The Independence City Council met for a Regular Council Meeting, May 6, 2013, at 6:00 p.m., in the Council Chambers, 111 E. Maple.

Nancy Beaty, Director of Adult Faith Formation, St. Mark's Catholic Church, gave the invocation followed by the Pledge of Allegiance.

Mayor Don Reimal, Presiding Officer of the City Council, called the meeting to order. On roll call, the following members of the City Council were present: Councilmembers Chris Whiting, Curt Dougherty, Jim Schultz, Myron Paris and Eileen Weir. Absent: Councilmember Marcie Gragg.

Councilmembers Paris and Schultz moved to approve the minutes of the Regular Meetings on April 1, 2013 and April 15, 2013, and the Adjourned Meeting on April 22, 2013. Upon vote, motion carried.

Councilmembers Paris and Schultz moved to read Resolution Bill No. 13-724 out of order. Upon vote, motion carried.

Bill No. 13-724, entitled [Res. #5815]
"A RESOLUTION RECOGNIZING KRISTEN MCCANNON, FORENSIC CHEMIST, IN THE POLICE DEPARTMENT, AS THE EMPLOYEE OF THE MONTH FOR MAY, 2013."
was given its first and only reading in its entirety and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed. Mayor Reimal presented the May, 2013, Employee of the Month presentation copy to Kristen McCannon.

City Clerk Jane Sharon read the proclamation for Emergency Medical Services Week in Independence, May 19-25, 2013. Assistant Fire Chief Joe Lay accepted the proclamation from the Mayor on behalf of the Fire Department.

City Clerk Jane Sharon read the proclamation for St. Mary's High School Day in Independence, May 14, 2013. Principal John O'Connor and Assistant Principal Sarah Kinney accepted the proclamation from the Mayor on behalf of St. Mary's High School.

Mayor Reimal opened the public hearing on an application by Old Town Partners XVI, LP to rezone property at 218 N. Pleasant from District R-30 (High-Density Residential) and C-2 (General Commercial) to R-30/PUD (High-Density Residential/Planned Unit Development) and approving a Preliminary Development Plan, Case #13-125-04 and 13-810-04. Community Development Director Jennifer Clark stated there was no new information to report on this case. There being no speakers and no questions or comments from the City Council, Mayor Reimal declared this public hearing closed.

Councilmembers Schultz and Paris moved to approve the AMENDED CONSENT AGENDA, minus Bill No. 13-724 previously considered.

Reports and Recommendations of the City Manager:

1. Approval is requested on the application from 3 Baby Girls, LLC, to transfer the existing liquor licenses for a Restaurant Bar Intoxicating Liquor by the Drink License for Alibi's located at 305 N. M 291 Highway as the new owner of this establishment.

2. Approval is requested on the application from Diamond Girls Bartenders, LLC, to transfer the existing liquor licenses for a Restaurant Bar Intoxicating Liquor by the Drink License and Sunday Sales License for Shots located at 11703 E. 23rd Street as the new owner of this establishment.

3. Approval is recommended to enter into a price agreement (132-13) with HD Supply Waterworks for valves for the period of May 7, 2013, through April 30, 2014. Expenditures will not exceed approved amounts.

Bill No. 13-725, entitled [Res. #5816]
"A RESOLUTION APPOINTING EDWARD "ZEKE" LARSEN AS AN ALTERNATE MEMBER OF THE BOARD OF BUILDING AND ENGINEERING APPEALS FOR THE CITY OF INDEPENDENCE, MISSOURI."

Bill No. 13-726, entitled [Res. #5817]
"A RESOLUTION REAPPOINTING BRUCE BENSON, GERALD HANCOCK, DEBBIE LOVEWELL AND KATHY MOXLEY AS MEMBERS OF THE JAPANESE SISTER CITY COMMITTEE."

Upon roll call, the vote to approve the AMENDED CONSENT AGENDA was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the motion carried and the AMENDED CONSENT AGENDA was approved.

ORDINANCES:

At the request of Mayor Reimal, and with no Council objections, those wishing to speak were allowed to speak prior to the consideration of Bill No. 13-050.

Gerd Buttgen requested to speak to Council about the Heritage House Rezoning. Mr. Buttgen stated he enjoys living at Heritage House and it's a great neighborhood to live in. He believes the previous presentation to Council had erroneous information. Mr. Buttgen commented if vibrations are causing damage to the home, possibly the drive should be disconnected from Ridgeway Street. He stated because of the age of the residents, it is vital to have two entrances. He stated he is thrilled the developer is going to improve the property. Mr. Buttgen added his daughter is Councilmember Marcie Gragg.

Wayne Kearns requested to speak to Council about the Heritage House Rezoning. Mr. Kearns stated he enjoys living at Heritage House. He commented residents help beautify the neighborhood by planting flowers and helping to maintain the grounds. Mr. Kearns stated many of the residents are involved with the Community and with Heritage House Residents Organization (HHRO). Those involved with HHRO vote for officers and are involved with the operation of Heritage House. He added the staff is kind and the McCoy kitchen provides lunch if needed. Mr. Kearns stated the residents are looking forward to the improvements to their homes.

Pearl Wiser requested to speak to Council about the Heritage House Rezoning. Ms. Wiser stated she and her husband are Heritage House residents and that the Heritage House is a respectable retirement apartment. She added the managers are helpful and maintain the property well. Ms. Wiser commented many residents are volunteers, both at Heritage House and in the community. There are volunteers that take meals to those in need at Heritage House and they sponsor the McCoy Chili Cook-off. Ms. Wiser commented that anyone wanting to visit the apartments could contact the Heritage House office.

Judy Lewis Kincheloe requested to speak to Council about the Heritage House issue in the newspaper. Ms. Kincheloe stated she wanted to respond to some information was published in the Examiner about the Heritage House. She commented the Heritage House is for all retirees, not just those with low income. Ms. Kincheloe stated there are a variety of religions and ethnic backgrounds of the residents. She added that the neighborhood is not struggling because of Heritage House, and the Heritage House has received the Neighborhood Beautification Award on several occasions. Ms. Kincheloe stated the Examiner article questioned how the building is affecting the neighborhood and Ms. Kincheloe believes the Heritage House has a positive effect on the neighborhood. She commented there have been no studies done showing the large vehicles going down Ridgeway Street cause the deterioration of the walls at the McCoy House. Ms. Kincheloe stated she is a lifelong resident of Independence and residents stand ready to offer ideas if needed.

Patricia Hettrick requested to speak to Council about the Heritage House Rezoning. Ms. Hettrick stated her husband helped develop the Independence plan for neighborhood councils. At the time, neighbors met and discussed things that would improve their neighborhoods. Out of those meetings, there was an evident need for affordable housing for seniors. She stated Heritage House was dedicated in 1975. One of the contractors financed the balconies so that the seniors could have a place to enjoy the nice weather. Ms. Hettrick stated some of the residents have lived at Heritage House for over 20 years.

Sharon Snyder requested to speak to Council about transparency. Ms. Snyder stated a transparent government is important in a successful community. She questioned if the Heritage House residents have been notified of what the new developer wants to change. Ms. Snyder asked how all of the residents would get out if there was a fire. She stated her house is being destroyed and requested the developer and the City consider creating a new access road for residents. Ms. Snyder read a statement from Project for Public Spaces and asked for the Council to think about the future of Independence.

Bill No. 13-050, entitled [Ord. #18101]
"AN ORDINANCE AMENDING THE ZONING DISTRICT MAP AS TO A TRACT OF LAND LOCATED AT 660 N. SPRING STREET IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, CHANGING THE ZONING CLASSIFICATION THEREOF FROM DISTRICTS R-30/PUD (HIGH-DENSITY RESIDENTIAL PLANNED UNIT DEVELOPMENT) AND C-2 (GENERAL COMMERCIAL) TO R-30/PUD (HIGH-DENSITY RESIDENTIAL PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN. CASES #13-125-03 AND 13-810-03."
was given its second reading by title and placed on final passage. Councilmember Weir asked how the legal non-conformity occurred in the first place. Community Development Director Jennifer Clark stated during the initial construction it was believed that the lower level would be for commercial use of some kind and the rest of the building would be High-Density Residential in the old zoning code. She noted the Unified Development Ordinance (UDO) was adopted in 2009. Ms. Clark stated Heritage House conformed with the zoning code at the time and the new development requirements have become more strict. Ms. Clark noted there have been two major revisions to the Code since the Heritage House was built. Ms. Clark confirmed Councilmember Weir's statement that this zoning change puts the property in compliance with the new City Code. Ms. Clark confirmed that any external changes made to the building or grounds would have to be brought before the Heritage Commission and most of the changes would be made to the interior of the building. Councilmember Schultz asked if proper notification was given to neighbors about the proposed zoning change. Ms. Clark stated the neighbors were notified as required in advance of the Planning Commission's public hearing. Councilmember Schultz asked if there were concerns about the fire hydrant access. Deputy Fire Chief John Greene commented there is an older water main on Ridgeway and other hydrants in the area would also be used. Deputy Chief Greene stated Fire personnel would be able to reach the balconies in the front of the building, but not all of the balconies on the back of the building. He added Fire Department personnel could also use stairways and elevators to reach the upper floors. Councilmember Schultz mentioned there had been discussions of having a demonstration and requested the residents be notified prior to the event. Deputy Chief Greene stated the Fire Department would definitely notify residents prior to a demonstration. Fire Chief Sandra Schiess stated the renovation would not include interior sprinklers and stated there's currently a Shelter in Place plan for those on the higher floors, because it safer than trying to use the stairwells or balconies as exits in a high-rise apartment building. Councilmember Schultz commented he has met with various individuals including the upset neighbors. He stated he believes this is a good project and supports the rezoning. Councilmember Schultz added input from the residents and neighbors should be considered. Councilmember Paris commented this is a rezoning and believes it's a good project for the seniors and the building will have good improvements. Councilmember Weir stated she agrees that this is a good project. She added she has met with neighbors and asked the new owner of the property to try to restrict the use of Ridgeway for deliveries. She stated the Council has requested some research on creating a separate entrance, but hopes asking for assistance from the new owner will help alleviate the problem. Councilmember Weir commented preservation of the historic district is also important. She added the history in Independence is very unique. Councilmember Weir stated the issues with the neighbors don't necessarily pertain to the vote tonight, but it is important for the preservation of historic homes in the

area. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-051, entitled [Ord. #18102]
"AN ORDINANCE APPROVING THE TRUMAN MEDICAL CLINIC REDEVELOPMENT PLAN, THE TRUMAN MEDICAL CLINIC REDEVELOPMENT PROJECT, AND AFFIRMING THE AREA AS BLIGHTED; AND FURTHER APPROVING THE FAIRMOUNT REDEVELOPMENT CORPORATION, LLC AS THE ADMINISTRATOR OF THE 353 PROGRAM, ORGANIZED PURSUANT TO THE URBAN REDEVELOPMENT CORPORATION LAW."
was given its second reading by title and placed on final passage. Mayor Reimal commented this clinic has been long awaited. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-052, entitled [Ord. #18103]
"AN ORDINANCE APPROVING THE 2013-14 ANNUAL ACTION PLAN FOR PROGRAM YEAR 39; APPROVING PROJECTS AND PROGRAMS WITHIN THE PLAN; AUTHORIZING APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR PROGRAM YEAR 39 (FY 2013-2014) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND HOME INVESTMENT PARTNERSHIP ACT (HOME) FUNDS; AUTHORIZING EXECUTION OF A WRITTEN AGREEMENT AND ACCEPTANCE OF CDBG AND HOME PROGRAM FUNDS UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974; AND MAKING THE NECESSARY APPROPRIATIONS."
was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

First Readings:

Councilmembers Paris and Schultz moved to change the status of Bill No. 13-054 from First Reading to an Emergency Ordinance. Councilmember Paris commented this would allow the construction to start as soon as weather permits. Upon vote, motion carried.

Bill No. 13-054, entitled [Ord. #18104]
"AN ORDINANCE AUTHORIZING A CONTRACT WITH MARK ONE ELECTRIC COMPANY, INC., (MARK ONE) FOR THE INSTALLATION OF LED STREETLIGHTS, IN AN AMOUNT NOT TO EXCEED $855,555.43; AND AUTHORIZING MINOR CHANGE ORDERS FOR AN AMOUNT NOT TO EXCEED $85,555.54, AND/OR TIME EXTENSIONS." Made an emergency at the meeting.
was give its first and second readings by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. Abstentions – Councilmember Dougherty. The Mayor declared the bill passed.

Bill No. 13-055, entitled
"AN APPLICATION BY OLD TOWN PARTNERS XVI, LP (OLD TOWN) REQUESTS TO REZONE PROPERTY AT 218 N. PLEASANT STREET FROM R-30/PUD (HIGH-DENSITY RESIDENTIAL PLANNED UNIT DEVELOPMENT) AND C-2 (GENERAL COMMERCIAL) TO R-30/PUD (HIGH-DENSITY RESIDENTIAL PLANNED UNIT DEVELOPMENT) AND APPROVE A PRELIMINARY DEVELOPMENT PLAN. CASE#13-125-04."
was given its first reading by title.

Councilmember Whiting left the meeting.

Bill No. 13-056, entitled
"AN ORDINANCE AUTHORIZING A CONTRACT WITH THE FIRM OF HERNER CONSTRUCTION, INC., FOR THE FIRE STATION NUMBER 2 REMODEL PROJECT, IN AN AMOUNT NOT TO EXCEED $369,500.00; AND AUTHORIZING MINOR CHANGE ORDERS FOR AN AMOUNT NOT TO EXCEED $36,950.00 AND/OR TIME EXTENSIONS."
was given its first reading by title.

Bill No. 13-057, entitled
"AN ORDINANCE AUTHORIZING A CONTRACT WITH JACKSON COUNTY, MISSOURI, FOR THE RENOVATION OF THE HISTORIC TRUMAN COURTHOUSE FOR PURPOSES OF HOUSING A VISITORS CENTER AND THE TOURISM DEPARTMENT, IN AN AMOUNT NOT TO EXCEED $238,057.00; AUTHORIZING MINOR CHANGE ORDERS FOR AN AMOUNT NOT TO EXCEED $35,000.00 AND/OR TIME EXTENSIONS; MAKING THE NECESSARY APPROPRIATIONS; AND REPEALING ORDINANCE NO. 18071."
was given its first reading by title.

Bill No. 13-058, entitled
"AN ORDINANCE RATIFYING A PARTICIPATION AGREEMENT FOR STATE INVESTMENT IN LOCAL PUBLIC HEALTH SERVICES WITH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES, AND ACCEPTING THE ONE-TIME LUMP SUM OF $128,170.93 FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM, FOR THE HEALTH DEPARTMENT; APPROPRIATING THE NECESSARY FUNDS; AND AUTHORIZING FUTURE CHANGE ORDERS AND APPROPRIATIONS FOR THE SAME PROJECT."
was given its first reading by title.

Bill No. 13-505, entitled [Ord. #18105]
"AN EMERGENCY ORDINANCE APPROVING THE FINAL PLAT OF VILLAS AT COUNTRY MEADOWS SOUTH PUD – 29TH PLAT, LOCATED AT S. JENNINGS CT., E. 54TH TERRACE CT. S AND S. DAVIDSON CT. CASE NO. 13-320-01."
was given its first and second readings by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmembers Whiting and Gragg. The Mayor declared the bill passed.

At the request of Mayor Reimal, and with no Council objections, Chris Fairbank was allowed to speak prior to the consideration of Bill No. 13-506.

Chris Fairbank requested to speak to Council about the SAFER Grant. Mr. Fairbank stated he was speaking on behalf of the IAFF Local 781 President Kirk Stobart. He requested support for the ordinance approving the SAFER Grant. Mr. Fairbank commented seven firefighters were lost due to attrition causing the number of pumpers available to be limited because of a lack of staffing. He stated the Local 781 initiated efforts to secure the SAFER Grant. With these funds the Fire Department can hire more personnel allowing the Fire Department to be prepared to provide better service.

Bill No. 13-506, entitled [Ord. #18106]
"AN EMERGENCY ORDINANCE AUTHORIZING ACCEPTANCE OF A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM AWARD IN THE AMOUNT OF $573,036.00 FOR FIRE DEPARTMENT STAFFING; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING OR TIME EXTENSIONS FOR THE SAME PROJECT; MAKING THE NECESSARY APPROPRIATIONS AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS."
was given its first and second readings by title and placed on final passage. Councilmember Schultz asked if there is additional information. City Manager Robert Heacock commented three of the seven positions that had been unfunded, are now funded. He added the funds are very competitive and there is a limited time during which the City has to meet the hiring requirements. Chief Schiess stated this will allow the Fire Department to be fully staffed for the first time in a long time. She added it's time to get back to being fully staffed, with the assistance of Homeland Security and FEMA. Upon roll call, the vote was: Ayes – Councilmembers: Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmembers Whiting and Gragg. The Mayor declared the bill passed.

Bill No. 13-507, entitled [Ord. #18107]
"AN EMERGENCY ORDINANCE APPROVING THE ACQUISITION OF CERTAIN REAL ESTATE FOR THE NEIGHBORHOOD STABILIZATION PROGRAM; AUTHORIZING AND DIRECTING THE EXECUTION OF DOCUMENTS AND THE PAYMENT OF FUNDS TO PROPERTY OWNERS, AND OTHERS HOLDING PROPERTY RIGHTS, IN CONJUNCTION WITH THE PROJECT; AND MAKING THE NECESSARY APPROPRIATIONS."
was given its first and second readings by title and placed on final passage. Councilmember Weir stated this property is located in the Proctor neighborhood and asked how this will stabilize the neighborhood.

Ms. Clark commented this property has great potential and that the homeowners had requested the property be demolished. She stated when the homeowners went to the Heritage Commission, the owners were interested in selling the property. Ms. Clark added City staff talked about the rehabilitation of the property and the condition of the house. Upon roll call, the vote was: Ayes – Councilmembers: Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – Councilmembers Whiting and Gragg. The Mayor declared the bill passed.

INFORMATION ONLY:

1. The City Clerk has received notification that the City Manager has accepted a grant from the Missouri Highways and Transportation Commission in the amount of $5,000.00, for the Police Department, for the period of May 20, 2013 to June 2, 2013. These funds will be used to reimburse overtime worked while conducting aggressive driving enforcement activities during the upcoming holidays.

COUNCILMEMBER COMMENTS:

Councilmember Dougherty commented there are concerns over the new animal shelter being overcrowded. Councilmember Dougherty stated he believes the oversight committee should be looking at these issues.

Councilmember Schultz invited the public to attend the upcoming budget Study Sessions. He stated there is a Post Office food drive this weekend, with all donations staying in Independence; Adventure Oasis opens May 25th, and there is a drop-off event this weekend.

Councilmember Paris commented the Hungry and Homeless Coalition is having their annual food drive at HyVee and asked that the public give what they can to help. He stated 13 organizations will benefit from these efforts. Councilmember Paris added the date has been moved up to June 1 to help more children in need after school ends.

Councilmember Weir congratulated the students of St. Mary's High School students for how they've handled the closing of their school. She stated there will be discussions of use for that building. Councilmember Weir commented 35th Street will be closed through May 22nd for the street improvements project and asked for patience from the public.

Mayor Reimal commented the first Cinco de Mayo celebration was a good event and stated he looks forward to the event next year.

Mr. Heacock commented he will look into the reports of overcrowding at the new animal shelter. He stated the provider may be dealing with more than they first expected. Mr. Heacock added the Stoney Creek Inn will break ground in July and will provide a 32,000 square foot convention center space.

At 7:27 p.m., Councilmembers Schultz and Dougherty moved to adjourn and convene in a Regular Meeting at 6:00 p.m., May 20, 2013, in the Council Chambers. Upon vote, the motion carried and the Mayor declared the meeting adjourned.

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

ATTEST:

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City Clerk