The Independence City Council met for a Regular Council Meeting, December 16, 2013, at 6:00 p.m., in the Council Chambers, 111 E. Maple.

Councilmember Schultz 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, Roxann Thorley and Eileen Weir. Absent: Councilmember Marcie Gragg.

Mayor Reimal opened the full public hearing on an application from VIBHUTI, LLC for an Intoxicating Liquor in the Original Package License for Fast Trip located at 1315 E. US 24 Highway. Requires a two-third majority vote of Council for approval. Finance and Administration Director Jim Harlow stated there was no new information. Steve Bishop, New Jerusalem Restoration Branch pastor stated this would affect family and friends due to the close proximity to the church. He stated most of the congregation has children, and in the past, activities have been disrupted by intoxicated subjects. Walter Smith commented he lives on Kiger, and there is enough alcohol in the area. He added another liquor store in the area could increase crime and will affect children in the area. Darren Hinkle stated he lives diagonally across from the business and is not happy that they may have been selling illegal substances. Jerry Knorr stated he owns a barbershop across the street and has had to call the police because of fighting at the business. Steven Mullins stated he lives two doors down from the business and owns property where patrons of Fast Trip trespass frequently. He stated No Trespassing signs haven't helped, and he is against Fast Trip obtaining a liquor license. Galen Masoner commented he is a deacon at the church across the street and is also against Fast Trip obtaining a liquor license. Pastor Dave Durrin stated he has witnessed behavior at the business that is not good for the children and church congregation to be around. Gary Collins commented he attends the church and agrees that there should not be alcohol sold so close to the church. Rex Stephenson stated he also attends the church and intoxicated subjects have had to be removed from the church. He added there was a study done in Baltimore showing there is a connection with alcohol sales and higher crime rates. Terry Howlin stated she lives a couple of miles away from the location and has attended the church across the street. She commented there are safety issues, and the church is frequently locked to ensure the safety of the church congregation. John Howlin stated he is also concerned with the safety of the children in the area and the possibility of increased crime. He added his vehicle has been broken into and subjects trespass through his property. Roy Dylan commented he attends the church across the street and transients are already a problem in the area. He stated crime would increase with alcohol sales and the church is against the use of alcohol. There being no other speakers and no other questions or comments from the City Council, Mayor Reimal declared this public hearing closed.

Councilmember Dougherty asked that Consent Agenda Item No. 9 and Item No. 10 be removed for separate consideration, since they require a two-thirds vote for approval.

Councilmembers Schultz and Weir moved to approve the CONSENT AGENDA, minus Item No. 9 and Item No. 10 to be considered separately.

Reports and Recommendations of the City Manager:

1. Approval is recommended to issue a purchase order to Northrop Grumman, in the amount of $82,488.00, for new handheld computers for the Power & Light Department.

2. Approval is recommended to enter into a price agreement (130-13) with Airgas USA, LLC (Airgas), for welding and specialty gases for use by various departments for the period January 1, 2014, through December 31, 2014, with two, one-year renewal options. Expenditures will not exceed budgeted amounts.

3. Approval is recommended to accept the proposal from CIGNA to provide specific and aggregate reinsurance for the Stay Well Health Care Program for the 2014 Plan Year at an expected cost of $917,976.

4. Approval is recommended to enter into price agreements (280-13) with Downey Construction, Inc., for the Public Works Department for sidewalk and curb replacement for the period January 1, 2014 through December 31, 2014 with two, one-year renewal options. Expenditures will not exceed budgeted amounts.

5. Approval is recommended to enter into a price agreement (285-13) with Downey Construction, Inc., for the Public Works Department for sidewalk and curb replacement for the period January 1, 2014 through December 31, 2014 with two, one-year renewal options. Expenditures will not exceed budgeted amounts.

6. Approval is recommended to renew the City's excess liability insurance program through Lockton Companies, with coverage provided by Starr Indemnity Insurance Company, effective January 1, 2014, with an annual premium of $190,842.

7. Approval is recommended to renew the City's general liability, employment practice liability, medical malpractice liability, employee benefits liability, public official liability, law enforcement liability, garage keepers liability and automobile liability insurance coverage with Missouri Public Entity Risk Management Fund effective January 1, 2014, with an estimated annual premium of $501,171.

8. Approval is recommended to enter into a price agreement (114-13) for water treatment chemicals for the Power & Light Department (IPL) with Nalco, for the period of January 1, 2014 through December 31, 2014. The agreement contains four, one-year renewal options. Expenditures will not exceed budgeted amounts.

Bill No. 13-782, entitled [Res. #5872]
"A RESOLUTION AFFIRMING THE REAPPOINTMENT OF LES BOATRIGHT TO THE STORM WATER CONTROL OVERSIGHT COMMITTEE."

Bill No. 13-783, entitled [Res. #5873]
"A RESOLUTION AFFIRMING THE APPOINTMENT OF CHRIS A. ROHRS TO THE PUBLIC SAFETY SALES TAX OVERSIGHT COMMITTEE FOR THE CITY OF INDEPENDENCE, MISSOURI, FOR A TERM EXPIRING NOVEMBER 15, 2015."

Bill No. 13-784, entitled [Res. #5874]
"A RESOLUTION APPOINTING PATRICK N. LAYDEN AS A MEMBER OF THE INDEPENDENCE HARRY S TRUMAN AWARD COMMISSION."

Bill No. 13-785, entitled [Res. #5875]
"A RESOLUTION APPOINTING COUNCILMEMBER ROXANN THORLEY TO THE BICYCLE TRANSPORTATION COMMITTEE."

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

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

9. Action is requested on VIBHUTI, LLC application for an Unlimited Intoxicating Liquor in Original Package License and Sunday Sales License for the Fast Trip at 1315 E. US 24 Highway. This application requires a two-third majority vote for approval due to residential property and a church being located within three hundred (300) feet of the establishment.
Councilmember Dougherty stated he has concerns about this liquor license application and believes it should be denied. Councilmember Schultz commented the neighbors and churches in the area are opposed to this application and he will vote for denial. Upon roll call, the vote was: Ayes – none. Noes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Absent – Councilmember Gragg. Mayor Reimal declared Item No. 9 failed.

Councilmembers Dougherty and Schultz moved to approve Consent Agenda Item No. 10.

10. Approval is requested on the application of Konik Enterprises, Inc. for an Unlimited Retailer of Intoxicating Liquor in Original Package License and Sunday Sales License for MoonLight Corner #211 located at 211 S. Noland Road. This application requires a two-third majority vote for approval due to residential property being located within three hundred (300) feet of the establishment. (The public hearing for this liquor license application was conducted and closed at the City Council meeting on

November 18, 2013. The Council deferred the application to staff at the same meeting and is now bringing it forward for consideration.).
Councilmember Dougherty commented he requested a background check on the owner, as well as a surprise visit was conducted with a police officer. Monitoring and security systems are in place, and no contraband was found. Councilmember Dougherty stated he was impressed with the cleanliness of the store and, without objection from the Council, asked Owner Raja Manzoor about continuing to keep the business free of illegal drugs. Mr. Manzoor replied that he would not sell illegal drugs at this or any of his businesses. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the motion carried and Item No. 10 was approved.

Mayor Reimal recognized one scout from Troop #228, United Methodist Church. The scout present is working on his Citizenship in the Community merit badge.

ORDINANCES:

Bill No. 13-145, entitled [Ord. #18224]
"AN ORDINANCE AUTHORIZING A CONTRACT WITH RADMACHER BROTHERS EXCAVATING COMPANY, INC., IN THE AMOUNT OF $471,000.00; FOR THE INSTALLATION OF PIPE AND WATER MAIN ON E. 23RD STREET, FROM WEST OF HUB DRIVE TO R.D. MIZE RD.; AND AUTHORIZING FUTURE MINOR CHANGE ORDERS NOT TO EXCEED $47,100.00; AND/OR TIME EXTENSIONS."
was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-146, entitled [Ord. #18225]
"AN ORDINANCE RESCINDING ORDINANCE NO. 18115 WHICH AUTHORIZED THE BORROWING OF AN AMOUNT NOT TO EXCEED $6,250,000 FROM THE MISSOURI DEVELOPMENT FINANCE BOARD IN CONNECTION WITH THE REFINANCING OF CERTAIN COSTS RELATED TO THE EASTLAND CENTER TAX INCREMENT FINANCING PLAN PREVIOUSLY APPROVED BY THE CITY."
was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-147, entitled [Ord. #18226]
"AN ORDINANCE RESCINDING ORDINANCE NO. 18114 WHICH AUTHORIZED THE BORROWING OF AN AMOUNT NOT TO EXCEED $2,300,000 FROM THE MISSOURI DEVELOPMENT FINANCE BOARD IN CONNECTION WITH THE REFINANCING OF CERTAIN COSTS RELATED TO THE INDEPENDENCE REGIONAL MEDICAL CENTER TAX INCREMENT FINANCING PLAN PREVIOUSLY APPROVED BY THE CITY."
was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-148, entitled [Ord. #18227]
"AN ORDINANCE AUTHORIZING FINAL DISPOSITION OF APPROXIMATELY 268 CUBIC FEET OF RECORDS OF THE VARIOUS CITY DEPARTMENTS HAVING MET ALL REQUIREMENTS TO BE ELIGIBLE FOR SUCH DISPOSITION."
was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-149, entitled [Ord. #18228]
"AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING GENERAL UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION AND GRADING EASEMENTS FOR THE 10TH AND NORTHERN SANITARY SEWER IMPROVEMENTS, PROJECT NO. 70301104; 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 second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-150, entitled [Ord. #18229]
"AN ORDINANCE AUTHORIZING A CONTRACT WITH S & R EXCAVATING FOR THE 30TH STREET CULVERT REPLACEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED $273,939.00, AUTHORIZING FUTURE MINOR CHANGE ORDERS FOR AN AMOUNT NOT TO EXCEED $27,300.00 AND/OR TIME EXTENSIONS, AND MAKING THE NECESSARY APPROPRIATIONS."
was given its second reading by title and placed on final passage. City Manager Robert Heacock commended Public Works staff for finding solutions for this type of issue. This project became a necessity after the tax was approved and because Staff was resourceful in finding additional funding. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-151, entitled [Ord. #18230]
"AN ORDINANCE APPROVING THE REDEVELOPMENT AGREEMENT BETWEEN FAIRMOUNT REDEVELOPMENT CORPORATION, TRUMAN MEDICAL CENTER INC., AND THE CITY OF INDEPENDENCE FOR THE FAIRMOUNT REDEVELOPMENT PROJECT GENERALLY WEST OF HARDY AVENUE, SOUTH OF US 24 HWY, AND EAST OF ASH AVENUE."
was given its second reading by title and placed on final passage. Mayor Reimal commented having this medical building will make a big difference in the area. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-152, entitled [Ord. #18231]
"AN ORDINANCE AUTHORIZING A CONTRACT WITH PHELPS ENGINEERING, INC. FOR THE TRUMAN ROAD AND 78 HIGHWAY INTERSECTION ENGINEERING SERVICES PROJECT FOR AN AMOUNT NOT TO EXCEED $222,476.00, AUTHORIZING MINOR CHANGE ORDERS FOR AN AMOUNT NOT TO EXCEED $22,200.00 AND/OR TIME EXTENSIONS, 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, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

Bill No. 13-153, entitled [Ord. #18232]
"AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL BY PROPOSING CHANGES NECESSARY TO COMPLY WITH THE FAMILY MEDICAL LEAVE ACT AND THE AFFORDABLE CARE ACT AS WELL AS TO CORRECT CERTAIN DRAFTING DEFICIENCIES IN THE DOCUMENT."
was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. The Mayor declared the bill passed.

First Readings:

Bill No. 13-154, entitled
"AN ORDINANCE VACATING A PORTION OF AN ELECTRICAL EASEMENT ABUTTING THE PROPERTY AT 1315 W. 23RD STREET IN INDEPENDENCE, JACKSON COUNTY, MISSOURI."
was given its first reading by title.

Bill No. 13-155, entitled
"AN ORDINANCE AUTHORIZING EXECUTION OF A CERTAIN MARKET PARTICIPANT SERVICE AGREEMENT BETWEEN SOUTHWEST POWER POOL, INC. AND THE CITY OF INDEPENDENCE RELATED TO THE IMPLEMENTATION OF THE SOUTHWEST POWER POOL INTEGRATED MARKET; PAYABLE ONLY FROM THE

REVENUES OF THE POWER AND LIGHT OPERATIONS AND NOT FROM ANY TAX REVENUES OR GENERAL REVENUES."
was given its first reading by title.

Bill No. 13-156, entitled
"AN ORDINANCE AMENDING SECTION 4.13.002 OF ARTICLE 13, "RESIDENTIAL CODE", AND SECTION 4.05.002 OF ARTICLE 5, "BUILDING CODE", IN CHAPTER 4 OF THE INDEPENDENCE CITY CODE."
was given its first reading by title.

Bill No. 13-157, entitled
"AN ORDINANCE AUTHORIZING A CONTRACT WITH RADMACHER BROTHERS EXCAVATING COMPANY INC., FOR THE MISSOURI CITY PLANT DRAIN AND STORM WATER COLLECTION BASIN INSTALLATION, IN AN AMOUNT NOT TO EXCEED $486,326.50; AUTHORIZING MINOR CHANGE ORDERS FOR AN AMOUNT NOT TO EXCEED $48,632.65, AND/OR TIME EXTENSIONS; AND MAKING THE NECESSARY APPROPRIATIONS."
was given its first reading by title.

Bill No. 13-532, entitled [Ord. #18233]
"AN EMERGENCY ORDINANCE AUTHORIZING A CONTRACT WITH THE KANSAS CITY AREA TRANSPORTATION AUTHORITY PROVIDING FOR PAYMENT IN THE AMOUNT OF $92,689 FOR THE PURPOSE OF CONTINUING INTER-CITY PARA-TRANSIT TRANSPORTATION SERVICES, KNOWN AS SHARE-A-FARE, FOR THE PERIOD OF JANUARY 1, 2014 THROUGH JUNE 30, 2014."
was given its first and second readings by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg.

Bill No. 13-533, entitled [Ord. #18234]
"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; MAKING THE NECESSARY APPROPRIATIONS."
was given its first and second readings by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg.

INFORMATION ONLY:

1. The Law Department is providing the following notification to the City Council of the claims paid and received during November, 2013.

2. The City Clerk has received notification that the City Manager has accepted a grant from the Health Care Foundation of Greater Kansas City in the amount of $26,732.00, for the Health Department, for the period of October 21, 2013 to October 20, 2014. These funds will be used to expand Asthma Education (Open Airway for Schools program) into all Independence School District elementary schools.

3. The City Clerk has received notification that the City Manager has accepted a grant from the United States Department of Justice in the amount of $47,130.00, for the Police Department, for the period of October 1, 2012 to September 30, 2016. These funds will be used to purchase an electronic license plate reader, along with funding technological assistance for the installation and maintenance of the reader and other technology projects.

4. Municipal Court Monthly Case Summary Report for November, 2013.

COUNCILMEMBER COMMENTS:

Councilmember Dougherty thanked the City Council for their votes on the liquor license applications.

Councilmember Whiting thanked the citizens that came to speak at the public hearing.

Councilmember Schultz commented he was able to represent the Council in celebrating Marie Nordyke's 100th birthday.

Councilmember Thorley thanked the other councilmembers for their comments on the liquor license applications.

APPEAL HEARING:

Mayor Reimal reviewed the procedure that would be used for the appeal hearing on the decision to deny a business license for a motel by Rosario Medsker (Beauty Rest). Finance and Administration Director Jim Harlow reviewed the activities of the business license office. He stated the business last had a license in 2002. Community Development Acting Director Tom Scannell addressed the review done by the Community Development department and stated the business could not be grandfathered in with the new zoning, because the business had not been licensed to operate as a motel since 2002. Health Department Director Larry Jones addressed the review done by the Health Department, noting no State permit has been issued.

Representing the applicant, David Mandelbaum, stated in 2010 the applicant did conform to the state requirements but was not approved due to failure of the City to take action. He stated the Beauty Rest Motel has been operating for 70 years and has continuously operated without a business license, as noted in the Municipal Court citation. Due to the court finding that the business has continued to operate without a business license, Mr. Mandelbaum stated the business should be grandfathered into the rezoning requirements.

There being no other speakers and no other questions or comments from the City Council, Mayor Reimal declared the appeal hearing closed.

Councilmembers Schultz and Weir moved to uphold the denial of the business license. Councilmember Dougherty commented the business has been operating without a City license or State permit for years, and the area is no longer zoned for a motel. He stated he would like to see the denial upheld. Upon roll call, the vote was: Ayes – Councilmembers: Whiting, Dougherty, Schultz, Thorley, Weir and Mayor Reimal. Noes – none. Absent – Councilmember Gragg. Mayor Reimal declared the denial of the business license has been upheld.

At 7:05 p.m., Councilmembers Whiting and Schultz moved to adjourn and convene in a Regular Meeting at 6:00 p.m., January 6, 2014, 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:

_____
City Clerk