



City Council Meeting

Regular Session Minutes
August 24, 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 24, 2020 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rae Moore, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: None

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator/Finance Director
Vicki McClure, Assistant Finance Director
Shawwna Funderburk, Asst. to the City Administrator
Andy Noll, Utilities Director
Donna Kay Taylor, Assistant Parks & Recreation Director
Sherri McIntyre, Public Works Director
James Simpson, Police Chief
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of August 10, 2020

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 7-0-1. Council Member Moore abstained due to absence.

B. Executive Session Minutes of August 10, 2020

Council Member Watt moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 7-0-1. Council Member Moore abstained due to absence.

V. CITIZENS' PARTICIPATION

Richard Rudd, Sunset Hill, Liberty, stated he is a third generation resident and mowed the Fairview cemetery to earn money as an undergrad. This marker doesn't represent an individual, it's generic. It marks eleven unknown graves and the Confederate graves around it. That marker symbolizes the 125 white and black Confederate soldiers buried there. Why would blacks join the Confederacy? If you believe that white Confederate soldiers were fighting for slavery and the rich owners, I'll sell you a bridge. I think they fought for another reason. What real, tangible harm has the marker done, what tangible gain would there be if it is removed? Removing the marker would be cosmetic, juvenile, cowardly, and desecrate a marker of black and white dead soldiers. We continue to fight a war over issues settled 150 years ago. History needs to be written, not rewritten. People need to make their mark in a positive manner. Look at the monument of George Washington. He was a slave owner, and offered to free them. They asked 'what are we gonna do?' Should that monument be torn down because he owned slaves? What about Mark Twain? He wrote Huckleberry Finn, and folks now say that how he portrayed Jim was racist. Should we take that statue down? Suffragettes allegedly sold out black women in order to vote. Are you gonna remove Susan B. Anthony? William Jewell College was established as Southern Baptist, Jesse James was a confederate, are you going to ask them to close up?

Dwayne Holtzclaw, 113 Kevin Street, stated that he has family buried in lot 174. Theodore Duncan was the first to die on either side. The grave marker is private property (cited Section 9, RSMo 213.035). His uncle collected money for the purchase of the marker on behalf of the Thomas McCarty camp. The Clay County Courthouse sits on his family's land, and he has lots of family here. No one wants anyone messing with the graves of their family members. I think there are over 20 people buried there, and my family was instrumental in raising money for the monument. Mine is not a racist family and that statue is a grave marker.

Tim Borrón, 403 Park Avenue, Buckner, stated he had family on both sides of the war. He cited Federal law (85-425, Section 410 – enacted May 23, 1958) whereby Confederate soldiers are recognized as veterans, and eligible for benefits. A marker in a cemetery with black and white Confederate veterans, are considered US veterans. Would you remove a marker from World War I or World War II graves? Someone is working to be offended. Black Confederate soldiers attended reunions along with fellow white soldiers. Their flag is considered racist, but black soldiers stood proudly with it. Keep the marker in place.

LaDonna Scott, 717 N. 17, Lexington, stated she is a member of the Daughters of the Confederacy, and referred to a letter sent by the City's legal counsel to their organization. The Daughters of the Confederacy stated they do not own the statue. It was given to the County with an endowment, and they don't want the marker taken down. The soldiers fought for what they thought was right, more than just slavery (take out your history book). Vietnam Vets felt disgraced when they returned.

Jeff Futhe, 1013 Yankee Ct., stated it is a slippery slope when you remove stuff from the cemeteries. He's scared what will be pulled out next.

Pat Gradwohl, 207 Adkins, noted that her parents are buried in Fairview cemetery, and she hopes to be one day too. She has worked with the Clay County Museum Board and is interested in keeping history. War was not fought by the Union army by itself. The monument should be kept for history's sake.

Raymond Downing, 19426 Missouri City Rd., stated this is not the first time the nation is divided (ie. Vietnam War). I joined the army in 1968 because I believe in democracy. You swear to serve the constitution. I am sentimental about this. Being a veteran is grave. I recall returning to the US, 300 of us soldiers landed in California, glad to be alive and back. I do not see the opposition as the sign says honoring all veterans (whoever they fought for). Veterans are the backbone of our country.

Gina Dixon, 29909 State Hwy. V, Jamesport, stated that she had applied for a grave marker for her uncle, who was a Confederate soldier, and was granted one. His contribution is woven into our history. They deserve to be remembered and respected. My people have been here for hundreds of years, remember history correctly.

Larry Yeatman, 4104 NE 144th St., Smithville, stated the murals in Council Chambers depict Clay County history, including 2-3 soldiers. The grave site is integral to history as well. I am here to lobby you for what is wrong/right. We should be able to honor our dead as we see fit. There has been an unwritten truce between the North and the South, who went on to be good citizens. Southern states have higher participation in serving in the military. The North allowed the South to honor their dead, it's ridiculous we have to be here. I appreciate that Council is listening, and ask that you leave the monument be.

John Moloski, Cass County, stated he had been coming to Liberty since the 60's. He has relatives that fought for both the North and the South, and is opposed to taking down any veteran's marker. Removing the marker would be destruction, or knowingly defacing of cemetery property (RSMo 214.455), and would make you guilty of a Class A Misdemeanor. There is an Alexander Doniphan monument in Fairview cemetery. He was a slave owner, are you going to take that down?

Lanny Dixon, 29903 State Hwy. V, Jamesport, stated he had just come from the cemetery and noted it is well kept. The memorial is designed to honor the dead, nothing more/nothing less. Monuments went up to both the North and the South – people put up in civic buildings etc. They said 'Let's take down and put on grounds', we said OK. Now they say, move them to cemeteries or museums – we did. Now they want to remove them from the cemeteries. Where does it stop? Some people are offended the memorial is there. I am offended because you want to take it down. What side do you stand on? Honor the dead.

Jim Beckner, 1324 W. Johns Blvd, stated he is a member of the Club of Common Sense. When you study the history of politics you will see that 3-5% started the revolutions. We need to stop giving in to small groups of people who want to destroy our history. When monuments/memorials come down, it's hurtful, taking away what people have done.

Del Warren, 111 N. Main, Liberty, stated there are a large number of Yankee statues. You may as well take those down too.

Jason-Nathaniel Coffman, 6380 SE Hanesville Rd., Independence, stated he is in support of keeping the monument. Only communists desecrate graves of dead veterans. This needs to stop.

Charmaine DeVite, 1195 N. Clayview Dr., Liberty, noted that she had taken her 13 yr. old granddaughter to the memorial as she was taught different concepts in school (some un-American). She supports honoring our country and those who lost lives for it.

Sara Jo Newell Cliffe, 609 Davis St., Liberty, noted that she had relatives that fought in many wars and she wouldn't want any wars to have revisionist history. I want it told, the good and the bad, it's to remember our history.

Edward Devite, 1195 N. Clayview Dr., Liberty, stated that he was in support of the comments made. The monuments are here to teach us, we can learn by it. Keep it.

Michael Hake, 509 W. Kansas, Liberty, noted that he has relatives buried in Fairview cemetery, and he hopes to be buried there too. He walks there often. Not everyone fought for slavery. Some had their own reasons, like when members of their family had been raped and murdered by soldiers from the North.

Valerie Furrow, 1133 N. Clayview Drive, Liberty, stated this is a new low to consider removing the monument. Rather than pander to a few, you should support the past, and learn for the future.

Bob Green, 37166 Hwy. D, Polo, stated he has relatives in Clay County. He is a veteran and Civil War reenactor. He lost relatives on both sides. Southern soldiers are recognized as veterans. It is hallowed ground, and the monument should remain.

Scott Dawson, 6404 Ravena Rd., Parkville, stated it is hallowed ground, and to be respectful the monument should remain.

Dan Cliffe, 609 Davis, Liberty, stated he is a retired marine and not big on revisionist history. If people don't know it, they are destined to repeat it.

Rebecca Jackson, 37765 W. 130th Street, Richmond, stated that to desecrate any gravestone is wrong, no matter the politics. I love them all.

Mark Giddens, 1867 Claywoods Parkway, Liberty, noted there are some old plots in the cemetery and a lot of history.

Michael Tillitson, 7908 Raines Rd., Liberty, stated he is in agreement with saving the monument, the history it entails, and what we can learn from it.

Cathy Gottsch, 1108 SE 5th St. Terrace, stated that history is vital, must be preserved whether it is uncomfortable or not.

Linda Marion, 619 Davis, Liberty, stated that she hoped she wouldn't lose a monument to a loved one. The people in Liberty don't want history removed, keep the monument.

Jennifer Tillitson, 7908 Raines Rd., Liberty, stated it's good to keep history, good or bad. Years ago they wanted to take down Auschwitz. They kept it up for what it taught, so it wouldn't happen again. We need to learn lessons from history.

Robin Painter, 12802 NE Mt. Olivet Rd., noted that she is in agreement with what has been said. Do the right thing for the community and the country.

Dave Langston, 1920 Carter Court, Liberty, stated that he has been a cemetery volunteer, and the grave marker is of a generic soldier. The Monument Bronze Co. made it (the same one for the North as they did for the South). It could be Union or Confederate – it just

memorializes veterans lost. It's a marker for those buried there as well as those that lay wherever - don't take it down, honor the graves.

Shelton Ponder, 440 N. Main, Liberty, stated his family has been here for 200 years, and noted what they have witnessed. No one asked my family if it was OK to put up the monument. My grandfather stood as the KKK marched here. This is a memorial to treason and insurrection. Things have meaning. I respect your thoughts. This is a situation that affects me and my heritage. I don't know if there is a peaceful way to quell the situation. If a foot is on a neck (mine or yours) it is not justice. The South lost but carried on their traditions, and still do to this day. As long as it stands, there will be division.

Giselle Fest, 1407 Lynette, Liberty, noted that she is on the Cemetery Committee and has served as Historic Sites Director for Clay County. I am familiar with the cemetery and Mr. Ponder is my friend. We can agree/disagree, and still be friends. If the gravestone was in front of the building, it would be a different story. This is in the cemetery. Ten thousand people are buried there (that can be documented at least). They bought Lot 174 as a place to put Confederate soldiers that died. They came home and didn't have any money. I think there are 25 soldiers buried there, and approx. 100 people buried in the segregated area. When the monument was erected, the additional money went to Clay County Circuit Court. As Site Director, the County Administrator at the time, said to me the monument is costing the County money. They researched, and privately bought a lot for a \$1, so that is was private. As an initiation, William Jewell College students would constantly remove the butt off of the soldier's gun. It would take money to repair it. The remaining monies were used to permanently affix it, and the County no longer wanted anything to do with it. After the cemetery was vandalized a number of years ago, research determined that monuments were the responsibility of the property owners. The committee discussed how it could make money, take blocks back etc. The lawyers advised that wasn't allowed, and that's why the columbarium was put up. The history lessons in there are amazing, and we need to be telling our stories. We need a monument in the segregated area and a Union one too, to keep all of the stories. We need to work to bring on more volunteers to the cemetery. Folks that want to take it down, where are they on clean-up day, or have they donated to the cemetery? We need to honor the dead, black or white. He is a generic soldier, a marker for those resting there.

The following individuals did not speak but wished to have their names read into the record in support of keeping the monument: Garret Havens, Allison Downing, Kody Downing, Callis Morrill, Dorothy Oliphant, Linda Maucelli, Marion Maucelli, Melinda Jo Maucellin, Dustin Sears, Grace Kellum, Melinda Jo Maucelli, Sheryl Gallagher, Donna Blanch, Gregg Higginbotham, Charles Moore, Jane Nedeau, Karissa Frizzell, Scott Davidson and Denise Kellum.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to authorize payment to Foley Equipment in an amount not to exceed \$40,965.00 for the purchase of a 2020 Caterpillar CB24B Dual drum asphalt roller

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

Vote: Motion passed 8-0-0

Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None

B. Resolution appointing Directors to the Liberty Corners Community Improvement District Board of Directors

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

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 3131.

C. Resolution approving the Liberty Parks and Recreation Foundation Bylaws

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

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 3132.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

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

A. Ordinance acknowledging vendor payments for the period of July 31 to August 14, 2020

Document No. 9091 was read.

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

Roll Call

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11286.

Mayor Brenton resumed as chair of the meeting.

- B. Resolution approving a Final Development Plan for the Construction of Two Buildings, totaling 31,560 sq. ft. at the NE Corner of Brown Street and Progress Drive in Liberty, Clay County, Missouri (P&Z Case 20-16FDP)

The applicant is proposing to build two one-story light industrial/warehousing type buildings. The larger building, 21,600 square feet will face Brown Street. The second building, 9,000 square feet will be behind the first. The buildings are proposed to have pedestrian doors and office space facing the public Right-of-Way and garage doors to the rear of the building that are internal to the site. The main entrance will be from Brown Street. There is a large green space buffer on the south side to screen the project from the adjacent single family neighborhood. The developer envisions a majority of the space to be of a distribution and warehousing facilities type of use, but expect whatever the use, that it would to comply with District M-1 permitted uses.

Action: Council Member Hagan moved to postpone consider of the resolution to September 14, 2020. Council Member Phillips seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Mayor Brenton stated the Resolution would be considered on September 14th.

- C. Ordinance amending Chapter 22A-3 "Regulation of Trash and Fires" and Chapter 22A-14 "Certain Recreation Activities Prohibited" of the City Code of the City of Liberty, Clay County, Missouri [second reading]

With the addition of two fire pits as added amenities to both Bennett Park and Westboro/Canterbury Park, staff recommends the following modification: Fires are not permitted in any City park except in the grills or fire pits provided by the City, or in household barbeque grills.

This City Code amendment would allow all flying apparatuses (including kites and drones) at all parks except for the sports complex. This amended recommended change would still provide for flying kites at the sports complex.

Document No. 9092 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11287.

D. Ordinance Establishing the 2020 Ad Valorem Tax Levies for City Operations for the 2021 Budget year [second reading]

<u>Fund</u>	<u>Levy Per \$100 of Value</u>
General Fund	\$0.7574
Parks & Recreation Fund	<u>0.1334</u>
TOTAL	\$0.8908

Document No. 9089 was read.

Action: Council Member Hagen moved to approve the ordinance. Council Member Moore seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11288.

E. Ordinance approving a Memorandum of Understanding between the City of Liberty, Missouri and Liberty Public Schools District #53 for a Disbursement of CARES Act Coronavirus Relief Funds from the City of Liberty, Missouri CARES Act Funds to the Liberty Public Schools District #53 for the purchase of student desks in an amount not to exceed \$175,000.00

Liberty Public Schools District #53 has requested CARES Act funding from the City of Liberty for student desks to meet COVID-19 social distancing requirements.

Document No. 9093 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Graham, potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 11289.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Attest:

Mayor

Deputy City Clerk