafter referred to as MARC), with offices located at 600 Broadway, Suite 200, Kansas City, Missouri,

WITNESSETH THAT:

WHEREAS, MARC wishes to make available certain services to elderly residents within a service area hereafter described, and

WHEREAS, the Contractor warrants that it is capable of providing the services hereafter described, and

WHEREAS, the Contractor desires to assist MARC in this endeavor.

NOW THEREFORE, the parties hereto do agree as follows:

1. SCOPE OF SERVICES

Contractor shall do, perform, and carry out in a satisfactory and proper manner, as determined by MARC, the services of Community Center Services, which includes the following components:

- (a) Community Center Services Administration
- (b) Site Transportation-Persons
- (c) Evidence-Based Disease Prevention/Health Promotion Programs
- (d) Delivery of Frozen Home Delivered Meals

All components are defined in “Program Requirements” of the MARC Aging and Adult Services Policies & Procedures Manual, (hereinafter referred to as the Manual), including all revisions to the Manual, as it may be revised from time to time following the execution of this Agreement. The above-mentioned Program Requirements of the Manual are incorporated by reference hereto as if fully written out herein. Contractor agrees to abide by all applicable provisions of the Manual. The Manual is located at the following web address:

<https://marc.org/aging/aging-and-adult-services>

All services shall be carried out at Palmer Center, 218A N. Pleasant Street, Independence, Missouri, 64050.

2. TIME OF PERFORMANCE

- A. Term - Contractor shall begin performing the Services as of July 1, 2024 and shall work diligently to perform the various components of this agreement to the satisfaction of MARC, in accordance with the terms provided herein, by June 30, 2025.

- B. Extension of Term - The time frame for the provision of the services under this Agreement may be extended at MARC's sole discretion.

3. COMPENSATION

- A. Maximum Obligation - Contractor and MARC expressly understand and agree that in no event will the total compensation paid under this agreement exceed individual amounts for each type of service, as listed below, which shall constitute full and complete compensation for Contractor's services hereunder:

- **Administration of the center -** **Not to exceed \$33,000**
Funded with Title IIIC1; CFDA #93.045
- **Transportation Service for Participants to and from the Center -** \$6.58 one-way trip **Not to exceed \$18,365**
Funded, in part, with Title IIIB; CFDA #93.044 & Social Services Block Grant, CFDA #93.667
- **Frozen Home Delivered Meal Delivery -** \$1.86/frozen meal **Not to exceed \$26,642***
Funded, in part, with Title IIIC2, CFDA #93.045 & Social Services Block Grant, CFDA #93.667
- **Evidence-based Disease Prevention/Health Promotion (DPHP) programs –** **Not to exceed \$10,000***
Funded with Title IIID, CFDA #93.043, &/or Title IIIE, & 93.052

* Where applicable, reimbursement for picking up bulk orders of meals from the re-pack facility before completing last mile delivery will be a minimum of \$175/month, plus \$150 for each additional delivery over one (1) delivery, up to a maximum of \$625/month, for each month in which bulk frozen meals are picked up.

*These services include the delivery of group-based disease prevention and health promotion courses. The courses are licensed by entities approved by the Administration for Community Living and/or the Missouri Department of Health and Senior Services and are known to improve health and other outcomes among participants. Awards include the following compensation rates, specific to evidence-based programs:

Evidence-based DPHP program facilitation at \$25-\$200/completer
Evidence-based DPHP program training at \$200-\$600/Leader Training

Total Contractual Commitment: **Not to exceed \$88,007**

Contractor, as a federal subrecipient, is responsible for a minimum of 25% match of the total cost of these programs, with the exception of the evidence-based disease prevention/health promotion programs, in the form of in-kind contributions. Subrecipient proposed no indirect costs. Therefore, indirect costs will be considered unallowable.

For audit purposes, all voluntary contributions collected through the provision of any of these services will be considered federal funds.

Where appropriate, Contractor shall be held fiscally responsible for noncompliance resulting in losses of perishable goods, and/or excessive trip/wait time as determined by MARC.

B. Method and Time of Payment - Payment shall be made in the following manner:

Contractor shall submit monthly invoices, including appropriate documentation, to MARC, no later than the fifth working day following the end of each month. MARC shall reimburse Contractor within thirty (30) calendar days after the receipt of each invoice. Contractor shall maintain complete records of all costs incurred under this agreement. All such records shall be maintained on a generally accepted accounting basis for a minimum period of five (5) years after final payment is made under this Agreement and shall be clearly identifiable and readily accessible to authorized representatives of MARC for inspection and audit.

4. CHANGES AND ADDITIONAL SERVICES

This Agreement constitutes the entire agreement between MARC and Contractor, and it may not be amended or altered in any way except by a written amendment signed by both parties to this Agreement.

5. TERMINATION OF AGREEMENT FOR CAUSE

If the Contractor shall, in the opinion of MARC, fail to perform in a timely and proper manner its obligations under this Agreement or if the Contractor shall violate any of the covenants, agreements or stipulations of this Agreement, MARC shall thereupon have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof. The date of notice shall be at least five (5) days before the effective date of such termination. Although Contractor will ordinarily be entitled to a notice of five days, MARC reserves the right to immediately terminate the Agreement and preclude the Contractor from performing any further services if MARC believes that the Contractor could cause harm to either MARC or to the recipients of Contractor's services by continuing to provide services during the five-day notice.

Notwithstanding the above, the Contractor shall not be relieved of liability to MARC by virtue of any breach of the Agreement by the Contractor, and MARC may withhold any payments to the Contractor for the purpose of setoff. See paragraph 6. If MARC has a reasonable belief that Contractor has been overpaid, or if MARC has a reasonable belief that MARC will incur expenses or suffer damages through the termination of this Agreement, MARC may withhold amounts which it reasonably believes will compensate MARC for known or anticipated expenses or damages. If MARC withholds funds as payment for known or anticipated expenses or damages, any excess amount which MARC withholds will be released to Contractor within thirty (30) days after MARC learns that the amount which it has withheld is in excess of the amount necessary to compensate for expense and/or damages incurred by MARC.

6. LIQUIDATED DAMAGES

In the event that Contractor or Subcontractor approved by MARC fails to perform as agreed in any respect, Contractor or Subcontractor shall be liable to MARC for any and all additional costs that may be incurred by MARC in securing another contractor to complete the performance, as liquidated damages and not as a penalty. The delivery of Senior Center programs will be impaired or halted in the event Contractor fails to perform. MARC may withhold any payments due to the Contractor for the purpose of setoff. If MARC has a reasonable belief that Contractor has been overpaid, or if MARC has a reasonable belief that MARC will incur expenses or suffer damages through the termination of this Agreement, MARC may withhold amounts which it reasonably believes will compensate MARC for known or anticipated expenses or damages. If MARC withholds funds as payment for known or anticipated expenses or damages, any excess amount which MARC withholds will be released to Contractor within thirty (30) days after MARC learns that the amount which it has withheld is in excess of the amount necessary to compensate for expense and/or damages incurred by MARC.

7. TERMINATION FOR CONVENIENCE OF MARC

- A. MARC reserves the right to terminate this Agreement at any time with or without cause by giving Contractor advance written notice of such termination.
- B. In the event of any such termination, the Contractor shall deliver to MARC, as the property of MARC, all designs, reports, drawings, studies, estimates, computations, memoranda, documents, and other papers or materials either furnished by MARC or prepared by or for the Contractor under this Agreement.

8. PROJECT MANAGER

It is understood and agreed that Contractor shall name a Project Manager who will represent the Contractor in the performance of this Agreement and shall notify MARC of his/her identity within thirty (30) days of the beginning of the contract period. Any subsequent change shall be submitted to MARC within two (2) weeks of the change.

9. COPYRIGHT AND OWNERSHIP OF DOCUMENTS

No reports or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of Contractor. Ownership of all designs, reports, drawings, studies, estimates, models, computations, and other related items (work products) prepared under this Agreement shall vest in MARC upon payment to the Contractor for all Services rendered herein through the date of the expiration or termination of this Agreement. Contractor hereby assigns to MARC all rights, titles, and interest in any work products, including any copyrights or other intellectual property therein.

10. ASSIGNMENT

The Contractor's rights, obligations and duties under this Agreement shall not be assigned

in whole or in part without the prior written consent of MARC. However, claims for money due to the Contractor from MARC under the terms of this Agreement may be assigned to a bank, trust company or other such financial institution, provided that prompt written notice of such an assignment is given to MARC. None of the Services covered by this Agreement shall be subcontracted without the prior written approval of MARC.

11. INDEPENDENT CONTRACTOR

Contractor will act as an independent contractor in the performance of the Services under this Agreement. Accordingly, Contractor shall be responsible for the payment of all required business license fees and all taxes including Federal, State and local taxes arising from Contractor's activities under the terms of this Agreement.

12. PROHIBITED INTERESTS

No officer, member or employee of MARC, no member of MARC's governing body and no other public official of the locality or localities in which the Project is being carried out who exercises any functions or responsibilities in the review and approval of this Project shall participate in any decision related to this Agreement affecting, either directly or indirectly, his or her own personal interest. No member of or delegate to the Kansas Legislature, the Missouri General Assembly or the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising from it.

13. CONFLICTS OF INTEREST

- A. Contractor hereby certifies that the company and any personnel assigned to work for MARC under this Agreement are not involved in other community projects that would pose a conflict to the Contractor's ability to successfully carry out the responsibilities of this Agreement. If potential conflicts arise during the term of this Agreement, the Contractor agrees to notify MARC immediately in writing and discuss the potential issues and work with MARC to address any potential issues arising from the situation.
- B. The Contractor covenants that it presently has no known personal or pecuniary interest and shall not knowingly acquire such interest, directly or indirectly, which could conflict in any manner with the performance of Services under this Agreement, including the submission of impartial reports and recommendations.

14. INSURANCE

- A. The Contractor shall maintain commercial general liability, automobile liability, worker's compensation and employer's liability insurance in full force and effect to protect the Contractor from claims under Worker's Compensation Acts, claims for damages for personal injury or death, and for damages to property arising from the negligent acts, errors, or omissions of the Contractor and its employees, agents, and subcontractors in the performance of the Services covered by this Agreement, including, without limitation, risks insured against in commercial general liability

policies.

- B. The Contractor shall also maintain professional liability insurance to protect the Contractor against the negligent acts, errors, or omissions of the Contractor and those for whom it is legally responsible, arising out of the performance of the Services under this Agreement.
- C. The Contractor's insurance coverages shall be for not less than the following limits of liability:
 - (i) Commercial General Liability: \$500,000.00 per claim up to \$2,000,000.00 per occurrence.
 - (ii) Automobile Liability: \$100,000.00 per claim up to \$2,000,000.00 per occurrence;
 - (iii) Worker's Compensation in accordance with the statutory limits; and Employer's Liability: \$1,000,000.00; and
 - (iv) The Contractor shall, upon request at any time, provide MARC with certificates of ins Fidelity Bonding Coverage: At least Fifty Thousand Dollars (\$50,000.00) for all employees, volunteers, or governing body members who have fiscal responsibilities to protect against loss of federal and state funds or agency income. A minimum notification of cancellation of thirty (30) days must be sent to MARC.
 - (v) All appropriate policies shall name MARC as an additional insured.
- D. Any insurance policy required hereunder shall be written by a company which is incorporated in the United States of America or is based in the United States of America. Each insurance policy must be issued by a company authorized to issue such insurance in the State of Missouri.
- E. As between Contractor and MARC, the parties waive any and all rights against each other, including their rights of subrogation, for damages covered by property insurance during and after the completion of Services under this Agreement.

15. MONITORING, AUDITING AND REPORTING

Each contractor is required to submit to audit by MARC, by the state of Missouri or by the federal government and retain appropriate records and documentation for a five (5) year period following final payment of a contract year. Each contractor shall permit monitoring by MARC, its staff and/or appropriate representatives, and to comply with such reporting procedures as may be established by MARC. Each contractor shall ensure that all pertinent financial records shall be made available for copying upon request by MARC, the state or federal government, or their agents. If it is determined, through audit procedures, that a contractor has been reimbursed inappropriately, the contractor shall immediately reimburse MARC the amount of ineligible funds.

- A. It is understood and agreed that the report procedures established by MARC will include identifying the actual costs incurred per unit of service, including both MARC costs and Contractor contributions.
- B. The Contractor agrees to provide MARC in a timely manner with statistical and other information that may be required to meet the planning and coordination requirements of the Older Americans Act, as amended.

16. GRIEVANCE POLICY

At time a client has been approved and assigned, a written complaint procedure should be provided to the client by the Contractor. The grievance procedures and policy shall, at a minimum, meet the standard content prescribed in the MARC grievances policy contained in the MARC Aging and Adult Services Policies & Procedures Manual, including all revisions to that manual as it may be revised from time-to-time following the execution of this Agreement.

17. CONTRIBUTIONS AND PROJECT INCOME

The Older Americans Act allows and encourages the collection of voluntary contributions from service recipients to offset the cost of the service delivered. No eligible client is to be denied a service because of an inability or unwillingness to contribute. Any project income collected by the contractor must be forwarded to MARC with the monthly report. Refer to the MARC Aging and Adult Services Policies & Procedures Manual, including all revisions to that manual as it may be revised from time to time following the execution of this Agreement, for details.

18. FEDERAL AND STATE TERMS AND CONDITIONS

- A. This Agreement shall be subject to all applicable Federal Terms and Conditions provided in **Exhibit B** attached hereto and incorporated herein by reference.
- B. Contractor shall be responsible for ensuring compliance with the Immigration Reform Act of 1986 and all laws regulating immigration and the verification of eligibility for employment of persons. All Contractors and sub-contractors with contract amounts in excess of \$5,000 on public projects in Missouri are required to verify the employment eligibility status of employees through the E-Verify federal program administered by the Department of Homeland Security, U.S. Citizenship and Immigration Services. Compliance with any such requirements is required under this Agreement and any subcontracts permitted hereunder. Contractor shall indemnify, defend and hold harmless MARC against any expense incurred including imposition of fines which results from violation of such laws. Contractor affirmatively states that it is not knowingly in violation of R.S. Mo. 285.530.1 and shall not henceforth be in such violation. Contractor further agrees to execute a sworn affidavit, under the penalty of perjury attesting to the fact that the Contractor's employees are lawfully present in the United States. Failure of Contractor to comply with this requirement shall be grounds for termination for default.

- C. Section 34.600, RSMo, precludes MARC from entering into a contract with a company to acquire products and/or services “unless the contract includes a written certification that the company is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.”

19. INDEMNIFICATION

Contractor expressly agrees to defend, indemnify, and hold and save harmless MARC, its officers, agents, servants and employees for liability of any nature (including, without limitation, reasonable attorneys' fees) related to (i) a breach of this Agreement by Contractor, (ii) the Services provided under this Agreement by Contractor or arising from any act or omission of Contractor or of any employee or agent of Contractor; or (iii) infringement or misappropriation or allegation of infringement or misappropriation of any patent, copyright, trade secret, trademark or other proprietary right of any third party relating to any deliverable provided or service performed by Contractor.

20. CONFIDENTIALITY

- A. Except as is necessary in the performance of this Agreement, or as authorized in writing by the other party, the parties shall not disclose to any person, institution, entity, company, or other third party any information directly or indirectly related to the parties that the other party (or its employees, agents and contractors) receives as a result of performing its obligations under this Agreement, or of which it is otherwise aware.
- B. The parties (and their employees, agents and contractors) shall not disclose, except to each other, any proprietary information, professional secrets or other information, records, data and data elements (including, but not limited to, protected health information) collected and maintained in the course of carrying out the responsibilities under this Agreement, unless such party receives prior written authorization to do so from the other party or as required by law.
- C. All confidential obligations contained herein (including those pertaining to information transmitted orally) shall survive the termination of this Agreement. The parties shall ensure that their respective employees, agents and contractors are aware of and shall comply with the aforementioned obligations.
- D. MARC is a public governmental body subject to the provisions of Missouri's Sunshine Law, Sections 610.010 through 610.030 RSMo. As such, MARC is required to allow citizens to inspect and copy District documents deemed to be “public records” under the law. Nothing herein shall prohibit MARC from satisfying a request to inspect and copy documents if legal counsel for MARC is of the opinion that such documents are “public records.”

21. DEFAULT

In the event there is a default with respect to any of the provisions of this Agreement or its obligations under it, the non-defaulting party shall give the defaulting party written notice of such default. After receipt of such written notice, the defaulting party shall have fifteen (15) days in which to cure any monetary default and thirty (30) days in which to cure any non-monetary default, provided the defaulting party shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and the defaulting party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. The non-defaulting party may not maintain any action or effect any remedies for default against the defaulting party unless and until the defaulting party has failed to cure the same within the time periods provided in this paragraph.

22. GOVERNING LAW

This Agreement shall be interpreted under and governed by the laws of the State of Missouri. Whenever there is no applicable state statute or decisional precedent governing the interpretation of this Agreement, then federal common law shall govern.

23. NOTICES

Any action by MARC under this Agreement may be taken by David Warm, Executive Director, or such other person as MARC may designate for such purpose by written notice to Contractor. All compensation and written notices to Contractor shall be considered to be properly given if mailed, delivered in person, emailed or transmitted by facsimile machine to:

All invoices, written reports and written notices given to MARC shall be considered to be sufficiently given if mailed, delivered in person, e-mailed or transmitted by facsimile machine to:

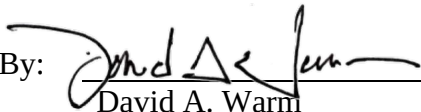
Tonya Boston
Mid-America Regional Council
600 Broadway, Suite 200
Kansas City, Missouri 64105-1659
E-mail Address: tboston@marc.org
FAX (816) 421-7758

24. ENTIRE AGREEMENT

This Agreement cancels and supersedes all previous discussions, negotiations, understandings, representations, warranties and agreements, written or oral, relating to the subject matter of this Agreement, and contains the entire understanding of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement on the dates set forth below.

**MID-AMERICA REGIONAL
COUNCIL**

By:  _____
David A. Warm
Executive Director

Date: 6/28/2024

CITY OF INDEPENDENCE, MO

By: _____

Date: _____

EXHIBIT A
DETAIL OF FEDERAL FINANCIAL ASSISTANCE FUNDING
By Program and Code of Federal Domestic Assistance (CFDA) Number
State Fiscal Year 2025 Funding Allocation
As Passed to the Missouri Department of Health and Senior Services, which in Turn is Passed
through to MARC

Federal Awarding Agency: Department of Health and Human Services – Administration for
Community Living (ACL)

Federal Award Name: OLDER AMERICAN ACT TITLE III – GRANTS FOR STATE
AND COMMUNITY PROGRAMS ON AGING

Part III-B: Supportive Services; CFDA #93.044; \$ 2,840
CFDA Title – Special Programs for the Aging Title III, Part B, Grants for Supportive Services and Senior Centers
Federal Awards – TBA

Part III-C1: Congregate Meals; CFDA #93.045 \$33,000
CFDA Title – Special Programs for the Aging Title III, Part C, Nutrition Services
Federal Awards – TBA

Part III-C2: Home Delivered Meals; CFDA #93.045 \$15,075
CFDA Title – Special Programs for the Aging Title III, Part C, Nutrition Services
Federal Awards – TBA

Part III-D: Preventive Health; CFDA #93.043 \$ 9,250
CFDA Title – Special Programs for the Aging Title III, Part D, Disease Prevention and Health Promotion Services
Federal Awards – TBA

Part III-E: National Family Caregiver Support Program; CFDA #93.052 \$ 750
CFDA Title: National Family Caregiver Support Title III, Part E
Federal Awards – TBA

Other HHS-Funded Programs:

Federal Agency Name: Department of Health and Human Services/ Administration for
Children and Families (ACF)

Federal Award Name: Social Services Block Grant
Social Services Block Grant: CFDA #93.667 \$ 6,839
CFDA Title – Social Services Block Grant

Total Amount of Federal Awards Obligated by this Action: tba

Total Amount of Federal Awards Obligated to Subrecipient Under this Agreement: **\$64,914**

EXHIBIT B

Federal Terms and Conditions

1) NONDISCRIMINATION (49 CFR Part 21): During the performance of this Agreement, the Contractor, for itself, its assignees, and successors in interest, agrees as follows:

A. Contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the United States Department of Commerce, as they may be amended from time to time (hereinafter referred to as the "Regulations"), which are hereby incorporated by reference and made a part of this Agreement.

B. Contractor, with regard to the Services performed by it during the term of this Agreement, shall not discriminate on the grounds of age, race, color, sex or national origin in the selection or retention of Contractors, including procurement of materials and leases of equipment. Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Agreement covers a program set forth in Appendix "B" of the Regulations.

C. In all solicitations, whether by competitive bidding or negotiation, made by the Contractor for services to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of age, race, color, sex or national origin.

D. The Contractor shall provide all information and reports required under the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by MARC to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information is required, or such information is in the exclusive possession of another that fails or refuses to furnish this information, the Contractor shall so certify to MARC, and shall set forth what efforts it has made to obtain the information.

E. In the event of the Contractor's noncompliance with the nondiscrimination provisions of this Agreement, MARC shall impose

such contract sanctions as it may determine to be appropriate, including, but not limited to: (i) Withholding of payments to the Contractor under the Agreement until the Contractor complies; and/or (ii) Cancellation, termination, or suspension of the Agreement, in whole or in part.

F. The Contractor shall include the provisions of Paragraphs A through E above in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as MARC may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Contractor may request MARC to enter into such litigation to protect the interests of MARC.

2) AMERICANS WITH DISABILITIES ACT:

Contractor shall comply with applicable provisions of the Americans with Disabilities Act of 1991, as amended. In particular, Contractor shall assist MARC in compliance by including appropriate language in all public documents and reports notifying persons with disabilities of MARC's policy of providing accommodations (i.e. interpreter, large print, reader and hearing assistance) to persons who need such assistance to participate in the Project.

3. AFFIRMATIVE ACTION IN EMPLOYMENT: The Contractor shall comply with the provisions of Section 503 of the Rehabilitation Act of 1973, as amended (the "Act"), and agrees as follows:

A. The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer,

recruitment, advertising, layoff or termination, rates of pay or other form of compensation, and selection for training, including apprenticeship.

B. The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor pursuant to the Act.

C. In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor pursuant to the Act.

D. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the director, provided by or through the contracting officer. Such notices shall state the Sub-recipient's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

E. The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of the Act, and is committed to take affirmative action to employ and advance in employment physically and mentally disabled individuals.

F. The Contractor will include the provisions of Paragraphs A through E above in every subcontract or purchase order of \$2,500.00 or more unless exempted by rules, regulations or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding on each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance (41 CFR 60-741.4.4).

4. EQUAL EMPLOYMENT OPPORTUNITY (41 CFR Part 60-1.4(b)): During the performance of this Agreement, the Contractor agrees as follows:

A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without

regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

B. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Sub-recipient, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

C. The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. The Contractor shall comply with all provisions of Executive Order 11246 of September 24, 1965, and by rules, regulations, and relevant orders of the Secretary of Labor.

E. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by MARC and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

F. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of

Labor, or as otherwise provided by law.

G. The Contractor will include the portion of the sentence immediately preceding Paragraph A and the provisions of Paragraphs A through G in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Subcontractor will take such action with respect to any subcontract or purchase order as MARC may direct as a means of enforcing such provision, including sanctions for noncompliance, provided, however, that in the event the Subcontractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Contractor may request MARC to enter into such litigation to protect the interests of MARC.

5. PROHIBITION AGAINST SUBSTANCE ABUSE: The Contractor shall comply with the requirements of the Omnibus Drug Initiative Act of 1988 (Public Law 100-690), as amended, and certify to MARC that it will provide a drug-free workplace.

6. LOBBYING: The Contractor hereby certifies that the federal funds provided under the terms of this Agreement will not be paid, by or on behalf of the Contractor, to any person to influence an officer or employee of any federal agency or federal elected official. The Contractor will provide full disclosure of any non-federal resources expended to lobby any federal official in connection with the Project.

7. COPELAND "ANTI-KICKBACK" ACT: All contracts and subgrants for construction or repair will include provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in DOL regulations (29 CFR Part 3).

8. DAVIS-BACON ACT: All construction endeavors of the AAA in excess of \$2,000 will include provision for compliance with the Davis-Bacon Act (40 U.S.C. section 3141 et seq.).

9. CONTRACT WORK HOURS AND SAFETY

STANDARDS ACT: All construction endeavors of the AAA in excess of \$2,000, and in excess of \$2,500 for other contracts involving employment of mechanics or laborers, will include provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by DOL Regulations (29 CFR part 5).

10. CLEAN AIR ACT/CLEAN WATER ACT/EPA

REGULATIONS: Contractor shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, under section 306 (42 U.S.C. 1857 (h)), section 508 of the Clean Water Act (42 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15).

11. WINDSOR V. UNITED STATES: Contractor will comply with the requirement to provide services to married same-sex couples.

12. EMPLOYEE WHISTLEBLOWER PROTECTIONS:

Contractor shall comply with the provisions of 41 U.S.C. 4712 that states an employee of a contractor, subcontractor, grantee, or subgrantee may not be discharged, demoted or otherwise discriminated against as a reprisal for "whistleblowing". In addition, whistleblower protections cannot be waived by any agreement, policy, form, or condition of employment.

13. TARGET POPULATION: (OAA Section 306

(a)(4)(A)(i)(I)) Contractor shall target its services to low-income minority individuals, older rural individuals, and older individuals with limited English proficiency. Persons aged 60 or over who are frail, homebound by reason of illness or incapacitation disability, or otherwise isolated, shall be given priority in the delivery of services. (45 CFR 1321.69(a)).

14. BOSTOCK v CLAYTON COUNTY: Contractor shall ensure employees are protected against discrimination because of their sexual orientation or gender identity.

