

## REGULAR MEETING

January 3, 2022

The Independence City Council met for a Regular Meeting, January 3, 2022, at 6:00 p.m., virtually held via Microsoft Teams and in person, in the Council Chambers, 111 E. Maple.

Shirley Murdock, Member, Church of Jesus Christ of Latter-Day Saints, provided the invocation followed by the Pledge of Allegiance.

Mayor Pro Tem Mike Huff, 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. Mayor Weir and Councilmember Stewart attended virtually.

### CITIZENS REQUEST TO SPEAK:

Kevin Baird spoke to Council regarding wish list for 2022 Council resolutions.

Kenneth Love spoke to Council regarding eminent domain.

### PRESENTATION RESOLUTION:

Councilmembers Steinmeyer and DeLuccie moved to approve Bill No. 22-700.

Bill No. 22-700, entitled, [Res. #6756]

“A RESOLUTION RECOGNIZING PEGGY THURMAN, ACCOUNT INFORMATION REPRESENTATIVE, WITH THE WATER DEPARTMENT, AS THE EMPLOYEE OF THE MONTH FOR JANUARY 2022.”

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

### REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Councilmember DeLuccie requested that Item No. 3 be pulled for separate consideration.

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

Councilmembers Steinmeyer and DeLuccie moved to approve the AMENDED CONSENT AGENDA minus Item No. 3 and Item No. 2.

1. Approval of minutes for the Special Called Meeting on November 29, 2021 and Regular Meetings on December 6, 2021 and December 20, 2021.
4. Council action is requested to issue a purchase order to C & C Sales Group (C & C Group), in the amount of \$58,120.00, for Surveillance Cameras at the Police Building for the Police Department.
5. Council action is requested to issue a purchase order to Emergency Services Consulting International (ESCI), in the amount of \$76,423.00, for Consulting Services for a Comprehensive Operational Assessment for the Fire Department.
6. Council action is requested to issue a purchase order to Motorola Solutions Inc (Motorola), in the amount of \$85,710.80, for Radio Maintenance for the Fire Department.

Bill No. 22-701, entitled, [Res. #6757]

“A RESOLUTION ACCEPTING THE CITY OF INDEPENDENCE CITY-WIDE HOUSING STUDY.”

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.

## REGULAR MEETING

January 3, 2022

Absent – None. The Mayor Pro Tem declared the motion carried, and the AMENDED CONSENT AGENDA was approved.

Councilmember DeLuccie referenced the City Charter regarding the requirement of a Management Analyst on staff and this avoids the obligation of a Management Analyst reviewing the item so she is not in favor of this item. In response to Councilmember Hobart, City Manager, Zach Walker, stated that 80% of the funding is federal funds and 20% are city funds for this project. Mr. Walker confirmed that the Management Analyst position is currently vacant and provided additional information about the Management Analyst position. Mr. Walker stated that he feels comfortable recommending this item and provided background information about why staff recommends this project. Councilmember Hobart stated he would likely vote yes on this item because he'd like to see it get completed. Mayor Weir stated that what to do in the interim for the Management Analyst positions will be discussed at the next Study Session. Mayor Weir provided background information about requirements for the Management Analyst position and stated that we would not be able to hire someone and have this reviewed before the deadline. Mayor Weir stated that she does not think we should pass on this opportunity for the improvements. The Mayor stated that she feels the review of this project has been adequate and she does not believe we will get another opportunity for these federal funds for a very long time and she will support this item. Mr. Walker provided information regarding MoDOT's review of the project. In response to Councilmember DeLuccie, Mr. Walker advised why it would be several years before we would be able to receive federal funding for this project. In response to Mayor Pro Tem Huff, Assistant City Manager, Adam Norris, advised that we are prohibited in using a rating system per the regulations with the federal funding, this is a straight bid project. In response to Councilmember Steinmeyer, Mr. Walker stated we have been without a Management Analyst for a year and estimated that there are approximately five projects a year over the \$2 million threshold. Councilmember Steinmeyer stated he feels checks and balances are important so he will not support this item without having a Management Analyst review this item. In response to Councilmember Perkins, Mr. Walker stated that there have been extended vacancies between Management Analysts in the past. Mr. Walker stated that if the prevailing priority tonight is to have the Management Analyst review, he would ask that Council postpone the item to give staff some time to provide Council with some information about how things were done in the past when there has been a vacancy in this position. Councilmember Perkins stated these are very important contracts with highly competitive bids. Mr. Walker advised that this item would need to be approved no later than the February 7, 2022 meeting for us to receive the federal funding.

Councilmember DeLuccie and Mayor Weir moved to postpone Item No. 3 until February 7, 2022. In response to Councilmember Hobart, Mr. Walker stated he will email the policy to the Council and add it to the item so the public can review the policy. Mayor Weir stated the policy can also be provided at the upcoming Study Session.

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

3. Council action is requested to authorize the City Manager to approve a construction contract with VF Anderson Builders, LLC for an amount not to exceed \$2,283,273.90 authorizing future minor change orders not to exceed \$228,327.39 and/or time extensions for the 40 Highway Complete Streets Project. (No. 111802) and waive section six of the City's Purchasing Policy.

In response to Councilmember Stewart, Mr. Walker gave background information on this item and advised our portion of the funding for this design portion of the project is coming from Steet Improvement Sales Tax dollars. Mr. Walker stated that if the construction contract is approved by Council it will use federal funds.

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

## REGULAR MEETING

January 3, 2022

2. Council action is requested to authorize the City Manager to approve Change Order No. 1 on the engineering services contract with WSP USA for the Truman Connected Phase 1 project (No. 112102) in an amount not to exceed \$247,456.13; authorizing future minor change orders for an amount not to exceed \$47,771.

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

### NON-ORDINANCE ACTION ITEMS:

Bill No. 21-836, entitled [*postponed to 1/18/22*]

“A RESOLUTION LIFTING THE STATE OF EMERGENCY IN INDEPENDENCE, MISSOURI.” – *Requested by Councilmembers Mike Steinmeyer and Mike Huff-Postponed from 12/20*

Councilmembers Steinmeyer and DeLuccie moved to postpone Bill No. 21-836 to the January 18, 2022, Council Meeting.

Upon roll call to postpone Bill No. 21-836, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer and Hobart. Noes – Mayor Weir. Absent – None. The Mayor Pro Tem declared the motion approved.

Bill No. 22-702, entitled, [Res. #6758]

“A RESOLUTION DIRECTING THE CITY MANAGER TO EXPLORE LEAVE OPTIONS FOR FIRST RESPONDERS RELATED TO COVID-19 ABSENCES.” – *Requested by Councilmembers Mike Huff, Mike Steinmeyer and Brice Stewart*

Councilmembers Hobart and Stewart moved to amend Bill No. 22-702 to include all city employees. Councilmember Steinmeyer proposed that the amendment be applied to all front-line workers that have contact with the public. In response to Councilmember DeLuccie and Councilmember Steinmeyer, Mayor Weir stated that we have employees who can work from home and employees who are not able to work from home. Mayor Weir stated that since this item directs the City Manager to look at options, she is open to looking at all positions across the organization to see what options there might be. Mayor Weir stated that Mr. Walker is encouraging those who can perform their full duties from home to take advantage of that option, but many positions do not allow the employees to work from home. Councilmember Huff gave background information about this item. In response to Councilmember Steinmeyer, Mr. Walker stated that all employees have been given the same leave options. Councilmember Steinmeyer asked Mr. Walker to see what surrounding cities are also doing for their employees. In response to Councilmember Perkins, Mr. Walker stated he will report more information to Council during a Study Session within the next 30 days, perhaps sooner.

Upon roll call to amend Bill No. 22-702, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor Pro Tem declared the motion approved.

Councilmembers Steinmeyer and Hobart moved to approve Bill No. 22-702 as amended. Mr. Walker provided additional background information regarding an administrative rule given by the Governor that first responders presumably contracting COVID-19 has expired.

Upon roll call to approve Bill No. 22-702 as amended, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor Pro Tem declared the bill approved.

### ORDINANCES:

Bill No. 21-087, entitled, [Ord. #19288]

“AN ORDINANCE AMENDING CHAPTER 12, “OFFENSES AND PENALTIES” OF THE INDEPENDENCE CITY CODE AND ADDING ARTICLE 9 OFFENSES AND PENALTIES OF SHOPPING CARTS.”

## REGULAR MEETING

January 3, 2022

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

Bill No. 21-088, entitled, [Ord. #19289]

“AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PUBLIC TRANSIT OPERATING ASSISTANCE GRANT IN THE AMOUNT OF \$16,504.00 FOR OPERATING EXPENSES ASSOCIATED WITH TRANSIT SERVICE FOR THE PERIOD JULY 1, 2021 THROUGH JUNE 30, 2022; 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 Pro Tem declared the bill approved.

Bill No. 21-089, entitled, [Ord. #19290]

“AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING TEMPORARY CONSTRUCTION AND GRADING EASEMENTS AND GENERAL UTILITY EASEMENTS FOR THE W. JONES ROAD CULVERT REPLACEMENT PROJECT (PROJECT NO. 70131802); 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. Councilmember Perkins stated he was glad we are moving forward on this project and getting things started. Upon roll call, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor Pro Tem declared the bill approved.

Bill No. 21-090, entitled, [Ord. #19291]

“AN ORDINANCE TERMINATING TAX INCREMENT FINANCING WITHIN THE MOUNT WASHINGTON REDEVELOPMENT AREA; DISSOLVING THE SPECIAL ALLOCATION FUND ACCOUNTS RELATED THERETO; AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO.”

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 Pro Tem declared the bill approved.

### FIRST READINGS:

Bill No. 22-001, entitled

“AN ORDINANCE AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS THAT HAVE MET ALL REQUIREMENTS TO BE ELIGIBLE FOR SUCH DISPOSITION.”

was given its first reading by title.

Bill No. 22-002, entitled

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A USED CAR LOT AT 9300 E. US 40 HIGHWAY, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 22-003, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT I-1 (INDUSTRIAL) TO DISTRICT C-2 (GENERAL COMMERCIAL) FOR 11445 E. TRUMAN ROAD IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 22-004, entitled

“AN ORDINANCE DECLARING THE NEED TO ACQUIRE REAL PROPERTY FOR THE AMELIORATION OF CONDITIONS WHICH CONSTITUTE BLIGHT IN THE CITY BY NEGOTIATION, OR, IF NECESSARY, BY

## REGULAR MEETING

January 3, 2022

CONDEMNATION, AND AUTHORIZING THE CITY MANAGER TO OBTAIN AND EXECUTE ALL INSTRUMENTS NECESSARY FOR ACQUISITION OF SUCH LAND.”  
was given its first reading by title.

Bill No. 22-005, entitled  
“AN ORDINANCE VACATING AN EXISTING PLATTED SANITARY SEWER EASEMENT OF ALL THAT PART OF EASTLAND CENTER 1ST PLAT, ON, AND ACROSS OUTLOT 2, OF THE PLATTED 40’ WIDE UTILITY EASEMENT AND CONTAINING 3,016.79 SQUARE FEET, MORE OR LESS, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.”  
was given its first reading by title.

### INFORMATION ONLY:

1. The City Council is expected to convene in an Executive Session at 5:15 pm, Monday, January 3, 2022, in the Council Chambers with the closed session taking place in Conference Room D, on Legal Matters, as permitted by Sec. 610.021(1), RSMO.
2. COVID-19 Semi-Monthly Update.
3. Report on purchase agreements \$50,000 and above.
4. The City Clerk's Office is in receipt of the Marketplace Shopping Center Community Improvement District Annual Report ending June 30, 2021.
5. Please Note: In accordance with RSMo 610.021, the City Council may convene in an Executive Session at 5:15 pm, in the Council Chambers and move to Conference Room D for the closed meeting, on matters of litigation, legal action, and/or attorney client communications, as permitted by Sec. 610.021(1), on matters of personnel, as permitted by Sec. 610.021(3) and personnel records, as permitted by 610.021(13), on matters of contracts, as permitted by 610.021(12), on matters of real estate, as permitted by 610.021(2) and/or matters of labor negotiations, as permitted by 610.021(9).

### COUNCILMEMBER COMMENTS:

Councilmember Steinmeyer wished the citizens a Happy New Year and stated he is looking forward to greater things this year.

Councilmember Hobart asked Mr. Walker to provide some mental health information at an upcoming Study Session.

Mayor Weir wished everyone a Happy New Year, hoping for happier and healthier year. Mayor Weir discussed a second Town Hall meeting about mental health that was scheduled but canceled due to inclement weather. Mayor Weir stated this will be rescheduled. Mayor Weir stated that there has been speculation about various developments going on around town. Mayor Weir stated that she has had no discussions with anyone outside of what she has shared in Council Meetings and individually in meetings with the City Manager and Councilmembers regarding the K-Mart site. Mayor Weir stated she has no idea who the whistle blower is or what it may be about, but she is confirming that her and the City Manager have not met with any developer outside of a meeting arranged by the Economic Development Corporation and that information was shared with each of the Councilmembers. Mayor Weir stated that she never had any discussion with a former Kansas City, City Manager about the K-Mart site. The Mayor stated she wanted to go on record saying those meetings did not occur. Mayor Weir stated that she traveled over the holidays so she will be staying home for a few days and will be tested for COVID-19 to make sure that she keeps her family and the public safe. Mayor Weir provided information about COVID-19 tests and upcoming vaccination events.

## REGULAR MEETING

January 3, 2022

Councilmember Huff discussed a piece of COVID-19 testing equipment that Lee's Summit is using for staff called the GeneXpert, costing around \$20,000. Councilmember Huff asked that Mr. Walker look at this as possibly being an option for our city.

Mr. Walker thanked our city snow crews and city staff that were working during the recent adverse weather conditions to keep the city moving. Mr. Walker stated he looks forward to the New Year ahead.

At 7:02 p.m. the Mayor Pro Tem declared the meeting adjourned to a Regular Meeting at 6:00 p.m., January 18, 2022, 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