

REGULAR MEETING September 21, 2020

The Independence City Council met for a Regular Meeting, September 21, 2020, at 6:00 p.m., in the Council Chambers, 111 E. Maple.

Wayne Nelson, Lead Chaplain with the Independence Police Department, provided the invocation followed by the Pledge of Allegiance.

Mayor Eileen Weir, Presiding Officer of the City Council, called the meeting to order. Upon roll call, the following members of the City Council were present: Mike Huff, John Perkins, Brice Stewart, Karen DeLuccie, Daniel Hobart and Mayor Eileen Weir. Councilmember Mike Steinmeyer attended virtually. The following members of the City Council were absent: None.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember Stewart requested Item No. 2 to be pulled for separate consideration.

Councilmember DeLuccie requested Item No. 4 and Bill No. 20-783 to be pulled for separate consideration.

Councilmembers Huff and DeLuccie moved to approve the AMENDED CONSENT AGENDA minus Item No. 2, Item No. 4, and Bill No. 20-783 to be considered separately.

1. Council action is requested to issue a one (1) year contract, with two (2), one-year renewal periods for Lobbying Services with John Bardgett & Associates for Lobbying Services for the City of Independence.
3. Council action is requested to authorize and direct the City Manager to execute a certain license agreement with Kentucky Hills HOA to place a monument sign in the median at N Liberty Street at W Colonel Drive in Independence, Jackson County, Missouri.

Bill No. 20-777, entitled, [Res. #6598]

“A RESOLUTION APPOINTING ROY BROWNE AS AN ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT OF THE CITY OF INDEPENDENCE, MISSOURI.” – *Council Interview Committee recommendation.*

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent –None. The Mayor declared the motion approved.

Bill No. 20-778, entitled, [Res. #6599]

“A RESOLUTION APPOINTING DENNIS THARP AS A MEMBER OF THE HERITAGE COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.” – *Council Interview Committee recommendation.*

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent –None. The Mayor declared the motion approved.

Bill No. 20-779, entitled, [Res. #6600]

“A RESOLUTION REAPPOINTING MARTIN KUNY AND APPOINTING DANIEL MARTIN TO THE TAX INCREMENT FINANCING COMMISSION FOR THE CITY OF INDEPENDENCE, MISSOURI.” – *Council Interview Committee recommendation.*

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent –None. The Mayor declared the motion approved.

Bill No. 20-780, entitled, [Res. #6601]

“A RESOLUTION APPOINTING APRIL SCHULER AND IRA ANDERS TO THE INDEPENDENCE PARK COMMISSION FOR THE CITY OF INDEPENDENCE, MISSOURI.” – *Individual Appointments for Councilmembers: Mike Huff and Karen DeLuccie*

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent –None. The Mayor declared the motion approved.

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Bill No. 20-781, entitled, [Res. #6602]

“A RESOLUTION REAPPOINTING JOSHUA MAYFIELD AND APPOINTING DANIEL MARTIN TO THE STREET IMPROVEMENT OVERSIGHT COMMITTEE.” – *Individual Appointments for Councilmembers: Brice Stewart and Mike Huff*
Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent –None. The Mayor declared the motion approved.

Bill No. 20-782, entitled, [Res. #6603]

“A RESOLUTION REAPPOINTING MATT MEDLEY AND SEAN FITE; AND APPOINTING TREVOR TILTON TO THE INDEPENDENCE SQUARE ADVISORY BOARD OF THE CITY OF INDEPENDENCE, MISSOURI.”
Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent –None. The Mayor declared the motion approved.

Upon roll call, the vote to approve the AMENDED CONSENT AGENDA was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the motion carried and the AMENDED CONSENT AGENDA was approved.

Councilmember Stewart stated that he still feels as though we only need one lobbying service. He also stated that due to the controversy surrounding this company and the individual who runs the company, he will be voting no on this item.

Councilmembers Stewart and Huff moved to approve Item No. 2.

2. Council action is recommended to enter into a contract with Strategic Capitol Consulting LLC for lobbying services for the Power and Light Department. The proposed contract is for one year with two, one-year renewal options.
Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Steinmeyer and Mayor Weir. Noes – Councilmembers: Stewart, DeLuccie and Hobart. Absent –None. The Mayor declared the motion approved.

Councilmember DeLuccie stated that she received the mailing from this company at home and she feels that it looks like this agency is an agent of the city and that is not appropriate. Councilmember DeLuccie stated that she received an email from a citizen who stated that they had been in contact with the company and the company had agreed to remove all reference to the City of Independence from its mailing. Councilmember DeLuccie stated that she is not willing to extend this contract for \$24,000 and make it appear that the city endorses this company. Councilmember DeLuccie stated that if a citizen wishes to contact this company they can, but the city does not need to get a cut of the action.

Councilmembers DeLuccie and Hobart moved to approve Item No. 4.

In response to Councilmember Huff, City Manager, Zach Walker, stated that there seemed to be a lot of confusion for citizens when this program first rolled out because the city emblem was included on their mailing and people were asking if this was associated with the city. Mr. Walker stated that the company has stated that they are willing to make modifications to their mailings. Mr. Walker stated that he has not heard of any complaints coming directly to us, as this is not administered by the city and is more of a partnership.

In response to Councilmember Perkins, Mr. Walker stated that we had Council approval a few years ago and that original three-year term has expired, which is why this is back in front of Council this evening.

4. Authorization to extend the agreement with Service Line Warranties of America to continue participation in the National League of Cities Service Line Warranty Program.

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Upon roll call, the vote was: Ayes – Councilmember Perkins and Mayor Weir. Noes – Councilmembers: Huff, Stewart, DeLuccie, Steinmeyer and Hobart. Absent –None. The Mayor declared the item failed.

Councilmember DeLuccie stated that she thinks we should hire a Director of Power and Light. Councilmember DeLuccie stated that it is not appropriate to ask the City Manager to handle this plan when he's had no experience regarding this matter. She stated that we have done many studies on IPL and when we receive the studies, we read them and do not do what they suggest. Councilmember DeLuccie stated that she is very much against this Council trying to run a power plant. Councilmember DeLuccie stated that we should follow the Charter and hire a director for IPL. She stated that she will be voting no on this resolution.

Councilmembers DeLuccie and Hobart moved to approve Bill No. 20-783.

Councilmember Hobart stated this troubled him as well. Councilmember Hobart stated that he feels as though the Council is well intentioned. He stated that energy is a top-of-mind issue. Councilmember Hobart stated that today GE announced that they would no longer be building coal power plants. Councilmember Hobart stated that the business of energy is changing, and the Council and city need to be mindful with where we go with IPL. Councilmember Hobart stated that he feels like we are putting the cart before the horse when asking Council to direct the City Manager to essentially put together a business plan for IPL. Councilmember Hobart referenced the Charter regarding the duties of the City Manager and the Public Utility Advisory Board being given the opportunity to submit to the Council their recommendation relating to these matters. Councilmember Hobart stated that this should start with the PUAB and the Council should find a Director for IPL. Councilmember Hobart stated that the PUAB and the citizens should be at the forefront of these discussions.

Mayor Weir stated that this is on the PUAB agenda for September 22, 2020. The Mayor stated we have the DKMT Report, the Management Analyst Report, multiple IPL Master Plans and other reports that this community has invested in generating. The Mayor stated that the discussion at the Utility Rates Committee meeting was about what to do with these reports. Mayor Weir stated that the Utility Rates Committee decided that instead of engaging DKMT for up to \$250,000 to execute their recommendations, that those resources would be better spent for Council to direct the City Manager to utilize his staff to look at these reports and put together a plan to execute them internally. Mayor Weir stated that this resolution is directing the City Manager to provide us a plan with how to move forward with these types of reports in the future. The Mayor stated that Council voted to engage these consultants to do these reports and we should do something with them. The Mayor asked if we want to hire an outside consultant to work through the recommendations or do we want to direct the City Manager to have internal staff work on these recommendations.

Councilmember DeLuccie stated she feels Council is usurping the PUAB's jurisdiction in this matter. Councilmember DeLuccie stated that the Utility Rates Commission discussed the future of IPL in their last meeting but did not discuss utility rates. She stated that she does not have a problem with having a Utility Rates Commission, however, she does have an issue with Council usurping the Charter and the role of the PUAB. Councilmember DeLuccie stated that it is not the job of the City Manager to determine the IPL Action Plan.

Mayor Weir stated that it is the City Manager's job to take direction from the Council.

In response to Councilmember Steinmeyer, Mr. Walker stated that Jim Nail's title is General Manager of Independence Power and Light. Mr. Walker provided background for the title changes made in IPL. Mr. Walker stated that Assistant City Manager, Adam Norris' responsibility is to oversee all three utilities and make sure that they are working in concert with one another. Mr. Norris is to implement the

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vision and policy of the Council on behalf of the City Manager. Mr. Walker stated that Mr. Nail's responsibility is for the day to day management and oversight of the electric utility.

Councilmember Steinmeyer stated that he is also on board with following the City Charter on this matter. Councilmember Steinmeyer asked that the PUAB be given the opportunity to weigh in on this issue. In response to Councilmember Steinmeyer, Mr. Walker stated that the PUAB recommendation was to bring this Resolution forward to Council, then at the PUAB meeting tomorrow they would discuss these priorities. After the PUAB meets again, then there should be a Study Session presentation followed by a final item coming to the Council for adoption on October 19, 2020.

In response to Councilmember Hobart, Mr. Walker stated that we had an IPL Director retire in 2017, an Acting IPL Director that resigned from the city in 2018, then with the title change to General Manager we had someone else in that position who left city employment and now Jim Nail is the General Manager.

Councilmember Hobart stated that the business of energy has changed and has been chaotic over the last few years. Councilmember Hobart stated that everyone wants to do what is best for IPL and the citizens are relying on us to make wise decisions. Councilmember Hobart stated that it is the job of the Council to find a skilled Director for IPL that can stand at the podium give us some direction.

Councilmember Huff stated that he agrees with hiring a director but thinks that it is going to be extremely hard to find anyone skilled that is willing to take on the position at what we are able to pay in salary.

Councilmembers Huff and Perkins moved to postpone Bill No. 20-783 to October 5, 2020 pending the review and recommendation of the PUAB.

Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent –None. The Mayor declared the motion approved.

Bill No. 20-783, entitled, *[Postponed to 10/5]*
“A RESOLUTION DIRECTING THE CITY MANAGER TO CREATE AN ACTION PLAN REGARDING INDEPENDENCE POWER AND LIGHT.” – *Requested by the Electric Utility Rates Committee*

PUBLIC HEARINGS:

Mayor Weir opened a full public hearing regarding the Eastland, North Independence, Old Landfill, Mt. Washington, Santa Fe and Trinity Tax Increment Financing Redevelopment Plans. Community Development Director, Tom Scannell, provided background information on this item. In response to Councilmember DeLuccie, Mr. Scannell stated that notice of the public hearing being postponed to tonight was given on the Council Agenda for the September 8, 2020 meeting. Mr. Walker stated that on September 12, 2020 the Independence Examiner contained the notice for tonight's public hearing. There being no speakers, the Mayor declared the public hearing closed. *Full Public Hearing.*

Mayor Weir opened a full public hearing for proposed property tax rates to be set by the City of Independence for the fiscal year beginning July 1, 2020, based on the current assessed valuation by Jackson and Clay Counties. There being no speakers, the Mayor declared the public hearing closed *Full Public Hearing*

Mayor Weir stated that she is very frustrated by this situation. The Mayor stated that we were notified by the County that our assessment was incorrect affecting many of our TIF projects that we have been speaking about over the last several weeks as well as a claw back of several hundred thousand

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dollars being expected. The Mayor stated there is also likely to be limited or no disbursements for the upcoming year. The Mayor stated that state statute says these assessments must be completed by the end of August and the County has not met that requirement. The Mayor stated that the Board of Equalization is hearing the property appeals. She stated that that three positions on the Board are held by the County Executive, one of which is expired according to the website information. The Mayor stated that the Board is supposed allow the Mayor of the city and the school district of the property in question are entitled to make appointments to the Board of Equalization. The Mayor stated that to her knowledge none of the Mayor's or school districts in Jackson County have been allowed to appoint someone to the Board to hear the appeals.

The Mayor stated that although we have been advised that our levy will be incorrect, we have a statutory requirement to approve this levy. The Mayor stated that we will continue to investigate and try to bring representation to this very chaotic complex situation.

Councilmember DeLuccie stated that she will be voting no and not withstanding her statutory duty. She stated she will not rubber stamp a bad decision.

Bill No. 20-509, entitled,
"AN ORDINANCE LEVYING A TAX ON ALL REAL PROPERTY SUBJECT TO TAXATION ON JANUARY 1, 2020, WITHIN THE CORPORATE LIMITS OF THE CITY OF INDEPENDENCE, MISSOURI, FOR GENERAL REVENUE AND PUBLIC HEALTH AND RECREATION PURPOSES, AND FOR THE INDEPENDENCE SQUARE SPECIAL BUSINESS BENEFIT DISTRICT; SAID LEVIES AND ASSESSMENTS BEING SEPARATE AND DISTINCT, ALL FOR THE FISCAL YEAR COMMENCING ON THE 1ST DAY OF JULY, 2020, AND ENDING ON THE 30TH DAY OF JUNE, 2021, AND DECLARING AN EMERGENCY."
was given its first and second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins and Mayor Weir. Noes – Councilmembers: Stewart, DeLuccie, Steinmeyer and Hobart. Absent –None. The Mayor declared the bill failed.

In response to Councilmember Perkins, City Counselor Shannon Marcano stated that she will do research about next steps and circulate more information as soon as she has it available. Mr. Walker provided information about possible outcomes if the Council does not set the levy themselves by October 1st. Mr. Walker stated that once we have more information, we will likely ask for a Special Called Meeting to discuss further.

ORDINANCES:

Bill No. 20-068, entitled, [Ord. # 19156]
"AN ORDINANCE TERMINATING REDEVELOPMENT PROJECT II OF THE NORTH INDEPENDENCE TAX INCREMENT FINANCING PLAN; DISSOLVING THE SPECIAL ALLOCATION FUND ACCOUNT FOR REDEVELOPMENT PROJECT II OF THE NORTH INDEPENDENCE REDEVELOPMENT AREA; AND AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THESE AFOREMENTIONED ACTIONS."
was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

Bill No. 20-069, entitled, [Ord. # 19157]
"AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A CERTAIN LICENSE AGREEMENT WITH NKMS REAL ESTATE INVESTMENTS, INC. TO PLACE A MONUMENT SIGN IN THE SANITARY SEWER EASEMENT AT 20511 E. TRINITY PLACE IN INDEPENDENCE, JACKSON COUNTY, MISSOURI."
was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

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Bill No. 20-070, entitled, [Ord. # 19158]

“AN ORDINANCE AMENDING ORDINANCE NO. 19108 TO AUTHORIZING AN INTERFUND LOAN IN THE AMOUNT OF \$12,500,000 TO PROVIDE EMERGENCY FUNDING TO THE GENERAL FUND.”

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

Bill No. 20-071, entitled, [Ord. # 19159]

“AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM MID-AMERICA REGIONAL COUNCIL IN THE AMOUNT OF \$70,000 FOR THE CITY’S SENIOR ADULT NUTRITION SITE PROGRAM FOR FISCAL YEAR 2020-2021, 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.”

was given its second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

FIRST READINGS:

Bill No. 20-072, entitled

“AN ORDINANCE VACATING THE EAST/WEST RUNNING ALLEY ABUTTING THE SOUTH LINES OF ALL OF LOTS 6 THROUGH 19, IN DELAY’S SUBDIVISION, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.”

was given its first reading by title.

Bill No. 20-073, entitled

“AN ORDINANCE AMENDING ARTICLE 5, "SPEED REGULATIONS", OF CHAPTER 18 OF THE CITY OF INDEPENDENCE CODE AND MAKING OTHER NECESSARY REVISIONS.”

was given its first reading by title.

In response to Councilmember DeLuccie, Mayor Weir stated that we could add this item to the upcoming Study Session.

Bill No. 20-074, entitled

“AN ORDINANCE AMENDING SECTION 18.08.009 OF THE INDEPENDENCE CITY CODE TO INCLUDE PEDESTRIAN AND MOTOR VEHICLE OCCUPANT SAFETY AND WELFARE STANDARDS.” – *Requested by Councilmembers: Mike Steinmeyer and Mike Huff*

was given its first reading by title.

INFORMATION ONLY:

1. Municipal Division Monthly Case report August 2020.
2. COVID-19 Semi-Monthly Update.
3. Report on purchase agreements between \$50,000 and \$100,000 per Procurement Policy.
4. The Audit and Finance Committee received the Independence Power & Light Performance Audit Findings and Recommendations from the Management Analyst Report on June 12, 2020.-Requested by Councilmember Karen DeLuccie.
5. COVID-19 Meeting Procedures: The August 17 City Council Meeting will be shared with the public via YouTube and City7. In accordance with social distancing guidelines, very limited public seating will be available on a first-come, first-served basis. The current social distancing maximum capacity is 31 individuals in the audience. Individuals who sign-up to speak can do so in person or online via the live meeting platform. If capacity is exceeded, speakers may be asked to wait in the lobby area and will be called in at the appropriate time. All attendees must participate in a health check and be wearing a cloth face covering upon entering the building. Please plan accordingly to allow time for this prior to the 6 p.m. meeting start time. Those individuals with a fever or showing symptoms of COVID-19 will be asked to watch the meeting on one of

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the virtual formats. Attendees will be required to socially distance in seats as indicated by the markings on the bench, although minors may sit with a custodial adult. Social distancing maximum capacity is currently 31 individuals in the audience.

Mayor Weir stated that regarding Item No. 4 in Information Only, she does not feel as though we have followed the standard operating procedure for the process of this report per the code. The Mayor stated that the Audit and Finance Committee is required to bring those recommendations before the Council for adoption. Mayor Weir stated that she does not believe the Committee has the authority to direct the City Manager without the full consent of the Council. Mayor Weir stated she would like more specificity from the Audit and Finance Committee about what the recommendations are going to be regarding the fifteen items suggested in the audit. The Mayor stated she wants recommendation brought forth to Council for a vote and asked the City Clerk, Becky Behrens, to review the process.

Councilmember DeLuccie stated that she does not believe anything in the code stated that the Council has to approve an independent audit done by the Management Analyst. Councilmember DeLuccie stated that the committee is not currently directing the City Manager to do anything legislatively. The Mayor stated that she would like to review the code for understanding.

COUNCILMEMBER COMMENTS:

Councilmember Hobart stated that this past Thursday he rode along with some officers with the Independence Police Department to some of the homeless camps around town. Councilmember Hobart stated that the officers were very professional. He stated that these officers are very dedicated to the job and to the mission. Councilmember Hobart stated he's aware of the homeless issues in his district and is working very hard to make improvements and find solutions.

Councilmember DeLuccie thanked the members of the Church of Jesus Christ of Latter-Day Saints that were picking up trash along Noland Road a couple Saturdays ago. Councilmember DeLuccie stated that it does not take large organizations to make an impact, this was only about 20 individuals and she appreciates their help very much.

Councilmember Perkins thanked staff for getting River Boulevard overlaid. Councilmember Perkins stated that there will be some upgrades made to a structure by Spire on this road and they will be responsible for the full amount of repairing any section of the road that is torn up. Councilmember Perkins stated that he will hold their feet to the fire to get it repaired.

In response to Councilmember Stewart, Mr. Walker stated that the process for code violations is still very reactive in nature based on the volume of complaints received. Mr. Walker stated that over the last three years we have asked staff to initiate a more proactive approach. Mr. Walker stated that one way that has been done is a dedicated code corridor enforcement program where we selected a few main thoroughfares in the city to do proactive code enforcement in those areas. The other way has been that when they are on their way to address a violation, to be observant in the areas they are assigned so that they can be more proactive.

Councilmember Stewart stated that when we are able to find money in the budget, he would like us to hire one person who drives the city five days a week looking for violations so that we can make a true difference.

Mayor Weir stated that she believes the consolidation to create Municipal Services has been positive. The Mayor believes that we have been able to make more improvements without hiring outside parties to assist with getting things addressed. Mayor Weir stated that our overlay team has been doing a

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great job throughout the city. The Mayor stated that public improvement projects and maintenance projects make a huge impact on the appearance of our city and the satisfaction of our citizens.

Mr. Walker wanted to clarify some things based on some correspondence he has received from some city staff in IPL during the Council Meeting. Mr. Walker stated that Jim Nail is the General Manager of IPL and in charge of day-to-day operations and staff at IPL. Mr. Walker stated that Adam Norris is the Assistant City Manager over Public Utilities. Mr. Walker stated that he appreciates Councilmember Huff's comments. Mr. Walker stated that finding a Director for IPL is a hard position to fill and an expensive one. Mr. Walker stated we tried to strike a balance between being effective with operations and responsible with our resources.

The Mayor stated she is eager for the PUAB meeting tomorrow for advice and direction.

At 6:57 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., October 5, 2020, in the Council Chambers.

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

ATTEST:

City Clerk