

REGULAR MEETING

February 7, 2022

The Independence City Council met for a Regular Meeting, February 7, 2022, at 6:00 p.m., virtually held via Microsoft Teams and in person, in the Council Chambers, 111 E. Maple.

Councilmember Steinmeyer 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, Mike Steinmeyer, Daniel Hobart and Mayor Eileen Weir. The following members of the City Council were absent: Councilmember Karen DeLuccie.

In response to Mayor Weir, City Manager, Zach Walker, provided an update about the Independence Police Department overtime issue. Mr. Walker initiated the process of retaining an outside firm to do both a personnel investigation of this matter as well as an audit. Mr. Walker provided additional information about the investigation. In response to Councilmember Stewart, Mr. Walker provided information about the personnel investigation as well as information about the investigation into policies and procedure adherence. Mr. Walker advised that the outside firm will have free reign to investigate and provide recommendations and does not believe there will be a conflict of interest regarding himself. In response to Councilmember Stewart, City Counselor, Jeremy Cover, stated that the firm will receive a scope of work and perform the work and then report their findings. Mr. Cover stated that he expects the findings to be available to Council. In response to Councilmember Huff, Mr. Walker stated that the interim Management Analyst that was appointed at the last meeting was only to review the 40 Highway Project that is in excess of \$2 Million. In response to Councilmember Steinmeyer, Mr. Walker stated that the investigation will look into when staff in City Hall found out about the misuse of overtime. Mr. Walker stated he found out on February 3, 2022. Councilmember Steinmeyer suggested that Council extend this project to our Management Analyst for the 40 Highway Project. Mayor Weir stated that we can move in that direction to make the request with the individual.

CITIZENS REQUEST TO SPEAK:

Colleen Huff spoke to Council regarding the overtime pay for the police officer.

Anthony Summer spoke to Council regarding the 40 Highway Complete Streets Project.

PRESENTATION RESOLUTION:

Councilmembers Huff and Steinmeyer moved to approve Bill No. 22-712.

Bill No. 22-712, entitled, [Res. #6767]

“A RESOLUTION RECOGNIZING CONNIE PHIPPS, ADMINISTRATIVE SPECIALIST II, WITH THE MUNICIPAL SERVICES DEPARTMENT, AS THE EMPLOYEE OF THE MONTH FOR FEBRUARY 2022.”

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Mayor Weir requested that item No. 5 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Item No. 5.

1. 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

REGULAR MEETING

February 7, 2022

extensions for the 40 Highway Complete Streets Project. (No. 111802) and waive section six of the City's Purchasing Policy.
Postponed from 1/3/22 Council Meeting

2. Council action is requested to issue a purchase order to Axon Enterprise Inc (Axon), in the amount of \$51,956.20, for Tasers for the Police Department.
3. Approval is recommended to issue a purchase order to Altec Industries, in the amount of \$299,823.00 for a digger derrick for the Power and Light Department.
4. Council action is requested to issue a purchase order to JCI Industries, LLC, in the amount of \$314,466.00 for the Sugar Creek Pump Station Fine Screening Capital Improvement Project for the Municipal Services Department.
6. Council action is requested to authorize the City Manager to approve an engineering services contract with Infrastructure Management Services for automated data collection and pavement condition surveying for streets as part of the Pavement Reassessment Project (No.112207) in an amount not to exceed \$199,700, authorizing future minor change orders and/or time extensions for an amount not to exceed \$20,000.
7. Council action is requested to issue a purchase order to Black & Veatch, in the amount of \$51,097.00 for Consulting Services for a Supervisory control and data acquisition (SCADA) Server Upgrade for the Water Department.

Bill No. 22-713, entitled, [Res. #6768]

“A RESOLUTION APPROVING A PRELIMINARY PLAT OF MEADOWBROOK ESTATES, LOTS 54-104 AND TRACTS I AND J LOCATED SOUTHEAST OF EUREKA AND R. D. MIZE ROADS, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.”

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

Mayor Weir stated that it has been a very important to improve this area and has been a major priority for Council that was delayed because of the pandemic.

Councilmembers Huff and Hobart moved to approve Item No. 5.

5. Council action is requested to authorize the City Manager to approve a construction contract with Terry Snelling Construction Inc. for an amount not to exceed \$302,819.00, authorizing future change orders in an amount not to exceed \$30,281.90 and/or time extensions, for the Hardy Avenue Sidewalks from 31st to 35th Street Project (No. 112001).

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

PUBLIC HEARINGS:

Mayor Weir opened a full public hearing for the application received from Natural Hotel Group, LLC, doing business as Clarion Pointe, for a Hotel Selling Intoxicating Liquor License for the Clarion Pointe Hotel located at 4048 S. Lynn Court Dr. Community Development Director, Tom Scannell, provided background information on this item. In response to Councilmember Stewart, Mr. Scannell stated the reason the Police Department did not support this application. In response to Councilmember Hobart, Mr. Scannell advised that the previous hotel at this location did not have a liquor license. Councilmember Hobart stated this location is right across the street from a QuikTrip and suggested that the new hotel ownership operate for a few years and then possibly apply again if there are no issues at this location. In response to Mayor Weir, Mr. Scannell stated that the applicant could apply again in the future, there is no specific waiting period required before applying again. In response to Councilmember Steinmeyer, Mr. Scannell advised that he is not aware of the room rates for the hotel. There being no additional speakers, Mayor Weir declared the public hearing closed. *Full Public Hearing*

REGULAR MEETING

February 7, 2022

Council action is requested on the application received from Natural Hotel Group, LLC, doing business as Clarion Pointe, for a Hotel Selling of Intoxicating Liquor License for the Clarion Pointe Hotel located at 4048 S. Lynn Court Dr.

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

NON-ORDINANCE ACTION ITEMS:

Councilmembers Perkins and Hobart moved to postpone Bill No. 22-714 indefinitely.

In response to Councilmember Stewart, Councilmember Perkins stated that the Independence Square Association is in discussion now about this and he stated that he spoke with the Independence Chamber of Commerce prior to submitting this item.

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

Bill No. 22-714, entitled, [*postponed indefinitely*]

“A RESOLUTION DIRECTING THE CITY MANAGER TO INCLUDE THE INDEPENDENCE SQUARE ASSOCIATION AS A SIGNATORY PARTY TO THE ANNUAL SANTA-CALI-GON CONTRACT BETWEEN THE CITY OF INDEPENDENCE AND THE INDEPENDENCE CHAMBER OF COMMERCE.” – *Requested by Councilmember John Perkins*

ORDINANCES:

Bill No. 22-006, entitled, [Ord. #19296]

“AN ORDINANCE AMENDING CHAPTER 5 ARTICLE 16 “CARNIVAL AND CIRCUS AMUSEMENT RIDES AND DEVICES” OF THE INDEPENDENCE CITY CODE.” – *Requested by Councilmember Brice Stewart*
was given its second reading by title and placed on final passage.

Councilmembers Stewart and Hobart moved to amend Bill No. 22-006, Section B: to security personnel after 5:00 p.m. until close with uniformed and trained security provided in adequate numbers to monitor entry and exit points for anticipated number of patrons. Section C: enforcement of specific even rules, such as no backpacks, no large bags and no running. Section D: other security measures, entrance fees or prepaid passes.

Councilmember Stewart stated that he discussed these changes with the City Counselor and the Chamber of Commerce before requesting this item; the Chamber is in support of this item. In response to Councilmember Hobart, Councilmember Stewart advised that the fencing requirements would need to be approved by the Chief of Police with the required security plan prior to the event. Councilmember Hobart stated he will be supporting this item.

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

Upon roll call for Bill No. 22-006 as amended, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – Councilmember DeLuccie. The Mayor declared the bill approved.

FIRST READINGS:

Bill No. 22-007, entitled

“AN ORDINANCE VACATING AN EXISTING UNCONSTRUCTED RIGHT-OF-WAY OF ALL THAT PART OF PARADISE LANE LYING IN, ON, AND ACROSS LOTS 135 TO 139, AND PART OF LOTS 134 AND 140 OF STAYTON PLACE (LOTS 55 TO 149 INCLUSIVE), A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.”

REGULAR MEETING

February 7, 2022

was given its first reading by title.

Bill No. 22-008, entitled

“AN ORDINANCE AMENDING ARTICLE 30 OF CHAPTER 1 OF THE INDEPENDENCE CITY CODE PERTAINING TO THE COMPOSITION OF THE HERITAGE COMMISSION.”

was given its first reading by title.

Bill No. 22-009, entitled

“AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A TATTOO SHOP AT 217 S. MAIN STREET, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 22-010, entitled

“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, MAKING THE NECESSARY APPROPRIATIONS; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS; AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.”

was given its first reading by title.

Bill No. 22-011, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT I-1 (INDUSTRIAL) AND DISTRICT C-2/HL (GENERAL COMMERCIAL/HISTORIC LANDMARK) TO DISTRICT C-3 (SERVICE COMMERCIAL) AND DISTRICT C-3/HL (SERVICE COMMERCIAL/HISTORIC LANDMARK) FOR 501/505 N. DODGION STREET IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 22-012, entitled

“AN ORDINANCE APPROVING A REZONING FROM DISTRICT O-1 (OFFICE-RESIDENTIAL) TO DISTRICT C-2 (GENERAL COMMERCIAL) FOR 4535 S. HERMAN COURT, IN INDEPENDENCE, MISSOURI.”

was given its first reading by title.

Bill No. 22-013, entitled

“AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY CODE OF THE CITY OF INDEPENDENCE BY ADDING REGULATIONS RELATED TO WAGE ENFORCEMENT ON CITY-SUPPORTED DEVELOPMENT PROJECTS.”

was given its first reading by title.

INFORMATION ONLY:

1. Report on purchase agreements \$50,000 and above.
2. COVID-19 Semi-Monthly Update.
3. 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 Hobart requested on behalf of Councilmember DeLuccie that Mr. Walker provide some information about what it would look like if Council reduced the contract approval amount down to \$25,000 from \$50,000. Mr. Walker stated he would email additional information to Council.

REGULAR MEETING

February 7, 2022

Councilmember Steinmeyer referenced the City Manager contract and the annual review performed by Council for the position. Councilmember Steinmeyer asked for copies of all prior reviews of Mr. Walker dating back to 2016 when his contract began and has asked that the Mayor call an Executive Session to go through the review of Mr. Walker. Mr. Walker stated that his contract states he is to be reviewed on his anniversary date, which is October 1st. Mr. Walker stated that the review for this year has already been done with Councilmember Hobart serving as the lead on the review; four Councilmembers provided input and three provided no input. In response to Councilmember Steinmeyer, Mr. Walker stated that he believed the Mayor attempted to call an Executive Session and no one responded; Mayor Weir confirmed.

In response to Councilmember Perkins, Councilmember Steinmeyer stated he did not turn in a review for Mr. Walker in October. Councilmember Perkins stated he finds the argument moot if he did not do a review. Mayor Weir stated that there are specific things in the Charter and the City Manager's contract and believes this discussion should take place in an Executive Session which the Mayor agreed to call for Wednesday, February 9, 2022, and indicated she would not be present due to being out of town.

Councilmember Huff stated that the Indy Energy Newsletter continues to refer to the owner of the solar farm as MC Power, and MC Power does not own the solar farm. Councilmember Huff stated that if the city wants more solar it should be on more favorable terms. Councilmember Huff provided some background regarding the solar farm and the pricing. Mr. Walker stated that the solar farm contract was negotiated prior to his hire as City Manager. Mr. Walker stated that he will work with staff to see what documentation he can find to provide to Council.

Councilmember Perkins reference a week ending update provided by Mr. Walker on January 28, 2022, to all of City Council. Councilmember Perkins referenced a study that was done in 2017 to estimate what it would cost to do a new build or refurbish the police station. In response to Councilmember Perkins, Mr. Walker provided additional background about the study performed. Councilmember Perkins stated that the Rotary Club of Independence is sponsoring the Mardi Gras Ball and discussed fundraising. Councilmember Perkins invited the other Councilmembers to attend.

Councilmember Stewart asked that citizens become informed and vote in the municipal election tomorrow.

At 6:45 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., February 21, 2022, in the Council Chambers.

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

ATTEST:

City Clerk