

REGULAR MEETING

February 22, 2022

The Independence City Council met for a Regular Meeting, February 22, 2022, at 6:00 p.m., virtually held via Microsoft Teams and in person, in the Council Chambers, 111 E. Maple.

Anthea Ralovo 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. Councilmember Karen DeLuccie attended virtually. The City Clerk could view Councilmember DeLuccie's video on her device.

CITIZENS REQUEST TO SPEAK:

Tara Kruse spoke to Council regarding police help.

Kenneth Love spoke to Council regarding city regulations and the Charter.

PROCLAMATIONS:

City Clerk, Becky Behrens, read a proclamation for Engineer's Week. The proclamation was accepted by Mitch Krysa, Power Engineering Manager with the Power and Light Department.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER:

Mayor Weir requested that Bill No. 22-720 be pulled for separate consideration stating that the City Manager has asked for this item to be postponed indefinitely.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Bill No. 22-720.

1. Approval of minutes for the Regular Meetings on January 3, 2022, and January 18, 2022.
2. Council action is recommended to approve a change order to a purchase order between the City and Doug Christianson in the amount of \$30,132.00 for technical services for the Police Department.
3. Council action to award a contract to Utility Packaging and Construction, Inc. (UTPNC), in the amount of \$114,782.00, for Substation E Relay Panels for the Power & Light Department.

Bill No. 22-715, entitled, [Res. #6769]

"A RESOLUTION APPOINTING JODY MALLINSON TO THE TOURISM COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI."

Bill No. 22-716, entitled, [Res. #6770]

"A RESOLUTION APPOINTING DENNIS THARP TO THE STREET IMPROVEMENT OVERSIGHT COMMITTEE." – *Individual Appointment Councilmember Dan Hobart*

Bill No. 22-717, entitled, [Res. #6771]

"A RESOLUTION AFFIRMING THE REAPPOINTMENT OF LINDA HUMPHREY AND JACK CARDWELL AND THE APPOINTMENT OF KAREN MEHL TO THE JACKSON COUNTY ANIMAL WELFARE COMMITTEE FOR THE CITY OF INDEPENDENCE, MISSOURI." – *Individual Appointment Mayor Eileen Weir*

Bill No. 22-718, entitled, [Res. #6772]

"A RESOLUTION APPOINTING LINDSEY GRIFFITH AND ERIN KENNEDY AS MEMBERS OF THE HUMAN RELATIONS COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI."

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Bill No. 22-719, entitled, [Res. #6773]

“A RESOLUTION APPOINTING KRISTINE VAINOVSKA TWIDWELL AS A MEMBER OF THE BRAND INDEPENDENCE COMMITTEE.” – *Individual Appointment Councilmember John Perkins*

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.

Mayor Weir and Councilmember Perkins moved to postpone Bill No. 22-720 indefinitely.

Bill No. 22-720, entitled, [*postponed indefinitely*]

“A RESOLUTION DIRECTING THE CITY MANAGER TO PURSUE IMMEDIATE CHANGES TO THE CITY’S OVERTIME POLICIES AND PRACTICES.”

In response to Councilmember Stewart, City Manager, Zach Walker, provided background information regarding Bill No. 22-720. Mr. Walker stated that he expects to have conversations in the future with our labor leaders about overtime.

Upon roll call to postpone Bill No. 22-720 indefinitely, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the motion approved.

PUBLIC HEARINGS:

Mayor Weir opened a new information only public hearing for the application by Jeremy and Aimee Taylor requesting a Special Use Permit to operate a body art shop business at 217 S. Main Street. Assistant Community Development Director, Rick Arroyo, provided background information on this item. Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 22-009, entitled, [Ord. #19297]

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

was given its second reading by title and placed on final passage. In response to Councilmember Huff, Councilmember Perkins stated that he has no objections. 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.

Mayor Weir opened a new information only public hearing for the application by Habitat for Humanity requesting a rezoning from I-1, Industrial, and C-2, General Commercial, to C-3, Service Commercial, for the properties located at 501 and 505 N. Dodgion Avenue. Mr. Arroyo provided background information on this item. Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 22-011, entitled, [Ord. #19298]

“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 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 item approved.

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Mayor Weir opened a new information only public hearing for the application by Shamir Bhakta requesting a rezoning from O-1, Office-Residential, to C-2, General Commercial, for the property located at 4535 S. Herman Court. Mr. Arroyo provided background information on this item. Mayor Weir declared the public hearing closed. *New Information Only.*

Bill No. 22-012, entitled, [Ord. #19299]

“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 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 item approved.

ORDINANCES:

Bill No. 22-007, entitled, [Ord. #19300]

“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.”

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 item approved.

Bill No. 22-008, entitled, [Ord. #19301]

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

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 item approved.

Bill No. 22-010, entitled, [Ord. #19302]

“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 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 item approved.

Bill No. 22-013, entitled, [Ord. #19303]

“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 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 item approved.

FIRST READINGS:

Bill No. 22-014, entitled

“AN ORDINANCE AUTHORIZING FINAL DISPOSITION OF CERTAIN POLICE DEPARTMENT AUDIO AND VIDEO RECORDS THAT HAVE MET ALL REQUIREMENTS TO BE ELIGIBLE FOR SUCH DISPOSITION.”

was given its first reading by title.

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Bill No. 22-015, entitled

“AN ORDINANCE AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO GENESIS ENVIRONMENTAL SOLUTIONS, INC. FOR CONTACT BASIN NO. 3 PROTECTIVE COATING SYSTEMS REPLACEMENT AT THE COURTNEY BEND WATER TREATMENT PLANT FOR \$442,270.00; AUTHORIZING FUTURE CHANGE ORDERS NOT TO EXCEED \$44,227.00, AND/OR TIME EXTENSIONS AS DEEMED APPROPRIATE; AND APPROPRIATING \$76,497.00 FROM THE WATER FUND NET ASSETS.”

was given its first reading by title.

INFORMATION ONLY:

1. COVID-19 Semi-Monthly Update.
2. Municipal Division Monthly Case Report January 2022.
3. The City Clerk's Office is in receipt of the 23rd and Sterling Community Improvement District Proposed Budget for fiscal year ending June 30, 2023.
4. 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:

In response to Councilmember Stewart, Mr. Walker provided information regarding COVID-19 leave time used and potential costs. Mr. Walker stated that if Council wanted to have a presumption regarding future pandemics and place that into the Personnel Policy that is something we can explore, but we would want to make sure that it is thoughtfully applied because of the cost.

Councilmember Huff provided handouts to the Councilmembers. Councilmember Huff discussed the police overtime issue. Councilmember Huff stated that Mr. Walker, without conferring with the City Council hired an outside firm to conduct a limited scope investigation that excludes the City Manager's office. Councilmember Huff stated that he feels that Mr. Walker should have engaged the full Council and sought approval for the span and depth of this investigation. Councilmember Huff stated that the taxpayers deserve a comprehensive, independent forensic audit with full disclosure and transparency in the conduct and findings of an investigation of alleged misuse of public funds. Councilmember Huff stated he will bring forth a resolution to hire a forensic investigative auditor and asked for the other Councilmembers to support this to find out what transpired. In response to Mayor Weir, Mr. Walker advised that the investigation is not concluded, but has just begun. Mr. Walker confirmed that Mayor Weir sent a request to him today requesting to schedule a time to meeting with the investigator. Mr. Walker stated that because of some of the insinuations being made, he has asked Deputy City Manager, Adam Norris, to handle contact with the special investigator. Mr. Walker stated that the scope of the investigation has not been limited to any one department or party. Mr. Walker stated that Mr. Norris has passed on the Mayor's request to be consulted and interviewed. In response to Mayor Weir, Mr. Walker stated that no other Councilmembers have reached out to him to request to speak with the investigators at this time but would have the opportunity to do so if requested.

Councilmember Steinmeyer stated that he feels there is some confusion as to how an Executive Session meeting would be handled, if Council decides to get together to discuss actions of our City Manager. Councilmember Steinmeyer stated that a few weeks ago he had asked City Counselor, Jeremy Cover, to look at the contract and share with Council information about obligations Council has in the contract with Mr. Walker. Mr. Cover advised that the information he has to share just relates to the process of potentially discussing Mr. Walker, not anything substantive about contract or performance. Mr. Cover

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provided information about requirements for the annual review of the City Manager. Councilmember Steinmeyer stated he feels that Council should meet to discuss the one employee we have charge over. Mayor Weir stated that Council has three employees, currently two without a Management Analyst.

Councilmembers Steinmeyer and Huff move to convene an Executive Session Meeting on February 28, 2022 at 5:15 p.m.

In response to Councilmember Perkins, Councilmember Steinmeyer stated that there is no specific topic but stated that we owe Mr. Walker the opportunity to sit collectively and see what we can do to be supportive, bring correction or whatever needs to happen and right now we are not doing that. Mayor Weir advised that the Sunshine Law does not allow for a general closed session of the Council. Mr. Cover advised what section of the Sunshine Law would allow for a closed session regarding personnel matters. In response to Councilmember Hobart, Mr. Cover stated a formal review as outlined in the contract is limited to once a year in September, but that would not preclude a general discussion about performance related issues.

Upon roll call to hold an Executive Session Meeting on February 28, 2022, closed under 610.021(13) the vote was: Ayes – Councilmembers: Huff, Stewart and Steinmeyer. Noes – Councilmembers: Perkins, DeLuccie, Hobart and Mayor Weir. Absent – None. The Mayor declared the motion failed.

Councilmember Hobart wished Councilmember DeLuccie good wishes with treatment and hopes for a speedy return.

Mayor Weir provided condolences for the passing of City Engineer, Mike Winckler and asked that everyone keep his family and his colleagues in their thoughts and prayers as we face another difficult loss of a City employee.

Mr. Walker asked that Adam Dustman, Acting Chief of Police, to stand and Mr. Walker stated that Chief Dustman is fulfilling the duties of Chief admirably.

At 6:38 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., March 7, 2022, in the Council Chambers.

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

ATTEST:

City Clerk