The Independence City Council met for a Regular Council Meeting, July 15, 2013, at 6:01 p.m., in the Council Chambers, 111 E. Maple.

Tim Allison, Hospice Care of the Midwest, 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, Marcie Gragg, Curt Dougherty, Jim Schultz, Myron Paris and Eileen Weir. Absent: none.

City Clerk Jane Sharon read the proclamation for Tennies for Kids Day, in Independence, July 15, 2013. Donna Siegel accepted the proclamation from the Mayor.

Mayor Reimal opened the public hearing on an application by Mike Warkins requesting a Special Use Permit to operate a body art service at 17000 E. U.S. 24 Highway. Case #13-200-02. Acting Community Development Director Tom Scannell stated there was no new information. There being no speakers and no questions or comments from the City Council, Mayor Reimal declared this public hearing closed.

Mayor Reimal opened the full public hearing on an application by Wal-Mart Stores East, LP, for an Unlimited Retailer of Intoxicating Liquor in the Original Package License and Sunday Sales License for a Wal-Mart Neighborhood Market located at 3413 S. Noland Road. **Requires a two-thirds majority vote of Council for approval.** Liquor License Manager Terry Hartwig stated there was no new information. Mark Bryant, an attorney representing Wal-Mart, stated he was available for any questions. There being no other speakers and no questions or comments from the City Council, Mayor Reimal declared this public hearing closed.

Councilmember Whiting asked that Consent Agenda Item No. 5 be removed for separate consideration.

Councilmember Dougherty asked that Consent Agenda Item No. 9 be removed for separate consideration since it requires a two-thirds majority vote for approval.

Councilmembers Schultz and Weir moved to approve the AMENDED CONSENT AGENDA, minus Item No. 5 and Item No. 9 to be considered separately.

Reports and Recommendations of the City Manager:

- 1. Approval is recommended to issue a purchase order to Alstom Grid, Inc., in the amount of \$179,382.00, for four 69kV SF6 Circuit Breakers for the Power & Light Department.
- 2. Approval is requested on the application of 7-Eleven Sales Corporation to transfer the existing Unlimited Intoxicating Liquor in Original Package License and Sunday Sales License for the 7-Eleven Store #24442 located at 17801 E US 24 Highway as the new operator of this convenience store.
- 3. Approval is recommended to issue a purchase order, in the amount of \$59,661.00, to Thermal Engineering International Services for the Blue Valley Feed Water Heater Re-Tube for the Power & Light Department.
- 4. Approval is recommended to issue a purchase order to Eaton Corporation, in the amount of \$240,768.00, for the Blue Valley arc flash mitigation project for the Power & Light Department.
- 6. Approval is recommended to enter into a price agreement (103-13) for janitorial services for the Power & Light Department (IPL) with Woodley Building Maintenance, for the period of August 7, 2013, through June 30, 2014. The agreement contains four, one-year renewal options. Expenditures will not exceed budgeted amounts.

- 7. Approval is recommended to enter into a price agreement (279-13) with the Johnson County Sheriff's Office for the Police Department for the period August 20, 2013 through July 31, 2014 with two, one-year renewal options. Expenditures will not exceed budgeted amounts.
- 8. Approval is recommended to issue a purchase order to TransAmerican Power Products, in the amount of \$91,769.00, for substation F Transmission Steel Poles for the Power & Light Department.

Bill No. 13-743, entitled [Res. #5834] "A RESOLUTION EXTENDING THE CONTRACT BETWEEN THE CITY OF INDEPENDENCE, MISSOURI, AND THE COMMUNICATIONS WORKERS OF AMERICA LOCAL NO. 6360, FROM JULY 1, 2013 THROUGH JUNE 30 2015."

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

Councilmembers Paris and Gragg moved to approve Consent Agenda Item No. 5.

5. Approval is recommended to issue a purchase order to Toyne Fire Apparatus in the amount of \$644,500 for the purchase of a Quint firefighting apparatus for the Fire Department. Expenditures will not exceed budgeted amounts. Councilmember Whiting asked about the committee of management and labor goal and process used leading to this proposed purchase. Deputy Chief John Greene stated the goal was to inspect a rescue truck, a quint truck and a pumper truck. Seven people volunteered for the committee. Deputy Chief Greene stated Chief Schiess decided to first look at a quint truck to replace an older E1 model. One quint was not liked by the committee and the other quint was not in the area. Only one committee member was able to look at the second quint and brought back specifications and information with a recommendation to purchase. Deputy Chief Greene stated Chief Schiess made the decision as to equipment needed based on her plan for the department. He stated a quint has a 75-foot ladder. The department has 2 ladder trucks with 100-foot ladders. Deputy Chief Greene stated no rescues have been made needing taller ladders in over 20 years. Quint trucks are better for protection and better on the ground. The quint has a ladder and the pumper trucks don't have ladders if they are needed. A pumper would cost approximately \$600,000 and the last pumper was bought with a trade in. Mayor Reimal stated a quint costs more, but does the job of a pumper truck as well. In response to Councilmember Weir's question, Deputy Chief Greene stated the E1 pumper truck will be kept as a reserve truck and an older truck with more problems will be sold through the Purchasing Department. City Manager Robert Heacock commented this will not affect staffing. Councilmember Whiting commented he is concerned because a committee made the decision, but only one person actually saw the truck. Deputy Chief Greene stated there isn't much time to act when buying a demo truck because other cities are already waiting if this item doesn't pass. Mayor Reimal confirmed the entire committee understands what equipment is being purchased. In response to Councilmember Paris, Deputy Chief Greene stated approximately \$50,000 and a significant amount of time is saved by purchasing a demo truck. Mr. Heacock commented the concept of the committee is to address what kind of equipment should be on the truck. He added every attempt will be made to include all members of the committee. Deputy Chief Greene stated he has a spec sheet and drawings that were done on the truck, and there was no final vote of the committee because it was the only option, with the first truck rejected by the committee. Upon roll call, the vote was: Aves – Councilmembers: Gragg. Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – Councilmember Whiting. Absent – none. The Mayor declared Item No. 5 of the Consent Agenda approved.

Councilmembers Paris and Schultz moved to approve Consent Agenda Item No. 9.

9. Approval is requested on the application of Wal-Mart Stores East LP, for an Unlimited Retailer of Intoxicating Liquor in the Original Package License and Sunday Sales License for a Wal-Mart Neighborhood Market located at 3413 S. Noland Road. This application requires a two-third majority vote for approval due to residential properties and a school being located within three hundred (300) feet of the establishment.

Councilmember Dougherty commented this is not the right location for this business. Mayor Reimal commented he spoke to the Independence School District and they are not opposed to this item. Councilmember Paris commented this kind of store is needed in the area and he will be supporting this item. Councilmember Gragg commented there is a convenience store located directly across the street. She added there was previously a grocery store in that location and liquor was sold there. Councilmember Weir asked if the freestanding building would also be used. Mr. Bryant said the freestanding building will stay there. Jeff Clayton stated there would be a long term ground lease and everything would be demolished, except the freestanding building that has different owners. Mayor Reimal commented Enterprise is building a new location to sell previous rental cars. Councilmember Schultz asked what kind of barrier would be between the school and the business. Mr. Bryant commented the site plan will be worked through with administration approval and the site plan is currently being prepared. Councilmember Weir commented she will be supporting this item and the 4th District needs a grocery store. Mr. Heacock commented staff recommended approval and it is another positive step along Noland Road. Upon roll call, the vote was: Ayes – Councilmembers: Gragg, Schultz, Paris, Weir and Mayor Reimal. Noes – Councilmembers Whiting and Dougherty. Absent – none. The Mayor declared Item No. 9 of the Consent Agenda approved.

ORDINANCES:

Bill No. 13-070, entitled [Ord. #18129]

"AN ORDINANCE AMENDING CHAPTER 14, UNIFIED DEVELOPMENT ORDINANCE, OF THE INDEPENDENCE CITY CODE. CASE # 13-175-02."

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

Bill No. 13-072, entitled [Ord. #18130]

"AN ORDINANCE ACCEPTING FUNDING FROM THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES TO PROVIDE FINANCIAL ASSISTANCE FOR INVESTMENT IN LOCAL PUBLIC HEALTH SERVICES (CORE FUNCTIONS) FOR THE SECOND YEAR PERIOD OF JUNE 1, 2013, THROUGH MAY 31, 2014; IN THE AMOUNT OF \$130,430.00; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS FOR THE SAME PROJECT; AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS." was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes — Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes — none. Absent — none. The Mayor declared the bill passed.

Bill No. 13-073, entitled [Ord. #18131]

"AN ORDINANCE AUTHORIZING APPLICATION TO CIGNA, FOR PHARMACY BENEFITS MANAGEMENT SERVICES FOR THE STAY WELL HEALTH CARE PLANS FOR THE PERIOD BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014 WITH PROVISIONS FOR FOUR ANNUAL RENEWALS." was given its second reading by title and placed on final passage. Mr. Heacock thanked staff and the Stay Well Committee for their work to get the best service at the best cost and noted the savings are significant. Councilmember Weir asked for more information on the savings. Human Resources Director Debra Craig stated MEDCO merged with Express Scrips and had proposed a 4% overall savings. Switching to CIGNA offered even greater savings. Councilmember Gragg asked about changes for employees. Ms. Craig stated there will be a minor disruption and some will pay less for their prescriptions. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

Bill No. 13-074, entitled [Ord. #18132]

"AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING GENERAL UTILITY EASEMENTS FOR THE SUBSTATION F TRANSMISSION LINE IMPROVEMENTS FOR INDEPENDENCE POWER & LIGHT, PROJECT NO. 70211004-5406-1718; 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 AND OTHERS HOLDING PROPERTY RIGHTS, IN CONJUNCTION WITH THE PROJECT."

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

Bill No. 13-075, entitled [Ord. #18133]

"AN ORDINANCE AUTHORIZING CHANGE ORDER NUMBER 4 TO THE CONTRACT WITH HOLTHOUSE CONSTRUCTION FOR THE 24 HIGHWAY AND 291 HIGHWAY SEWER IMPROVEMENT PROJECT FOR AN INCREASE OF \$186,033.00."

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

Bill No. 13-076, entitled [Ord. #18134]

"AN ORDINANCE TO CORRECT THE LEGAL DESCRIPTION OF THE REDEVELOPMENT AREA FOR THE I-70 AND LITTLE BLUE PARKWAY TAX INCREMENT FINANCING PLAN."

was given its second reading by title and placed on final passage. Councilmember Paris asked for additional information. Mr. Heacock commented this will remove a piece of property that was mistakenly included and there are no changes to the plan. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

Bill No. 13-077, entitled [Ord. #18135]

"AN ORDINANCE TO CORRECT THE LEGAL DESCRIPTION OF THE REDEVELOPMENT AREA FOR THE NOLAND ROAD AND 23RD STREET TAX INCREMENT FINANCING PLAN."

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

Bill No. 13-078, entitled [Ord. #18136]

"AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SOUTHWEST POWER POOL, INC. RELATED TO THE IMPLEMENTATION OF THE SOUTHWEST POWER POOL BALANCING AUTHORITY." was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

First Readings:

Bill No. 13-079, entitled

"AN ORDINANCE AUTHORIZING EXECUTION OF CHANGE ORDER NO. 2 TO AN AGREEMENT WITH SEGA, INC., ADDING \$41,000.00 FOR ADDITIONAL ENGINEERING SERVICES REQUIRED TO COMPLETE THE SUBSTATION F REBUILD PROJECT."

was given its first reading by title.

Bill No. 13-080, entitled

"AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING GENERAL UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION AND GRADING EASEMENTS FOR THE ROCK CREEK INTERCEPTOR IMPROVEMENTS – SEGMENT 10B; 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." was given its first reading by title.

REGULAR MEETING July 15, 2013

Bill No. 13-081, entitled

"AN ORDINANCE VACATING A PORTION OF TWO (2) UTILITY EASEMENTS LOCATED WITHIN LOT 2-A, INDEPENDENCE CENTER, REPLAT A, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI." was given its first reading by title.

Councilmembers Dougherty and Schultz moved to change the status of Bill No. 13-082 from First Reading to an Emergency Ordinance. Councilmember Dougherty commented this would allow the business to open without further delay. Upon vote, motion carried.

Bill No. 13-082, entitled [Ord. #18137]

"AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A BODY ART SERVICE IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 17000 E. U. S. 24 HIGHWAY, SUITE F. CASE#13-200-02." *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, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

Bill No. 13-514, entitled [Ord. #18138]

"AN EMERGENCY ORDINANCE AUTHORIZING AN AGREEMENT WITH THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, LOCAL 13558, FOR THE TERM OF JULY 1, 2013, THROUGH JUNE 30, 2017." was given its first and second readings by title and placed on final passage. Mr. Heacock commented this would be effective July 1 and funded by the water utility. There was no wage increase last year and a modest increase this year. Mr. Heacock thanked those who worked to make it happen. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Gragg, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – none. Absent – none. The Mayor declared the bill passed.

INFORMATION ONLY:

- 1. Purchase order 137951, in the amount of \$183,878.00, was issued to Altec Industries under a cooperative agreement with the National Joint Powers Alliance (NJPA) for a new Digger Derrick for the Power & Light Department.
- 2. The City Clerk has received notification that a donation from Robie Matthews in the amount of \$190.00, for the Fire Department has been accepted by the Truman Heartland Community Foundation. These funds will be used to purchase equipment as needed for the Fire Department.
- 3. The Law Department is providing the following notification to the City Council of the claims paid and received during June, 2013.
- 4. The City Clerk has received notification that the City Manager has accepted a grant from the Junior Service League in the amount of \$10,000.00, for the Parks and Recreation Department. These funds will be used to support the Inclusive Play Project at McCoy Park.
- 5. The City Clerk has received notification that the City Manager has accepted an Agreement of Acceptance of Emergency Services Grant Equipment (VeriCor Mobile Incident Command Cart), valued at \$4,185.88. The City agrees to make the equipment available for regional response and for regional exercises, as appropriate, for a period of four years following the execution of the agreement.
- 6. Municipal Court Monthly Case Summary Report for June, 2013.

COUNCILMEMBER COMMENTS:

Councilmembers Weir and Paris moved to direct the City Manager to provide the cost-of-living adjustment to all eligible employees who are not currently represented by a union, effective July 1, 2013. Councilmember Weir stated SEIU members became non-represented and should be included in the cost-of-living adjustment. Councilmember Gragg asked if the employees received raises in the last four years. Deputy City Manager John Pinch stated there was no wage increase last year for these employees but was

uncertain about previous years. Councilmember Gragg asked if these employees are seeking representation elsewhere. Mr. Heacock commented normally there is a one year waiting period, but in this instance the union did not protest the decertification so it's uncertain if that one year waiting period applies. He stated the money is in the budget to cover these employees, should this measure pass. Deputy City Counselor Collin Dietiker stated there will be a one year waiting period. Councilmember Weir stated there had been a memo sent to the City Council when she began discussions with City staff. Councilmember Gragg asked how much money it would cost to give a 2% raise to those employees. Mr. Heacock commented he could retrieve that information shortly. In response to Councilmember Paris' question, Mr. Heacock commented he believes it includes 100-120 employees. Councilmembers Gragg and Schultz moved to lay this item on the table to get additional information. Upon vote, motion carried.

Councilmember Weir commented she is hosting a neighborhood meeting at Blue Ridge Christian Church on Wednesday at 5:00 p.m. to address public safety issues in the area. She stated she will have police present to answer questions and to provide information.

Councilmember Paris asked if the City is still trying to purchase the old MCI building. Mr. Heacock commented the owner is still going through legal processes and the City is still ready to consider the purchase. Mr. Heacock stated there has also been some maintenance of the grounds. Councilmember Paris commented his wife is having health problems and he's going to tug on his ear to let her know he's thinking of her during the meetings.

Councilmember Schultz commented Project Shine took place on Saturday and it is good for kids and good for the school. He commended staff that participated, including Water Department Director Dan Montgomery.

Councilmember Whiting noted there is a Popsicles in the Park event on Tuesday. Councilmember Whiting commented there is a change in the pharmacy provider and thanked the Stay Well Committee for its work.

Councilmember Gragg commented there was a meeting for the Green Gateway Plan on Truman Road and the Englewood Circulation Plan will have an open house on Friday. Councilmember Gragg commented there is a ground breaking for the Ability Field at McCoy Park on July 23rd at noon.

Councilmember Dougherty commented there have been new street lights installed along 24 Highway and they look good.

Mayor Reimal commented the Junior Service League has been helping with the Unlimited Play and Project Shine projects.

Councilmembers Whiting and Schultz moved to take a short recess at 7:06 p.m., so that additional information could be obtained about the item on the table. Upon vote, motion carried.

At 7:11 p.m. Mayor Reimal called the meeting back to order with all members of the Council still present.

Mr. Heacock commented it would cost \$73,400 for a 2% increase of the former represented SEIU employees. Councilmember Gragg asked the number of employees this would affect. Mr. Pinch commented he estimates 115 employees would be affected. Councilmember Gragg stated she has more questions and would like more time to have staff look at these questions. Councilmember Gragg stated she would like to wait two weeks to vote on this item. Councilmember Weir commented she has done research for the motion and the spirit of the motion is to give the formerly represented employees an increase. She stated the amount of money was already put in the budget and she would like to see them

get the same increase. Councilmembers Paris and Weir called for the previous question. Upon vote, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Paris, Weir and Mayor Reimal. Noes – Councilmembers Gragg and Schultz. Absent – none. With at least 2/3 voting in favor of ending debate, Mayor Reimal announced the result of the vote and asked the clerk to call the roll on the motion. Upon roll call for the motion to direct the City Manager to provide the cost-of-living adjustment to all eligible employees who are not currently represented by a union, effective July 1, 2013, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Paris, Weir and Mayor Reimal. Noes – Councilmember Gragg. Absent – none. The Mayor declared the motion passed.

At 7:19 p.m., Councilmembers Paris and Gragg moved to adjourn and convene in a Regular Meeting at 6:00 p.m., August 5, 2013, in the Council Chambers. Upon vote, the motion carried and the Mayor declared the meeting adjourned.

ATTEST:	Presiding Officer of the City Council of the City of Independence, Missouri
City Clerk	