

REGULAR MEETING  
December 21, 2020

The Independence City Council met for a Regular Meeting, December 21, 2020, at 6:00 p.m., virtually held via GoToMeeting.

Laurie Dean Wiley, member of EPIC Church, 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, Mike Steinmeyer, Daniel Hobart and Mayor Eileen Weir. The following members of the City Council were absent: None.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

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

Councilmember DeLuccie requested Item No. 1 pulled for separate consideration.

Councilmembers Huff and DeLuccie moved to approve the AMENDED CONSENT AGENDA minus Item No. 2 and Item No. 1 to be considered separately.

Bill No. 20-814, entitled, [Res. #6627]  
“A RESOLUTION APPOINTING LIBET OJEDA TO THE CITY JUDICIAL COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI.”

Bill No. 20-815, entitled, [Res. #6628]  
“A RESOLUTION ADOPTING A PUBLIC ART POLICY FOR THE CITY OF INDEPENDENCE.”

Bill No. 20-816, entitled, [Res. #6629]  
“A RESOLUTION AMENDING THE PAY PLAN FOR NON-REPRESENTED CITY EMPLOYEES AS ENUMERATED HEREIN ON AND AFTER THE 21ST DAY OF DECEMBER 2020; ADD PUBLIC HEALTH EPIDEMIOLOGIST (LEVEL 9); ADD PUBLIC HEALTH MANAGER (LEVEL 13); ADD PUBLIC HEALTH RESPONSE PLANNER (LEVEL 9); ADD PUBLIC HEALTH SPECIALIST (LEVEL 8); ADD COMMUNICABLE DISEASE AND EPIDEMIOLOGIST SUPERVISOR (LEVEL 13); ADD PUBLIC HEALTH NURSE LEVEL 9); RECLASSIFY BUDGET ANALYST (LEVEL 9) TO BUDGET MANAGER (LEVEL 13); ADD VACANT BUILDING SPECIALIST (LEVEL 6).”

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 CONSENT AGENDA was approved.

In response to Councilmember Stewart, Staywell Committee Chairman, Michael Veit, provided additional information regarding this item. Mr. Veit stated that CBiz will review our plan and help us make changes that will be beneficial for our city and the members of the plan. Mr. Veit stated that the 10-30% is an estimation, but the Staywell Committee believes that CBiz will be able to find cost savings. Mr. Veit stated that with the way healthcare costs are at this time and as they continue to rise, 10% could be a significant savings, but we do not have a specific number at this time.

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

2. Council action is recommended to enter a one-year contract, with four, one year renewal terms with CBiz Benefits & Insurance Services, Inc for Benefits Consulting Services.

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 item approved.

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In response to Councilmember DeLuccie, Assistant City Manager, Adam Norris, provided background information on this item. Mr. Norris stated that this project will minimize the negative impact and disruptions that this business and surrounding businesses would encounter if we were to delay this project until our CIP funds would allow. Mr. Norris stated that the Noland Road CID is willing to provide us the funds for this project at a 0% interest rate until this project can be budgeted with our CIP funds, and we will reimburse the Noland Road CID at that time. Mr. Norris stated that this item has been planned for completion in the next few years.

Councilmembers DeLuccie and Huff moved to approve Item No. 1.

1. Council Action is requested to authorize the development agreement with Andy's Frozen Custard for the donation of right-of-way on S Lynn Ct, east of Noland Road for future re-alignment of the intersection.

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 item approved.

**PUBLIC HEARINGS:**

Mayor Weir opened a new information only public hearing for the application by Steve Ipock requesting a rezoning from I-1, Industrial, to R-12, Two-Family Residential, for the property located at 1201 S. Osage Avenue. Community Development Director, Tom Scannell, provided background information on this item. The Mayor declared the public hearing closed. *New Information Only.*

Bill No. 20-094, entitled, [Ord. #19184]

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT I-1 (INDUSTRIAL) TO DISTRICT R-12 (TWO FAMILY RESIDENTIAL) FOR THE PROPERTY AT 1201 S. OSAGE, IN INDEPENDENCE, 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.

**NON-ORDINANCE ACTION ITEMS:**

In response to Councilmember Huff, Mayor Weir stated that it is likely that the Study Session on December 28, 2020 will be canceled but we will hold the Regular Meeting on January 4, 2021. Mayor Weir stated that on January 4, 2021 we will hold a public hearing regarding financial policies for IPL.

Councilmembers Huff and Steinmeyer moved to postpone Non-Ordinance Action Item No. 1 until January 4, 2021 Meeting.

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.

1. Council action is requested for consideration of Establishing Priorities of Independence Power and Light Financial Surpluses.  
- Requested by the Public Utility Advisory Board (Postponed to 1/4)

Councilmember Huff stated that he would like to wait until staff provides their presentation on this item as well.

Councilmembers Huff and Steinmeyer moved to postpone Non-Ordinance Action Item No. 2 until January 4, 2021 Meeting.

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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2. Council action is requested for consideration of the Development of Future Electric Source. - *Requested by the Public Utility Advisory Board* (Postponed to 1/4)

3. Council action is requested to add a new Donation Bin Permit Fee pursuant to Ordinance 19178.

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 item approved.

In response to Councilmember DeLuccie, Director of Finance and Administration, Bryan Kidney, provided additional information regarding what updates are being made to the budget and specifics regarding how the CARES Act Funds are applied. Mr. Kidney stated that in January of 2021 we will have the final allocation details and summary available at that time.

In response to Mayor Weir, Mr. Kidney confirmed that if we had additional CARES Act funding we could have been reimbursed for more.

4. Council action is requested to approve amending the CARES ACT Budget.

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 item approved.

ORDINANCES:

Bill No. 20-087, entitled, [Ord. #19185]

“AN ORDINANCE GRANTING A 10 FOOT GENERAL UTILITY EASEMENT TO SPIRE MISSOURI INC. ACROSS PART OF LOT 1 OF ANSLEY APARTMENTS FIRST PLAT.”

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. 20-093, entitled, [Ord. #19186]

“AN ORDINANCE AUTHORIZING A CONTRACT WITH THE CITY OF LEE’S SUMMIT, MISSOURI, FOR THE CITY OF INDEPENDENCE, MISSOURI, TO SUPPLY WATER TO LEE’S SUMMIT.”

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. 20-096, entitled [Ord. #19187]

“AN ORDINANCE APPROVING THE AMENDED 2019-2020 ANNUAL ACTION PLAN FOR PROGRAM YEAR 45 AND AN AMENDMENT TO THE 2017-21 CONSOLIDATED PLAN 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: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

Bill No. 20-097, entitled, [Ord. #19188]

“AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF FUNDING FROM THE US DEPARTMENT OF JUSTICE, US MARSHALS SERVICE, THROUGH THE JOINT LAW ENFORCEMENT OPERATIONS TASK FORCE, FOR USE BY THE POLICE DEPARTMENT, 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: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the bill approved.

FIRST READINGS:

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In response to Mayor Weir, Assistant City Clerk, Jen Frink, stated that there does not need to be a motion to read this as an emergency since it was put on the agenda as an emergency reading.

In response to Councilmember DeLuccie, Mr. Norris stated that the assessment amount is approximately \$2,800 incurred between 2016-2018. Mr. Norris stated that we have a hearing process in which the property owner has to respond to notices within 30 days requesting a hearing and this situation beyond the appeal timeline.

In response to Councilmember Steinmeyer, Community Liaison Specialist, John Mayfield, provided some background information about this property and property owner. Mr. Mayfield stated that the property was a rental home and the property owner was ill and not aware of the notices being sent regarding the property and is asking for the assessments to be waived. Mr. Mayfield stated that the property owner is currently attempting to sell the property to someone who will maintain the property.

In response to Mayor Weir, Mr. Mayfield provided information regarding the circumstances around the two other instances that assessments were waived in this manner from 2008 and 2010. Mayor Weir stated that since we do complaint driven code enforcement, then that means that neighbors or someone were concerned about the condition of the property. Mr. Mayfield stated that city procedure is to mail the notices to the mailing address on file with Jackson County for the property owner. Mr. Mayfield stated that notices were mailed during a time when the property owner was very ill and may not have been going by to get the mail. Mr. Mayfield confirmed that he believed the property to be occupied by a rental tenant during that time who may have received the notices.

Councilmember Steinmeyer stated that he spoke with the property owner and he was ill due to cancer during the time these fees were assessed. Councilmember Steinmeyer stated that the property has been in his family for 85 years. Councilmember Steinmeyer stated that this property was a contractor deed purchase that did not work out and the notices were being received by the individual who was residing in the home that was in the process of buying the property before the deal went south. Councilmember Steinmeyer stated that the property owner has been a businessman in our community for over 30 years and sponsored college scholarships for Independence students for several years as well. Councilmember Steinmeyer stated that the property owner's grandfather was the first Hispanic landowner in Independence in 1920. Councilmember Steinmeyer stated that the property owner was just made aware of the assessments on the property when attempting to sell the property and has told Councilmember Steinmeyer that he tried reaching out to the city to get things taken care of, but only to find more delays. Councilmember Steinmeyer is asking for Council to approve this to help expedite the sale of the property.

Mayor Weir stated that she has spoken to the property owner a number of times about this issue over the last few months. The Mayor stated that he is a fine gentleman, that is not a question. In response to Mayor Weir, Mr. Norris stated that this is the only process by which these assessments could be waived for the property owner.

City Counselor, Shannon Marciano, stated we have a formal appeal process and time for that process has passed. Ms. Marciano stated that anything beyond that would need be a policy decision made by Council. Ms. Marciano stated that this is his opportunity to appeal directly to Council.

Councilmember DeLuccie stated she assumes the property is being sold for more than \$2,800, so this could be paid to clear up the deed. Councilmember DeLuccie stated that while the property owner has done a lot for the community, she does not feel that the Council can make policy decisions because we approve or disapprove of the applicant. Councilmember DeLuccie stated that the city is financially strapped for cash and there is not a good reason for us to waive \$2800 and she will vote against this item.

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Councilmember Hobart stated that he has been a practicing attorney for more than 20 years and he has many issues with this bill. Councilmember Hobart stated that it is not the city's obligation to prove that the property owner received the notice, actual notice is not required for a government. Councilmember Hobart stated that ignorance of the law, is no defense. Councilmember Hobart stated that this property was sold as a contract for deed, and it was an income generating property and he would bet that while the lawn wasn't being mowed and the assessments were being charged, the rent was still being collected on the property. Councilmember Hobart stated this started four years ago and the property owner has an obligation to drive by the property to make sure the property is being maintained.

Councilmember Hobart stated that he is thankful and proud of the service that the property owner has done for the city. Councilmember Hobart stated that we know so many people who give so much to the community and we cannot be giving special treatment to people because we like them. Councilmember Hobart stated that the \$2,800 can go through closing at the title company and the city will get their payment and the property owner will still get the profit left over from selling the property. Councilmember Hobart stated that we cannot do rule enforcement like this.

Councilmember Huff stated that he owns multiple rental properties and when a notice is sent for one of his properties, it is sent to the rental house and to his personal home. Councilmember Huff stated that he has purchased properties on them for lawn maintenance and the assessment was not held against the purchaser. Mr. Mayfield stated that he is not sure if this deed was recorded with Jackson County or not, but per Missouri CaseNet there was legal activity between the property owner and the purchaser, with Mr. Olivarez being the one who broke the contract.

Bill No. 20-512, entitled, failed  
 "AN ORDINANCE DIRECTING THE FINANCE DEPARTMENT TO REMOVE SPECIAL ASSESSMENTS ON THE PROPERTY OWNED BY JOHN G. & JOANNE OLIVAREZ LOCATED AT 325 W. COLLEGE STREET, INDEPENDENCE, MISSOURI; AND DECLARING AN EMERGENCY." - *Requested by Councilmember Mike Steinmeyer*  
 was given its first and second reading by title and placed on final passage. Upon roll call, the vote was: Ayes – Councilmember Steinmeyer. Noes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Hobart and Mayor Weir. Absent –None. The Mayor declared the bill failed.

### INFORMATION ONLY:

1. A full public hearing for the Independence Power and Light Cash Reserve and Financial Resiliency Policy will be held on January 4, 2021 during the Regular City Council Meeting.
2. Report on purchase agreements between \$50,000 and \$100,000 per Procurement Policy.
3. Municipal Division monthly case report November 2020.
4. The City Clerk's Office is in receipt of the Thirty-Ninth Street Transportation Development District annual audit for year ending June 30, 2020.
5. COVID-19 Semi-Monthly Update.
6. The City Council has requested that the State of Emergency Proclamation be reviewed every 30 days for wording and compliance as directed at the August 3, 2020 Regular Meeting of the City Council.

### COUNCILMEMBER COMMENTS:

Councilmember Perkins wished everyone a good Christmas and to stay safe.

Councilmember Huff wished everyone a safe and Merry Christmas.

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Councilmember DeLuccie thanked city employees and citizens for hanging in there through this year. She wished everyone a good holiday.

Councilmember Hobart stated that winning back our Health Department has been very important for our community. Councilmember Hobart stated that him and Councilmember Perkins attended a tour and debriefing of the Independence Emergency Operations Center in August and they learned how badly the beginning of the pandemic had been handled by the Jackson County Health Department. Councilmember Hobart stated that it became painfully obvious that we needed our own Health Department back so that we had a seat at the table with the other Health Department Directors. Councilmember Hobart thanked our lobbyists for their help working on this project and stated that they played a crucial part in making this happen. Councilmember Hobart thanked our Health Director for the time she is putting in to get things running and to help our community through this pandemic. He wished everyone Happy Holidays.

Councilmember Steinmeyer stated Merry Christmas to his district and all members of the community. Councilmember Steinmeyer stated that he appreciates the hard-working city staff that keeps everything moving.

Mayor Weir stated that we are starting to hire positions for our Health Department. The Mayor stated that this was not something she had expected and stated it is very encouraging that our Health Director and capable city management have found a way to start to make these hires immediately. The Mayor stated that this will happen in phases, but she is very grateful that we have the resources to be able to start hiring needed Health Department staff. Mayor Weir stated that she hopes the holiday times are a time of joy and celebration even though we have many challenges due to the pandemic. The Mayor stated that the New Year is always a time of hope and anticipation and she is certainly feeling that way.

Mayor Weir state that although many of us have made many sacrifices and some unimaginable loss, we are still a community and still here for each other. Mayor Weir stated that we have made many huge strides forward and she looks forward to what we will do in the future.

Mr. Norris thanked city staff that has been putting in a lot of time working on the Health Department.

Mayor Weir stated that Independence issued our own Health Order a couple weeks ago, with the largest change being to allow our bars and restaurants to stay open until midnight. The Mayor stated that she checks in every few days for updates on how things are going, and she is very proud of our community for having on issues as a result of the later operating hours. Mayor Weir stated that she knows allowing those additional few hours of operation makes a world of difference to the business owners.

Councilmember Huff thanked Mayor Weir for her hard work on the reestablishment of our Health Department.

At 6:52 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., January 4, 2021, in the Council Chambers.

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

ATTEST:

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City Clerk