



City Council Meeting

Regular Session Minutes
August 10, 2020

I. CALL TO ORDER

A regular meeting of the City Council of the City of Liberty, Missouri was held in the Council Chambers at City Hall on August 10, 2020 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:15 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Kevin Graham, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Greg Duncan, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Rae Moore, Ward II

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator/Finance Director
Shawwna Funderburk, Asst. to the City Administrator
Andy Noll, Utilities Director
Sherri McIntyre, Public Works Director
James Simpson, Police Chief
Karan Johnson, Economic & Business Dev. Manager
Wade Thomas, Information Technology Director
Dustin Paddack, Fire Marshal
Sara Cooke, Assistant City Administrator/Communications
Janet Pittman, Deputy City Clerk

Public Present: Kellie Houx, Liberty Tribune
25 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of June 8, 2020

Council Member Phillips moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-1. Council Member Hagan abstained due to absence.

B. Executive Session Minutes of June 22, 2020

Council Member Phillips moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-1. Council Member Gentrup abstained due to absence.

C. Regular Session Minutes of June 22, 2020

Council Member Graham moved to approve the minutes as distributed. Council Member Hagan seconded the motion, which carried 6-0-1. Council Member Gentrup abstained due to absence.

D. Regular Session Minutes of July 13, 2020

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-1. Council Member Gentrup abstained due to absence.

V. CITIZENS' PARTICIPATION

Shelton Ponder, North Gallatin, stated that for him the confederate statue at the cemetery has always been there, living through history, and that symbol brings many thoughts to his mind. He asked 'why wait to remove it?', time doesn't matter, when it's wrong it's wrong. Folks have a right to believe what they believe, shouldn't be the person who lost who gets to put their thoughts on everyone else. Fences may not be able to be mended, but a step in the right direction would be to consider removal of the statue. He noted that at one time it was legal in the court house to have white and black signs – these came down. Choose to do things in the correct manner, there is enough division, he wants to see everyone come together in unity.

Dr. Cecelia Robinson, 17 Jewell Way, stated as we observe confederate monuments and symbols coming down in the south, we are in the Midwest. General Lee opposed monuments to confederate soldiers and said such symbols would slow the country. His nephew recently concurred that monuments should come down. The Daughters of the Confederacy raised money to sponsor these monuments to keep the lost cause/memory alive. They were celebrated as a culture of States' rights, but in fact the war was fought for States' rights to continue slavery. They were able to control how books were written about the war. They taught the parts of the Confederacy that they wanted, while inspiring white supremacy and the KKK. Now is the time for the true history to be told. She requested that if the statue is not removed, that it be contextualized (ie. these soldiers fought to continue enslavement of African American people).

Gina Houston stated the power to reverse the curse. Quoting from Romans 14 and 19, let us pursue for peaceful and mutual understanding, to make a difference. Do not blame/shame the past. At some point, a choice was made to raise that monument in the cemetery. She noted that she has family that lay in Fairview cemetery, segregated even in death. She asked Council to consider the people they represent. Martin Luther King Jr. pointed to economic inequality and that payment was unreceived. This is a pivotal moment to bring voice to represent the voice of our own people.

AJ Byrd, 431 E. Franklin, President of the Fellowship of the Concerned, stated that the group will be submitting a letter supporting the removal of the confederate monument. He described how the Fellowship was founded in 1961 by blacks and whites, and the local community doesn't have to wait for the feds to seek rational justice. In 1968, prior to the Fair Housing Act, they sent out black and white couples in Liberty to see if landlords would discriminate in certain neighborhoods. They did. Two years later they achieved success when a black family was able to take ownership of a home in the Manor Hill district. He recalled a story of his

youth, when he was 13 yrs. old and played little league on a team sponsored by the Clay County Sheriff's Dept. The team had a relatively good season and were rewarded with a trip to the Hall of Waters in Excelsior Springs. He walked through the cemetery on his way to City Park, excited to meet up with his team mates. The Coach asked him 'didn't your mother tell you Negroes can't swim at the Hall of Waters?' This moral authority blocked his ability to enjoy what his peers enjoyed, and they left without him. He returned home, walking past that monument feeling sad, and the injustice of it. He noted that his daughters and grandchildren all have stories like this. There is no need to search for reminders to remove the monument.

Theresa Byrd read comments from Judy Dilts, 327 Seaport Circle, is in support of removal of the confederate memorial in Fairview Cemetery. The Declaration of Independence begins the 2nd paragraph with the memorable sentence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." The word liberty, the name of our city, is a synonym for freedom.

Ironically, the City of Liberty owns a cemetery, Fairview, that has a monument that represents the lack of freedom for part of our population. The monument has an etching of the Confederate Flag and mention of Nathan Bedford Forrest, a Confederate Lt. General who was responsible for killing over 300 Union Soldiers, all Black, and who was the first Grand Wizard of the Ku Klux Klan. In addition, the monument is one of many in the country funded by the Daughters of the Confederacy, an organization that supported the Ku Klux Klan.

I'm a white woman with all the privileges and social support structures that come with being white. So, I can't put myself in their place. I've tried to imagine my response to other examples — e.g., if I were Jewish and there was a swastika on a monument or a relief of Hitler, I would want that down immediately. Our Black citizens have lived, many of them their whole lives, with this monument as a reminder of hate and enslavement.

I know some would have the monument stay and educational placards put up, but I don't think that will do anything other than receive a quick scan.

I recently read comments from Dr. Eric Sandweiss, Professor and Chair of the Department of History at Indiana University in the Bloomington, Indiana. His comments helped me put this issue in perspective. He says it's about getting together to have serious, difficult discussions about who we want to honor and what we want to aspire to. Throughout the history of this country, Americans have looked for heroes to represent their aspirations, but if the people held up as heroes no longer represent the values of the present generation, reconsidering their place in society doesn't do a disservice to history.

Fellow citizens of Liberty – I believe it's time to aspire to the name of our community – Liberty – and take down the confederate monument. It does not represent our aspiration – freedom for all.

Theresa Byrd, 431 E. Franklin, stated the monument is symbol of white supremacy and division, and doesn't belong in the cemetery, a serene and public place. It is our time to move from statements, and racism is wrong. She noted that an online petition circulating to remove the monument has gather 2,691 signatures. Her father served in World War II, and when he returned to America he had to go to the back door of a restaurant in New Orleans to pick up his boxed lunch. Meanwhile, German prisoners were allowed inside to eat. Upon returning to Liberty, he went to the bank to use the GI bill for money to buy a house. He was told by the bank: 'that's not for you'. The monument says to black people: 'that's not for you'. She recalls

going into establishments and being told 'Niggers are not served here', but they would take my money. The monument reminds me of the hurt of growing up in Liberty. Installing just a placard is disrespectful to me. The law can be interpreted many ways. One does not own a plot, it's an 'easement', allowing one to be buried there. Laws can be changed. She asked Council to do the right thing, to move the monument, to respect her.

Chris Harris, 516 Sharon Drive, a local historian, provided a brief history of the monument and its location (11 bodies are buried around the monument). He noted that Liberty fell down on equality. Given what he does, he is neutral on taking the monument down/moving it. However, if it stays, the conversation needs to continue and the entire history needs to be told.

Kendra Wyatt, 8509 NE 99th, Kansas City resident and Liberty School District parent, stated she is a guest of this building. She likes the history of Alexander Doniphan, and is for the union – north, east, south and west (it's not perfect and supported slavery). We all moved to this area for a reason, none of us are from here. She noted that she was an election judge recently as she felt a sense of duty (election judges are generally elderly and were staying home due to Covid). She recalled a black man who brought his 2 children with him to vote, and they were so excited. The confederate monument is a symbol of hate. People bring their children there to have photos taken, which continues the hate. She asked Council if they are for Liberty and not just from Liberty.

David Sallee, 9531 N. Laurel Avenue, Kansas City, highlighted the revisionist history of the Civil War, and the understanding of law and property rights. First, the law is not clear, and second, history is woefully incomplete. The monument was erected years after the war as a reminder that white is better than black. If it was representative, it would be surrounded by symbols of the black people that suffered. This symbol hurts our black friends, remove the monument and put up a historical marker explaining what stood there and why it was removed.

Anna Bedinger, 1310 N. Lightburne, stated that if Liberty doesn't remove the monument, it is making a public statement. It will bring supporters and negative energy to our community.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of May 26, 2020

Council Member Jenness moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried unanimously.

B. Special Session Minutes of July 27, 2020

Council Member Jenness moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried unanimously.

C. Executive Session Minutes of July 27, 2020

Council Member Jenness moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried unanimously.

D. Regular Session Minutes of July 27, 2020

Council Member Jenness moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried unanimously.

E. Authorize an Executive Session to be held August 10, 2020 in the Council Chambers immediately following the Regular Session to discuss Contract Negotiations as authorized by 610.021(12) RSMo; and Real Estate Matters as authorized by 610.021(2) RSMo

Action: Council Member Jenness moved to authorize the closed session. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

F. Resolution approving the Updated Regional Multi-Jurisdictional Natural Hazard Mitigation Plan in Order to Accept Current and Future Updates pertaining to the Natural Hazard Mitigation Plan and to continue work towards becoming a safer community

As of November 2004, all local governments must have an approved hazard mitigation plan to be eligible to apply for and receive certain funds under this program. This FEMA program provides funds to communities to mitigate the impact of natural disasters, such as floods and tornadoes. MARC, at the request of SEMA and in partnership with the Missouri Association of Councils of Government (MACOG), has developed this Regional Multi-Hazard Mitigation Plan to assist the local governments, school districts, businesses, community groups and citizens of Cass, Clay, Jackson, Platte and Ray counties with hazard mitigation planning, implementation and evaluation. This plan addresses both the natural and technological hazards that may affect the Kansas City region, including tornadoes, floods, severe winter weather, drought, heat waves, earthquakes, dam failures, wildland fires, hazardous materials incidents, emerging infectious disease, civil discord and mass transportation accidents.

Hazard mitigation is a dynamic and ongoing process. This plan is a continuation of the mitigation planning work that was initially approved by the Council in November of 2004. It provides a framework for hazard mitigation planning, both regionally and locally. This plan will be reviewed and updated at least annually to determine the effectiveness of mitigation actions; reflect changes in laws or regulations and/or policies; re-prioritize mitigation actions, if necessary; and consider other issues affecting hazard mitigation in the Kansas City metropolitan area.

Action: Council Member Jenness moved to approve the resolution. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup

No: None
Abstain: None
Inscribed in Resolution No. 3130.

- G. Purchase of hardware to replace and upgrade various network and datacenter equipment throughout City locations, in an amount not to exceed \$309,227.09 from Technology Group Solutions (TGS)

The City relies on network services for operations of all departments. Core networking devices, branch network devices, and floor-level network access devices are each critical to maintain internal and external data communication. The absence or failure of these components would result in excessive downtime for City services.

Action: Council Member Jenness moved to approve the purchase. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

Mayor Pro Tem Gene Gentrup took over as Chair of the meeting.

- A. Acknowledgement of vendor payments for the period of July 17 to July 31, 2020

1. Ordinance excluding Westland Landscape payments

Document No. 9086 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Phillips seconded the motion.

Roll Call

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11283.

2. Ordinance including Westland Landscape payments.

Document No. 9087 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Graham seconded the motion.

Roll Call

Vote: Motion passed 6-0-1

Yes: Council Members Phillips, Moore, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: Council Member Jenness, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 11283.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance disclaiming and abandoning of a Public Storm Drainage Easement for 2230, Oak Crest Drive, Liberty, Missouri

The property owner of 2230 Oak Crest Drive has submitted a petition for disclaiming and abandoning a portion of a public storm drainage easement to facilitate the construction of a swimming pool. The portion of the public storm drainage easement to be disclaimed is no longer needed. The City of Liberty has relinquished its rights to the easement.

Document No. 9088 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Graham seconded the motion.

Vote: Motion passed unanimously.

Action: Council Member Graham moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11284.

C. Ordinance Establishing the 2020 Ad Valorem Tax Levies for City Operations for the 2021 Budget year [first reading only]

The posted Public Hearing notice was based on preliminary assessments and the maximum allowable 2020 levy rate without adjusting the levy to reset for prior year voluntary rollbacks. Preliminary assessments have been received, once final assessments are received values and calculations will be revised

NOTICE OF PUBLIC HEARING

AGGREGATE VALUATIONS BY CATEGORY	TAX YEAR 2019	TAX YEAR 2020		
Real Estate	\$ 460,149,860	\$ 466,034,310		
Personal Property	90,754,115	89,926,584		
Railroad & Utility	23,045,409	24,413,577		
Less TIF	35,145,030	32,755,310		
Adjusted Valuation	\$ 538,804,354	\$ 547,619,161		
 New Construction and Improvement	 3,681,950	 3,229,240		
 FUND	2019 BILLED TAX RATES	2020 PROPOSED TAX RATES	2020 ESTIMATED TAX REVENUE	
General	\$ 0.7585	\$ 0.7697	\$ 4,215,025	
Parks & Recreation	0.1336	0.1356	742,572	
Total	\$ 0.8921	\$ 0.9053	\$ 4,957,596	
 Increase in tax revenue due to an increase in assessed value as a result of new construction and improvement, if proposed tax rate is adopted.			\$ 29,234	
 Increase/(decrease), both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.			\$ 50,568 1.02%	
 Maximum Legal Rate to Comply with Missouri Laws:				
General	\$ 0.7697			
Parks & Recreation	0.1356			
Total	\$ 0.9053			

The recommendation from the Budget Committee is to set the 2020 Levy at the Tax Neutral rate of \$0.8902 based on preliminary assessments.

Document No. 9089 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the August 24, 2020 Regular Session Meeting.

- D. Ordinance authorizing a Contract with Chemco Systems, L.P. to supply Lime Silo and Lime Feed Equipment, UT#-001-20

The lime silo and lime feed equipment has exceeded its life expectancy and caused serious water supply issues in the fall of 2019. A bid has been procured to supply a replacement silo and redundant feed equipment in the amount of \$716,850. Additional expenses will be incurred for removal of the old silo, installation of the new silo and equipment, and rental of temporary lime feed equipment. Total project cost is estimated at \$1,200,000.

Document No. 9090 was read.

Action: Council Member Jenness moved to waive the rules and consider the ordinance on first reading. Council Member Watt seconded the motion.

Vote: Motion passed unanimously.

Action: Council Member Hagan moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11285.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Mayor

Attest:

Deputy City Clerk