

## REGULAR MEETING

March 7, 2022

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

Chuck Wheeler, Associate Pastor with Grace 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. Councilmember Karen DeLuccie attended virtually.

### CITIZENS REQUEST TO SPEAK:

Councilmembers Huff and Steinmeyer moved to suspend the Council Rules of Procedure to allow for non-residents to speak.

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.

Michele Sumstad spoke to Council regarding the National Law Enforcement Officers Memorial.

Colleen Huff spoke to Council regarding election concerns.

In response to Ms. Huff, Mayor Weir stated that the election results have been certified and her name will appear on the April ballot. Mayor Weir stated that there is not an obligation for any candidate to campaign and she is ceasing her campaign and cannot control what is reported by the media.

### PRESENTATION RESOLUTION:

Councilmembers DeLuccie and Perkins moved to approve Bill No. 22-726.

Bill No. 22-726, entitled, [Res. #6774]

“A RESOLUTION RECOGNIZING TAMMY LINDSEY, HUMAN RESOURCES ANALYST, WITH THE HUMAN RESOURCES DEPARTMENT, AS THE EMPLOYEE OF THE MONTH FOR MARCH 2022.”

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 DeLuccie requested that Bill No. 22-723 be pulled for separate consideration.

Councilmembers Huff and Steinmeyer moved to approve the AMENDED CONSENT AGENDA minus Bill No. 22-723.

1. Approval of minutes for the Regular Meetings on February 7, 2022, and February 22, 2022, and Special Called Meeting on February 28, 2022.
2. Approval is recommended on the certification of the February 8, 2022, Primary Mayor and At-Large election results, from the Jackson County Board of Election Commissioners.
3. Council action to award a purchase order to Toth & Associates, in the amount of \$70,576.00, for Substation K additional engineering services for the Power & Light Department.
4. Council action is recommended to approve a change order to a purchase order between the City and Precision Industries Inc in the amount of \$46,797.38 for a 110' Ladder Truck for the Fire Department.

## REGULAR MEETING

March 7, 2022

5. Council action is requested to authorize the City Manager to approve a construction contract with Garland/DBS Inc. DBA Delta Innovative Services, Inc. for an amount not to exceed \$268,333 authorizing future minor change orders not to exceed \$26,833 and/or time extensions for roofing restoration for the Police Department Headquarters as part of the Annual Facilities Roof Repair Project (No. 572201).
6. Council action is requested to authorize the City Manager to approve an engineering services contract with Olsson Associates for a pre-design engineering study (PES) as part of the Crackerneck Creek Slope Rehabilitation Project (No. 302202) in the amount of \$93,000.

Bill No. 22-721, entitled, [Res. #6775]

“A RESOLUTION ENDORSING AND SUPPORTING THE MISSOURI VALLEY DIVISION OF THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS ANNUAL CONFERENCE TO BE HELD IN THE CITY OF INDEPENDENCE, MO, IN 2022.”

Bill No. 22-722, entitled, [Res. #6778]

“A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE FEDERAL TRANSIT ADMINISTRATION FY 2022 ANNUAL CERTIFICATIONS AND ASSURANCES (C&AS).”

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.

Councilmembers DeLuccie and Hobart moved to postpone Bill No. 22-723 until the March 21, 2022, Council Meeting.

Upon roll call to postpone Bill No. 22-726, 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. 22-723, entitled, [*postponed to 3/21 meeting*]

“A RESOLUTION UPDATING THE PROCUREMENT POLICY FOR THE CITY OF INDEPENDENCE, MISSOURI.”

#### NON-ORDINANCE ACTION ITEMS:

Bill No. 22-724, entitled, [Res. #6779]

“A RESOLUTION REMOVING AN ORDINANCE FROM COUNCIL AGENDA 3/7/22 UNTIL INVESTIGATION OF THE POLICE OFFICE ISSUES ARE CONCLUDED.” – *Requested by Councilmember Mike Huff*

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. 22-725, entitled, [*failed*]

“RESOLUTION FOR THE CITY COUNCIL TO POST COMPETITIVE BIDS IN PERTINENT VENUES TO SPECIFICALLY RECRUIT AND HIRE A FORENSIC INVESTIGATION/AUDIT FIRM, WITH PROVEN EXPERIENCE IN COMPREHENSIVE INVESTIGATIONS OF POTENTIAL MISUSE OF PUBLIC FUNDS TO CONDUCT A DETAILED THOROUGH INVESTIGATION OF ALL ACTIONS AND DOCUMENTATION OF THE CREATION AND PRACTICE OF EXCESSIVE OVERTIME PAYMENTS TO AN EMPLOYEE NOT CLASSIFIED TO DO SUCH WORK FOR THE CITY TO WHICH EXCESSIVE OVERTIME PAY WAS DISBURSED FROM PUBLIC FUNDS AND REPORT SUCH FINDINGS TO THE CITY COUNCIL.” – *Requested by Councilmember Mike Huff*

In response to Councilmember Huff, City Counselor, Jeremy Cover, stated that there are no Charter violations in the resolution itself. In response to Mayor Weir, Mr. Cover stated that depending on the outcome, report or action items that come from this resolution could be in conflict with the Charter but is not something he could know at this point in time.

## REGULAR MEETING

March 7, 2022

Councilmembers Huff and Steinmeyer moved to amend the date in the resolution from 1950 to 1960 and 1961.

Upon roll call to amend Bill No. 22-725, the vote was: Ayes – Councilmembers: Huff, Perkins, Stewart, DeLuccie, Steinmeyer, Hobart and Mayor Weir. Noes – None. Absent – None. The Mayor declared the motion approved.

Councilmember Huff provided a printed copy of his statement to Council in regards to City Manager, Zach Walker's recommendation that Council not approve Bill No. 22-725; he read his statement aloud. Councilmember Huff asked that the other Councilmembers support this resolution and asked that the City Clerk attach a copy of this statement to the item.

In response to Councilmember Perkins, Mr. Cover clarified his interpretation of the resolution and stated that there may be conflicts with the Charter down the road with some of the language as it currently is written.

In response to Councilmember Steinmeyer, Mr. Walker stated that per his initial statement to the Council and public, he will report back to the Council findings from this investigation to the extent that he is allowed to by law. Mr. Walker stated that there is a whistleblower that had the confidence to come forward to him because of the culture he has built and reported to him the alleged wrongdoing in the department. Mr. Walker stated that when staff started looking into it, we transparently reported it to the public. He stated that we hired an investigator when we realized it was beyond our capacity and once the personnel investigation is complete, we will decide what, if any, discipline is merited and for how many employees. In response to Councilmember Steinmeyer, Mr. Walker gave an example of an audit he did when he was hired with the city in 2016 of IPL which included an employee survey. Mr. Walker offered to meet weekly with Councilmember Steinmeyer.

Councilmember Steinmeyer commented regarding Mr. Walker's performance reviews. Councilmember Hobart made reference to getting close to violating the Sunshine Law. Councilmember Huff called a point of order. Mayor Weir asked for a moment and Councilmember Hobart stated that this is not on the agenda and does not have anything to do with this resolution. Mayor Weir gave the floor to Councilmember Steinmeyer. Councilmember Steinmeyer stated that he feels we need to ask more of themselves if they are to help Mr. Walker with the management of the city and is in support of this item.

Mayor Weir confirmed that Deputy City Manager, Adam Norris, is the contact with the special counsel performing this investigation, not Mr. Walker. Mayor Weir stated that after being provided contact information for the special counsel from Mr. Norris she has spoke to him twice. Mayor Weir advised steps she took to understand what discussions would be allowed in a closed session. Mayor Weir stated that it is important for all of Council to hear the same information at the same time regarding the scope of this investigation. Mayor Weir stated that the special counsel has subcontracted with a forensic accountant to look into this as well. Mayor Weir stated that she will call a Special Called Meeting to understand clearly the scope of this investigation to be sure we get to the bottom of this issue.

Mayor Weir and Councilmember DeLuccie moved to postpone Bill No. 22-725 to the March 21, 2022, Council Meeting.

Councilmember Perkins stated that he is confident in the direction we are moving with the investigation and with the City Manager and his team. Councilmember Perkins stated that Mr. Walker has been more than transparent with the public and Council. Councilmember Perkins stated he takes exception to Councilmember Steinmeyer stating the Council needs to help Mr. Walker. Councilmember Perkins stated that he has regular meetings with Mr. Walker, not just one on one, but in various other setting to discuss many matters of city business and constituent concern. Councilmember Perkins stated that it isn't

## REGULAR MEETING

March 7, 2022

the Council as a whole that is lacking, but three members of the Council. Councilmember Hobart stated that he supports what Councilmember Perkins stated completely.

Upon roll call on the motion to postpone Bill No. 22-725, the vote was: Ayes – Councilmembers: Deluccie, Steinmeyer and Mayor Weir. Noes – Councilmembers: Huff, Perkins, Stewart and Hobart. None. Absent – None. The Mayor declared the motion failed.

Upon roll call for Bill No. 22-725, the vote was: Ayes – Councilmembers: Huff, Stewart and Steinmeyer. Noes – Councilmembers: Perkins, DeLuccie, Hobart and Mayor Weir. Absent – None. Mayor Weir declared the bill failed.

## ORDINANCES:

Bill No. 22-014, entitled, [*postponed*]

“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 postponed with the passage of Bill No. 22-724.

Bill No. 22-015, entitled, [Ord. #19304]

“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 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. 22-016, entitled

“AN ORDINANCE APPROVING THE AMENDED 2021-22 ANNUAL ACTION PLAN AND MAKING THE NECESSARY APPROPRIATIONS.”

was given its first reading by title.

Bill No. 22-017

“AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MISSOURI STATE EMERGENCY MANAGEMENT AGENCY (SEMA) IN THE AMOUNT OF \$66,935.02 FOR THE HAZARD MITIGATION GRANT PROGRAM (HMGP); AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING OR TIME EXTENSIONS FOR THE SAME PROJECT; MAKING THE NECESSARY APPROPRIATIONS AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.”

was given its first reading by title.

Bill No. 22-500, entitled, [Ord. #19304]

“AN ORDINANCE AUTHORIZING THE BORROWING OF NOT TO EXCEED \$74,780,000 FROM THE MISSOURI DEVELOPMENT FINANCE BOARD IN CONNECTION WITH THE FINANCING AND REFINANCING OF CERTAIN COSTS RELATED TO CONSTRUCTION AND IMPROVEMENT OF A MULTIPURPOSE EVENTS CENTER; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL FINANCING AGREEMENT RELATING THERETO WITH THE MISSOURI DEVELOPMENT FINANCE BOARD; PROVIDING FOR THE ADMINISTRATION OF CERTAIN SPECIAL ALLOCATION FUNDS PREVIOUSLY CREATED BY THE CITY; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.”

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.

## REGULAR MEETING

March 7, 2022

Bill No. 22-501, entitled, [Ord. #19306]

“AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MISSOURI STATE EMERGENCY MANAGEMENT AGENCY (SEMA) IN THE AMOUNT OF \$67,251.72 FOR THE EMERGENCY MANAGEMENT PERFORMANCE SUPPLEMENTAL GRANT (EMPG) AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING OR TIME EXTENSIONS FOR THE SAME PROJECT; MAKING THE NECESSARY APPROPRIATIONS AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS; AND DECLARING AN EMERGENCY.”

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.

Bill No. 22-502, entitled, [Ord. #19307]

“AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MISSOURI STATE EMERGENCY MANAGEMENT AGENCY (SEMA) IN THE AMOUNT OF \$188,007.02 FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING OR TIME EXTENSIONS FOR THE SAME PROJECT; MAKING THE NECESSARY APPROPRIATIONS AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS; AND DECLARING AN EMERGENCY.”

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.

Bill No. 22-503, entitled, [Ord. #19308]

“AN ORDINANCE ADOPTING QUARTERLY AMENDMENTS TO THE FISCAL YEAR 2021- 2022 BUDGET, WHICH WAS APPROVED BY ORDINANCE NO. 19228.” – *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.

Bill No. 22-504, entitled, [Ord. #19309]

“AN ORDINANCE ADOPTING AMENDMENTS TO THE FISCAL YEAR 2021- 2022 BUDGET, WHICH WAS APPROVED BY ORDINANCE NO. 19228.” – *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:

1. The City Council is expected to convene in an Executive Session at 5:15 pm, Monday, March 7, 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. Purchase order 22000743, in the amount of \$60,655.00 was issued to Electronic Technology Inc. (ETI) for a camera system & components for four (4) City Hall Parking Lots for the Municipal Services Department.
4. The City Clerk's Office is in receipt of the Independence Events Center Community Improvement District Proposed Budget for fiscal year ending June 30, 2023.
5. Report on purchase agreements \$50,000 and above.
6. 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:

## REGULAR MEETING

March 7, 2022

Councilmember Hobart congratulated the Police Department staff that helped with the recent large drug bust.

Councilmember Steinmeyer stated things he supports for positivity within our city. Councilmember Steinmeyer stated he has a lot of hope for our city.

Councilmember Perkins stated that he agrees with Councilmember Steinmeyer there is a lot of hope within this city. Councilmember Perkins referred to ad letter of support for Mr. Walker from the Chamber of Commerce showing support of members of our local business community. Councilmember Perkins advised of other groups who have spoken out in support of Mr. Walker.

Councilmember Stewart stated that he is doing his best to represent the citizens as he promised when elected. Councilmember Stewart stated that he may not meet with the City Manager Weekly, but he does have regular phone calls and email communication with him.

Mayor Weir thanked Michele Sumstad for speaking about the National Law Enforcement Officer's Memorial and stated that she is sad for our city and the families that we are apart of this, but we will be proud. Mayor Weir provided information about the First Responder's Breakfast hosted by the Chamber of Commerce. Mayor Weir stated that she supports communication and provided information about her background communication. The Mayor stated that she is disappointed that we are not communicating well as a unit to represent the city and hopes we will dedicate ourselves to improving. Mayor Weir stated that she prides herself on open communication with everyone whether she agrees with them or not. Mayor Weir talked about the Strategic Plan and stated that if we were unanimously supporting it, she believes we would be avoiding some of the problems we are having on the Council. Mayor Weir stated she would like to see the Council work to improve communication and set a good example by responding to each other and working together.

At 6:55 p.m. the Mayor declared the meeting adjourned to a Regular Meeting at 6:00 p.m., March 21, 2022, in the Council Chambers.

---

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

ATTEST:

---

City Clerk