

City Council Meeting

Regular Session Minutes
September 14, 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 September 14, 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 Harold Phillips, 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
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
John Mills, Fire Chief
Sara Cooke, Assistant City Administrator
Beth Vanderhoorn, Recruitment Coordinator

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Jane Boswell, 208 Rex Road, stated that all history is instructional, but not all history is worthy of honor. The confederate monument may be useful in a museum, but a place of honor is not appropriate. There was no democratic process when it went up. If the monument is not taken down, is Council prepared to justify and explain the truths about that decision? Then there should be depictions of what slavery was erected, and its ugly truths. The monuments were erected to perpetuate the lost cause myths of southern ideals, trying to say it was preservation of state rights, but in all honesty it was to justify slavery.

Gentry Thomason, 505 Taylor Drive, read from a letter by Dr. D.C. Allan written in 1905 on the passing of his great Grandfather, Captain John Samuel Thomason. He talked about his family ties to the area. It was noted after the war that a debt of gratitude was owed to Captain Thomason and his family thereafter. He was a man of law and order who served the city and county with great regard. The monument also serves to honor these individuals that served with the Confederacy, or southern sympathizers, that their family love and honor even if they were misguided cast in today's light. The monument is a symbol of love, honor and respect (although I see the other side of that) it's not one of hate or disrespect of any color in my humble opinion.

Bob Riggs, 410 Sherry Lane, stated he is a retired Major of the US Marine Corp and speaking on behalf of the Fellowship of the Concerned to request removal of the monument. He noted that the mural in the Council Chambers only has one colored person, and they are depicted as a slave. He asked Council to think about that. He stated that when he enlisted he took an oath to support the Constitution, and that a place of honor is for someone that didn't commit treason.

AJ Byrd, 431 E. Franklin, stated the Constitution reads 'liberty and justice for all'. We are still in the process of achieving justice for all. He asked Council to keep that in mind as they deliberate removal of the monument.

Theresa Byrd, 431 E. Franklin, stated that some people believe this initiative to remove the monument is part of Black Lives Matter. This seed was planted in me a long time ago when as a child I experienced the emotion and trauma of living in proximity to it, and is now coming to fruition. There was a social media post about erecting a monument identifying African Americans buried in the cemetery in unmarked graves. I wrote that I could not support that monument as long as the Confederate monument stood in the cemetery. There was a ground swell that came as a result of that discussion, advocating and wanting to support that initiative, and thus it was born. She discussed the integration history in Liberty schools and how some Caucasians were not happy; however, the school board persevered and took a stand to integrate. She asked Council if they will be valiant and take a stand for what is right, just and fair, but not popular?

David Sallee, 9531 N. Laurel Avenue, Kansas City, stated the Confederacy was formed and the Civil War fought to maintain slavery. This conclusion is noted in the Declaration of Succession, regiment newsletters and speeches of Confederate leaders. He read from a 1861 speech of Alexander Stevens, Vice President of the Confederacy, that stated the negro is not equal to the white man. The folks that bought the plot and erected the monument in the cemetery supported white superiority. The monument is supposed to honor the soldiers, in memory of the daughters of the Confederacy, but no names or numbers of soldiers buried there are written on it. The only name is that of Nathan Bedford Forrest of Tennessee (first Grand Wizard of the KKK) and the Confederate flag. The Confederacy and slavery are inseparable. The monument remaining in the cemetery implies that the horrors of slavery and white superiority are morally acceptable and celebrated.

Emily Carrico Ahart, 3808 Stonewall Ct., Independence, stated the monument honors white supremacy. Does it stand for our current values? Just because something is legal does not mean it is morally right.

Marty Jacobs, 1541 Canterbury Lane, stated he supports removal of the Confederate statue. The inscriptions of Nathan Bedford Forrest and the stars and bars are symbols that supported

slavery. Put away symbols that degrade human life. Think what it communicates to our citizens and children.

Jami Pelzl, 10127 N. Stark, Kansas City, stated she has kids in the Liberty School District and wants it to be an inclusive place for all. The statue is a symbol of pain and oppression that still exists, a past where black people were treated as less than. Removal of the statue doesn't erase history or the pain of so many. It allows for progress, hope for tomorrow, working to move forward with healing and equality, and justice for all.

Elliot Yoacum, 527 W. Liberty Drive, stated there is a system of inequality and Liberty, like other places, hasn't dealt with its racist past so it is our present. There is a long history of a lack of diversity etc. The Daughters of the Confederacy, who raised money for the monument, is a racist organization. It wasn't erected right after the war, it was used as an act of intimidation/Jim Crow tactics. They say it was to honor their endurance, but it was not patriotic and there is no Confederate valor. We need to stop honoring racists and take down the monument. A plaque is not enough if the racist still stands. Structural inequalities continue today and such monuments are a visual reminder.

Mark Giddens, 1867 Claywoods Parkway, requested that Animal Shelter statistics be provided since removal of the pitbull ban.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to Purchase a 2020 Ford F-250 4WD, including truck topper, from Gary Crossley Ford in an amount not to exceed \$23,999.00

Action: Council Member Phillips moved to approve the motion. Council Member Hagan 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. Motion to approve the purchase of twelve (12) sets of bunker gear from Conrad Fire in an amount not to exceed \$37,700.00

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

- C. Motion to approve a purchase order with Central Salt in an amount not to exceed \$81,000.

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

- D. Motion to authorize payment to Custom Truck One Source in an amount not to exceed \$95,400.00 for the purchase of a 2020 Freightliner dump truck

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

- E. Motion to authorize payment to Kirby–Smith Machinery in an amount not to exceed \$84,729.70 for the purchase of a Takeuchi TL12 Skid loader with Bucket, Forks, and Breaker attachments.

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

- F. Motion to authorize payment to Foley Machinery in an amount not to exceed \$125,658.00 for the purchase of Caterpillar 308 Mid Track Excavator with Breaker attachment

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

- G. Resolution approving a Title VI Policy for the Liberty Parks and Recreation Department Liberty Access Transportation Program

A Title VI policy has always been a part of the criteria for application of funds through the Kansas City Area Transportation Authority. During the 2019 audit, KCATA advised

the City of Liberty that the one page document wasn't sufficient and that a full Title VI policy would be required.

Action: Council Member Phillips moved to approve the resolution. Council Member Hagan 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. 3133.

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 August 14 to September 4, 2020

1. Ordinance excluding Westland Landscape payments

Document No. 9094 was read.

Action: Council Member Duncan moved to approve the vendor payments. Council Member Phillips 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. 11290.

2. Ordinance including Westland Landscape payments.

Document No. 9095 was read.

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

Roll Call

Vote: Motion passed 7-0-1

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. 11290.

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) [postponed from Aug. 24/20]

Action: Council Member Gentrup moved to further postpone consideration of the resolution to September 28, 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

- C. Ordinance approving a contract with Metro Asphalt, Inc. for the 2020 Street Maintenance Pavement Restoration Project in an amount not to exceed \$750,000.

The contract will allow for approx. 3 miles of roadway to be paved. Shortly after the bid opening on March 12, 2020, the pandemic forced staff to shelve the project and revisit it later in the year following evaluation of the economic impact on capital sales tax revenue. City staff recently partnered with the low bid contractor to value engineer the scope of the project to reduce the cost to bring it within the re-established budget of \$750.00

Document No. 9096 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Jenness 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. 11291.

- D. Ordinance approving a Memorandum of Understanding between the City of Liberty, MO and William Jewell College for a \$100,000.00 Disbursement of Cares Act Coronavirus Relief Funds from the City of Liberty, MO Cares Act Funds to William Jewell College for the Purchase of COVID-19 Test Kits

Document No. 9097 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 Gentrup moved to approve the ordinance. Council Member Graham 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. 11292.

E. Ordinance amending Chapter 20, "Motor Vehicles and Traffic", Section 20-35.3, "Protective Headgear" of the Code of the City of Liberty, Clay County, Missouri

The City Code update is to reflect changes enacted by Missouri statute 302.020, which took effect August 28, 2020, requiring persons under 26 years of age who are operating or riding as passenger on any motorcycle or motortricycle upon a highway to wear protective headgear.

Document No. 9098 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Jenness moved to approve the ordinance. Council Member Duncan 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. 11293.

F. Ordinance amending Ordinance No. 11279, 'Approving a Contract with Phillips Paving Co., Inc., for the Replacement of the Parking Lot at the Liberty Community Center', increasing the amount by \$13,600.00 from \$117,456.25 to a not to exceed amount of \$131,056.25

During the project, change orders were approved for removal of four interior islands (\$7,200), an additional 70 linear feet of curing (\$2,800) and replacement of the trench drain, which was found to be rusted out (\$3,600).

Document No. 9099 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Hagan moved to approve the ordinance. Council Member Watt 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. 11294.

G. Little Shoal Creek Storm Drainage Improvements Project

1. Approve an ordinance approving a contract for construction with Holthouse Construction, LLC for the Little Shoal Creek Storm Drainage Improvements Project in the amount of \$625,000.00.

This project is a solution for erosion issues related to an existing drainage channel located north of High Drive between Liberty Drive and Amesbury Avenue. The solution involves the relocation of the stream channel back to within the existing public storm drainage easement limits and armoring of the channel with gabion baskets of approximately 700 feet of the stream to address stream incising, erosion, and slope stability.

Document No. 9100 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 Watt 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. 11295.

2. Approve an ordinance approving a Financial Assistance Agreement with the Missouri Department of Natural Resources in the amount of \$151,825.00 for the Little Shoal Creek Storm Drainage Improvements Project.

Document No. 9101 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Hagan moved to approve the ordinance. Council Member Watt 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. 11296.

- X. OTHER BUSINESS
- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Mayor

Attest:

Deputy City Clerk