

REGULAR MEETING
February 1, 2021

The Independence City Council met for a Regular Meeting, February 1, 2021, at 6:00 p.m., virtually held via Microsoft Teams.

Laurie Dean Wiley, member 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.

CITIZENS REQUEST TO SPEAK:

Laura Dominik spoke to Council regarding Bill No. 21-713.

PRESENTATION RESOLUTION:

Councilmembers DeLuccie and Huff moved to approve Bill No. 21-709.

Bill No. 21-709, entitled, [Res. #6638]
“A RESOLUTION RECOGNIZING JOHN LARGENT, ELECTRONICS FLEET TECHNICIAN WITH THE INDEPENDENCE POLICE DEPARTMENT, AS THE EMPLOYEE OF THE MONTH FOR FEBRUARY, 2021.”
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.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember Huff requested that Bill No. 21-713 and Bill No. 21-712 be pulled for separate consideration.

Councilmembers Huff and DeLuccie moved to approve the AMENDED CONSENT AGENDA minus Bill No. 21-713 and Bill No. 21-712 to be considered separately.

1. Approval of minutes for the Regular Meetings on January 4, 2021 and January 19, 2021.
2. Council action is requested to authorize the City Manager to approve a construction contract with Pyramid Excavation and Construction Contractors for an amount not to exceed \$380,102.10, and authorizing future minor change orders for an amount not to exceed \$38,010.21 and/or time extensions, for the Scott Avenue Bridge Replacement Project (Project No.111808).

Bill No. 21-710, entitled, [Res. #6639]
“A RESOLUTION APPROVING A PRELIMINARY PLAT OF STONE CANYON – NORTH PARK, LOCATED AT 39TH STREET AND R.D. MIZE ROAD IN INDEPENDENCE, MISSOURI.”

Bill No. 21-711, entitled, [Res. #6640]
“A RESOLUTION APPOINTING CONRAD LAMB TO THE BOARD OF DIRECTORS OF THE SOUTHWEST INDEPENDENCE 353 REDEVELOPMENT CORPORATION.” - *Recommendation by Councilmember Dan Hobart and Mayor Eileen Weir*

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.

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Councilmembers Huff and Steinmeyer moved to approve Bill No. 21-713.

Councilmember DeLuccie stated that the City Charter does not allow a refund or credit on bills, only rate reductions. Councilmember DeLuccie stated that in 2020 the Council approved a 6% rate reduction on bills. Councilmember DeLuccie stated that today we owe \$151 Million in principal on bonds and \$91 Million in interest on bonds. She stated that we have more bonds coming due and for each million that we pay off, we save \$400,000 in interest. Councilmember DeLuccie stated that we will also have a huge expense when our turbines leave. Councilmember DeLuccie stated that she does not understand why we are rushing and not looking at the needs of IPL and our citizens and giving a refund blindly. She stated that as much as she would like her neighbors to receive a credit, she will be voting against it as it goes against the Charter.

Councilmember Steinmeyer stated we have been reminded week over week that we are in a pandemic, that people are hurting from job losses, families facing major financial decisions, businesses are in trouble. Councilmember Steinmeyer stated that it saddens him that we cannot have a level of compassion for our citizens in thinking that somehow, we will bankrupt our utility provider by giving back in some way. Councilmember Steinmeyer stated that he does not feel we are in violation of the Charter; we have the liberties to interpret the Charter. He stated he will be voting in favor of this bill.

Councilmember Hobart stated that he agrees with Councilmember DeLuccie. Councilmember Hobart stated everyone on the Council has compassion for their fellow man and neighbors and has a desire to improve the quality of life in the neighborhoods for our citizens. Councilmember Hobart stated that this job does not make a lot of money or get you fame, the reason they are all there is to serve our citizens. Councilmember Hobart stated that voting no on this bill is not a lack of compassion. He stated that it is the opposite. Fiscally and conservatively, the smart business decision would be to save whatever excess cash we can to pay off more debt next year so that we are in a better place to pay for things we will need for IPL. Councilmember Hobart stated that he also agrees this is a Charter violation and stated that the argument that there is a provision that says you can interpret the Charter does not override whatever provisions you want to override. Councilmember Hobart stated that he understands people are hurting, we all are, but Council swore an oath to uphold the Charter.

Councilmember Hobart stated that he also has an issue with this not being approved or submitted by the PUAB. He stated that again we have actions trying to be taken involving IPL without consulting the PUAB which is a requirement of the Charter. Councilmember Hobart stated that he will be voting no on this bill.

Councilmember Huff stated that this was approved by the PUAB and he stated that two weeks ago, all seven Councilmembers approved to refund our citizens excess money after paying the bond.

Mayor Weir stated that she would like the scrivener's error in the bill corrected to reflect \$11.2 Million to all utility customers.

In response to Councilmember Hobart, Mayor Weir stated that Councilmember Huff is referring to Bill No. 20-809, that was approved by Council on January 19, 2021 with seven positive votes and is reflected in the minutes.

Councilmembers Huff and Steinmeyer moved to approve Bill No. 21-713.

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Bill No. 21-713, entitled, [Res. #6642]

“A RESOLUTION DIRECTING THE CITY MANAGER TO IMPLEMENT A BILL CREDIT TO ALL CITY OF INDEPENDENCE UTILITIES CUSTOMERS.” - *Requested by Councilmembers Mike Huff and Mike Steinmeyer*
Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer and Mayor Weir. Noes – Councilmembers: DeLuccie and Hobart. Absent –None. The Mayor declared the bill approved.

Councilmember Huff stated that he is very glad the Independence Center will be allowing us to use their location to administer vaccinations. Councilmember Huff stated that he believes this is a great move for both the Independence Center and the City.

Councilmember DeLuccie stated that this item is also giving a credit on a utility bill, which is not allowed under the Charter. She stated that our Health Property Levy has over \$500,000 in it. Councilmember DeLuccie stated that she agrees this is very kind and in community spirit for the mall to allow us to administer vaccinations there, but she would suggest that we substitute in this item that the Health Property Levy funds pay the \$5,000 so that we do not violate the Charter and still accomplish the goal of having a place to provide vaccines to the community.

Councilmembers DeLuccie and Hobart moved to substitute payment from the Health Property Levy funds of up to \$5,000 in place of a utility credit.

In response to Councilmember Hobart, Mr. Walker stated that it would be possible to utilize \$5,000 from the Health Property Levy funds for this purpose. Mr. Walker stated that this was proposed because the mall has waived the rental fee and just asked that the city pay the utility.

The Mayor stated the Independence Center offered us this space and asked us for utility assistance. We have provided utility assistance in all types of forms, such as CARES Act Funds, which are no longer available which would make this simpler. We have provided utility assistance through reduced rates for the Independence School District as an example. The Mayor stated that the Independence Center is giving us space for free that will allow us to set up without having to tear everything down each day, which is a very labor-intensive process for this big operation. Mayor Weir stated that in terms of paying for the utility portion, she does not want to use Health Property Levy funds that we know is inadequate to fund what we currently need and we need additional health funding to ramp up our Health Department. Mayor Weir stated that if the Council decides not to utilize utility funding for this, the City Manager has the authority to find the \$5,000 where he sees fit under his spending authority. Mayor Weir stated that she is supportive of using the utility funds for this.

Upon roll call for the motion to substitute utility funding with Health Property Levy Funds, the vote was: Ayes – Councilmembers: DeLuccie and Hobart. Noes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer and Mayor Weir. Absent –None. The Mayor declared the motion approved.

In response to Councilmember Perkins, Mr. Walker stated that we do not have an exact amount that would have been charged in a rental fee. Mr. Walker stated that commercial space usually rents for a couple dollars per square foot and the Independence Center is allowing us 13,000 square feet of space.

Councilmembers Stewart and DeLuccie made a motion to allow the City Manager to find the funding for this item at his discretion instead of giving a utility bill credit.

Councilmember Steinmeyer stated he has talked with IPD about how things are being handled at the Independence Center. Councilmember Steinmeyer stated that his current hope is that we can get better terms with the Independence Center and request that they donate the space, without charging us utilities. Councilmember Steinmeyer stated that he would like Mr. Walker to have more time to work on the

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negotiations. Mr. Walker agreed to bring a weekly report to Council about negotiations with the Independence Center.

Councilmember Huff stated his concern is with timing. He stated that his concern is that we will get vaccines and have no place to administer the vaccines. Councilmember Huff stated that if we pass this tonight, this will give the City Manager room to negotiate the best he can, but this will ensure we have a space that is adequate to accommodate what we need.

Mayor Weir stated that she is in support of Councilmember Stewart's motion. She stated that she believes that the City Manager can make the best determination for where to pull funds needed, including the Utility Fund.

Councilmember DeLuccie stated that she will be voting no on this item if it includes the Utility Fund, because the Charter does not allow for this credit.

Councilmember Stewart stated that he would like to amend his original motion to allow the City Manager to use funds from the General Fund only, to exclude the Utility Fund.

Upon roll call for the motion to approve amending the original amendment to allow the funds to come from the General Fund and allow the City Manager to find the funding, the vote was: Ayes – Councilmembers: Stewart, DeLuccie and Hobart. Noes – Councilmembers: Huff, Perkins, Steinmeyer and Mayor Weir. Absent –None. The Mayor declared the motion failed.

Councilmembers Huff and Steinmeyer moved to approve Bill No. 21-712.

Bill No. 21-712, entitled, [Res. #6641]

“A RESOLUTION AUTHORIZING A UTILITY BILL CREDIT FOR THE PROPERTY WITHIN THE INDEPENDENCE CENTER TO BE USED BY THE CITY OF INDEPENDENCE FOR COVID-19 VACCINATION CLINICS.”

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 bill approved.

NON-ORDINANCE ACTION ITEMS:

Councilmember Huff provided background information regarding reconditioned equipment that might be a possibility for the city to purchase. Councilmember Huff stated that he wants to make sure that anything that is brought forth has a warranty to cover issues that may come up. He said he just wants to make sure we get first class equipment and two years from now we are not in a bind with failing equipment and no warranty.

Mayor Weir stated that she agrees this is not an area where we would want to invest money into equipment that is not top quality. Mayor Weir stated that she can also think of times in the past that we have purchased machinery that is not top quality or that is refurbished, and we have had some bad experiences with that. The Mayor recommends that we reconsider this in two weeks and put some qualifiers on this. Mayor Weir stated that she would prefer this item includes the provision that any not new equipment needs to meet certain standards of quality. Mayor Weir stated that we need the equipment within a certain amount of time, and she does not know how long it might take for a new piece of equipment to be fabricated.

Councilmembers Huff and Stewart moved to postpone Bill No. 21-714 to the February 16, 2021 Regular Council Meeting.

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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. 21-714, entitled, [Postponed to 2/16]

“RESOLUTION DIRECTING THE CITY MANAGER TO LIMIT CONSIDERATION OF GENERATION MACHINERY SOLUTIONS TO NEW MACHINERY ONLY WHEN EVALUATING SOLUTIONS FOR REPLACEMENT OF COMBUSTION TURBINES.” - *Requested by Councilmembers Mike Huff and Mike Steinmeyer*

ORDINANCES:

Bill No. 21-001, entitled, [Ord. #19189]

“AN ORDINANCE AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS THAT HAVE 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: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent –None. The Mayor declared the bill approved.

Bill No. 21-002, entitled, [Ord. #19190]

“AN ORDINANCE APPROVING THE PETITION FOR THE ESTABLISHMENT OF THE SUSQUEHANNA EAST SHOPPING CENTER COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE DISTRICT, AND MAKING FINDINGS AND AUTHORIZING ACTIONS RELATED TO ESTABLISHMENT OF THE DISTRICT.”

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. 21-003, entitled

“AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO TRAILERS.”

was given its first reading by title.

Bill No. 21-004, entitled

“AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO FINAL PLATS.”

was given its first reading by title.

Bill No. 21-005, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-1 (NEIGHBORHOOD COMMERCIAL) TO DISTRICT R-12 (TWO-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 19401 E. US 24 HIGHWAY, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 21-006, entitled

“AN ORDINANCE AMENDING 1.28.002 OF THE INDEPENDENCE CITY CODE TO INCREASE MEMBERSHIP ON THE HUMAN RELATIONS COMMISSION.”

was given its first reading by title.

Councilmember Huff congratulated the City Manager and stated that he did a good job with this item.

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Councilmember Steinmeyer stated that he wanted to remind people that he thought before he was elected that it was a Charter violation as well, but he is very glad that Mr. Walker made every effort to not have to touch those funds. Councilmember Steinmeyer thanked Mr. Walker.

Bill No. 21-500, entitled, [Ord. #19191]

“AN ORDINANCE RESCINDING ORDINANCE NO. 19108 AND ORDINANCE 19158 TO ELIMINATE AN INTERFUND LOAN IN THE AMOUNT OF \$12,500,000 THAT WAS PREVIOUSLY AUTHORIZED TO PROVIDE EMERGENCY FUNDING TO THE GENERAL FUND.” *Appropriation ordinances may receive two readings and be voted on at the same meeting.*

was given its first and 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.

Councilmember Huff provided background information on this bill. Mr. Walker stated that one of the items in this appropriations ordinance is appropriating from the fund balance of the Water Fund into an account in the Water Utility Fund to cover the cost of the credit card convenience fee that was waived at the beginning of the pandemic to encourage people to utilize that service. Mr. Walker provided that we appropriate from the Water Fund because that fund is responsible for customer utility billing.

Bill No. 21-501, entitled, [Ord. #19192]

“AN ORDINANCE ADOPTING AMENDMENTS TO THE FISCAL YEAR 2020- 2021 BUDGET, WHICH WAS APPROVED BY ORDINANCE NO. 19131.” *Appropriation ordinances may receive two readings and be voted on at the same meeting.*

was given its first and 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.

INFORMATION ONLY:

Mayor Weir stated that the COVID Semi-Monthly Update is very informative and worth reading. The Mayor also stated that at recent Council Meetings, there had been requests made by Councilmembers to consider our City Hall hours of operation. Mayor Weir stated that there are two memos from her to the City Council included in the Information Only Section of this agenda. The Mayor stated that as of Tuesday February 16, 2021 City Hall will be open Monday-Friday from 9:00 a.m. to 5:00 p.m. Mayor Weir provided more information regarding building access restrictions and requirements. Mayor Weir also stated that staff will be required to self-perform health screenings when working in City Hall.

Mayor Weir stated that the City Manager will be required to reallocate funding for Health Screeners. The Mayor stated that the Police Headquarters will be open two days per week and the IUC will be open 3 days per week, and those hours of operations will not change at this time.

Mayor Weir stated that we are still currently in Phase 1 of Council approved gating criteria. She stated that we thought we would move out of Phase 1 in June, and it is now February and positivity rates should be at or below 5% for at least 14 days before we are able to move on to the next Phase and we are far from that. The Mayor stated that she wants to be extremely clear that city staff is still being encouraged to work from home. The citizens will have access to the building during regular business hours but does not ensure that the building will be fully staffed. Mayor Weir stated that we will encourage citizens to make appointments to meet with members of staff and to utilize our online services when they can. Mayor Weir stated that the Missouri Capital is functioning in the same way. The building is open to the public; however, the legislators are not available for people to stop by and visit them in their offices. Mayor Weir encouraged the public to call ahead, email and make an appointment to visit with staff.

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1. The City Council is expected to convene in an Executive Session at 5:15 pm, Monday, February 1, 2021, via Teams, on matters of Personnel, as permitted by Sec. 610.021(3).
2. City Hours of Operation Memo.
3. City Hall Revised Hours of Operation Memo.
4. The City Clerk's Office is in receipt of the Thirty-Ninth Street Transportation Development District Annual Report ending June 30, 2020.
5. COVID-19 Semi-Monthly Update.

COUNCILMEMBER COMMENTS:

In response to Councilmember Hobart, Mr. Walker provided an update regarding the IPL billing issues due to technical software issues. Mr. Walker stated that all customers should start seeing their utility bills that should be more accurate. Mr. Walker stated that late fees are not being charged on any accounts and disconnects have not resumed, to help make things as convenient for our customers.

Councilmember Steinmeyer stated that there was a lot of discussion over the weekend about following the letter of the law regarding the City Charter. Councilmember Steinmeyer stated that he likes to remind himself that the Charter talks about an undivided loyalty to the public that we serve. Councilmember Steinmeyer stated when it comes to matters of money, that money comes from the citizens, the rate payers. He stated that in a time when we are still facing uncertainty and trying to figure things out as we go, for him he still stands by the idea that doing the right thing for our city should be driven by our levels of service and compassion for the situation and struggles that people are living in. Councilmember Steinmeyer stated that he hopes that people understand the hearts of those that have made decisions to provide the credit to the rate payers to refund the money that they pay. Councilmember Steinmeyer stated that his loyalty that we have to serve this community is the strongest thing that drives him every Monday.

Councilmember DeLuccie stated that she has studied the Charter a lot longer than a weekend and she stated that it is pretty clear to her what it says. She thanked everyone for their time.

Councilmember Huff stated that his view of the Charter is different than Councilmember DeLuccie's view. Councilmember Huff wished the Chiefs good luck in the Super Bowl.

Councilmember Perkins stated that this Saturday, February 6, 2021, the Independence Rotary Club is holding their seventh annual Mardi Gras fundraiser and have chosen Englewood Arts with the theme Arty Marti Gras. He stated that there is no charge for the event and provided details about location and time. He hopes to see everyone there.

Mayor Weir stated that there are some beautiful art pieces in the online auction for the Independence Rotary Club fundraiser. Mayor Weir stated that her and Councilmember DeLuccie were able to attend the dedication of the Don. B. Reimal Community Suite at the Mavericks game on Saturday night. The Mayor thanked the Council for doing this for the Reimal family and to honor his contributions to our community. Mayor Weir stated that the Reimal family was very grateful for the generosity of the Council and the Cable Dahmer Arena.

Mayor Weir stated that we are very excited about the Chiefs appearing in the Super Bowl two years in a row. The Mayor asked that people celebrate responsibly and remember that we are in a pandemic and to take needed precautions.

Mayor Weir stated that the Study Session for February 8, 2021 has been canceled.

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At 7:08 p.m., there being no further business, the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., February 15, 2021, in the Council Chambers.

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

ATTEST:

City Clerk