



City Council Meeting

Regular Session Minutes
September 28, 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 28, 2020 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 6:30 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Gene Gentrup, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: Greg Duncan, 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
BJ Staab, Parks and Recreation Director
Matt Kellogg, Police Captain
John Mills, Fire Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Planning Director
Sara Cooke, Assistant City Administrator
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Gentry Thomason, 505 Taylor Drive, noted that remembrance of one's family members, family motivation, is grounded in respect, reverence and love for family who served in a lost cause, the War Between the States. He questions the motivation of those who wish to remove the Civil War Statue in the Fairview Cemetery. Why is there no movement to remove the Washington Monument or the Jefferson Memorial? Washington and Jefferson owned slaves. Educating the young of past social wrongs is imperative, but removing memorials are themselves acts of incivility and disregard for past human family respects, and suggests a

dated plaque be set at the statue's site that speaks to the current motivation opposing its long standing placement.

LeRoy Seat, 1307 Canterbury Lane, stated he has lived in Liberty for 50 years and urged approval for the removal of the Confederate statue. The memorial states it is in honor of someone who lies elsewhere. There is no logical reason for the statue to be there. A petition has started to remove it with 2,007 signatures as of today. Confederate soldiers stood for slavery, not liberty.

Amy Simmons, 528, N. Fairview Ave., stated she has two children in the School district and was requesting removal of the monument. It does not support what we want Liberty to be, a time when people were bought and sold. We want our young people to see monuments that inspire them and to be proud of. These are harmful to children, neighbors, and people living today. We as a community are better than that. Such history belongs in a museum.

Jim Oldebeken, 7402 N. Highland, Gladstone, stated he has Clay County Constitution Committee concerns. There have been willful, egregious violations of the Sunshine Law. He has requested information, including minutes, but has not received all of the requested records. He has submitted a complaint to the Missouri Attorney General's Office.

Rick Boswell, 208 Rex Road, Glennaire, stated that he had attended the August 10 Council meeting and heard several stories from African Americans. He has known some of these folks for years, but hadn't heard these stories before. We have also heard from people in support of leaving the monument in honor of their relatives. He asked Council to consider the decision on the monument based on today, and the future.

David Sallee, 9531 N. Laurel, Avenue, Kansas City, stated that he doesn't understand all of the issues from the Council level, and understands they may not have the authority to make anything happen. The monument is there to celebrate slavery. He asked why City Council hasn't passed a Resolution against White Supremacy. That message says it's not safe to be African American in Liberty. Such a statement would not substitute for removal of the monument, but it would be powerful.

Anna Bedinger, 1310 N. Lightburne, stated she is a 4th generation Liberty resident, and we all have a role to play in healing collective wounds. She recounted a story of her and her dad stopping by Mr. Brooks' house when she was four years old. James Allen Brooks, father of Theresa Byrd, served in the service as had her father. Her father had great respect for Mr. Brooks, which had an impact on her. She asked that everyone soften their hearts, let go of rigid ways and have healing here.

Theresa Byrd, 431 E. Franklin, pleaded with Council to consider removal of the monument. She stated there is a group of approximately 2,000 that are prepared to lock arms to mobilize Liberty to remove it. She noted that she has requested that a few of these individuals speak concisely to Council this evening to request removal.

George (Mike) Bedinger, 232 W. Franklin, stated this is a hard subject. As Council Members, you get the hard stuff. Don't kick the can down the road. As a descendant of a slave owner and a soldier, I'm not proud of that statue. We pitied those that died. Make a stand, move forward, be the City of Liberty.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Resolution accepting the Conistor Box Culvert Repair Project

The ends of the existing double box culvert were experiencing undercutting and some slope erosion which was threatening the stability of the edges of Conistor Street. The end sections have been successfully stabilized and the side slopes armored with large rip-rap rock to mitigate the settlements, erosion and sedimentation into the creek. Settled sidewalk sections were removed and replaced on both sides of Conistor at the location.

This project used funds available from a stormwater quality mitigation agreement payment of \$87,915 to the City of Liberty related to the B&B Theater development. The remaining mitigation funds of \$20,665 may be available for future stormwater quality projects in the same watershed.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3134.

B. Motion to approve a purchase order increase from \$30,000.00 to a not to exceed amount of \$56,000.00 for the purchase of Water Treatment Plant chemicals from Brenntag Mid-South Inc.

Brenntag Mid-South Inc. was the low bid for the supply of chlorine, potassium, and fluoride this year where as in previous years they were the low bidder for chlorine and fluoride only. The previously approved blanket purchase order did not account for the additional purchase of potassium. The proposed increase of \$26,000.00 will fund the purchase of the all three chemicals through the end of the year.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

C. Resolution appointing Directors to the Liberty Triangle Shopping Center Community Improvement District Board of Directors

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

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 3135.

D. Boards and Commissions Appointment

1. Parks and Recreation Board
 - a. Appoint Ryal Brier to a term expiring June 1, 2023

Action: Council Member Hagan moved to approve the appointments. Council Member Phillips seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

A. Park Place at Liberty Square Project

1. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 1.71 Acres at the Southwest Corner of N. Prairie St. and W. Mississippi St. from CBS, Central Business Service District and RNC, Neighborhood Conservation Residential District to PD, Planned Development District to allow the development of a 38 Unit Apartment Complex [P&Z Case 20-19R & PDP] **{Public Hearing} – TO BE POSTPONED TO OCT. 12/20**

Document No. 9102 was read.

Action: Council Member Gentrup requested to postpone the public hearing and consideration of the ordinance to the October 12, 2020 Regular Session. Council Member Watt seconded the motion, which carried unanimously.

Mayor Brenton opened the public hearing and continued to October 12, 2020.

2. Ordinance accepting and approving a Final Plat for Park Place at Liberty Square – 1 Lot on 1.7 +/- Acres at the Southwest Corner of Mississippi St. & Prairie St. in the City of Liberty, Clay County, Missouri [P&Z Case 20-25FP] - **TO BE POSTPONED TO OCT. 12/20**

Document No. 9103 was read.

Action: Council Member Hagan requested to postpone consideration of the ordinance to the October 12, 2020 Regular Session. Council Member Moore seconded the motion, which carried unanimously.

- B. Resolution amending the Future Land Use Map of the Comprehensive General Plan of the City of Liberty by Changing the Land Use Designation of Approximately 62+/- Acres located NE Corner of South Liberty Parkway and Plummer Road from Commercial and High Density Residential to Business [P&Z Case 20-23A] **{Public Hearing} - TO BE POSTPONED TO OCT. 12/20**

Action: Council Member Watt requested to postpone the public hearing and consideration of the resolution to the October 12, 2020 Regular Session. Council Member Jenness seconded the motion, which carried unanimously.

Mayor Brenton opened the public hearing and continued to October 12, 2020.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

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

A. Acknowledgement of vendor payments for the period of September 4 – September 18, 2020

1. Ordinance excluding Westland Landscape payments

Document No. 9104 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11297.

2. Ordinance including Westland Landscape payments.

Document No. 9105 was read.

Action: Council Member Phillips 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 and Gentrup

No: None

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

Approved by the Chair and inscribed in Ordinance No. 11297.

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 September 14/20] - **TO BE POSTPONED TO OCT. 12/20**

Action: Council Member Hagan requested to postpone for consideration of the resolution to the October 12, 2020 Regular Session. Council Member Moore seconded the motion, which carried unanimously.

C. Opus Development Project

1. Resolution approving a Final Development Plan for a 180,000 sf. Building at the NW Corner of Shepherd Rd & Heartland Dr. in Liberty, Clay County, Missouri [P&Z Case 20-20FDP]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3136.

2. Ordinance authorizing the City of Liberty, Missouri to Issue its Taxable Industrial Development Revenue Bonds (Opus Development Project), in a Principal amount not to exceed \$14,200,000 and Authorizing and Approving Certain Documents and Actions in Connection Therewith

The project consists of an 180,000 square foot building with a total cost of \$14,200,000. The project will be built as speculative. A speculative building is one that is built with no particular tenant in mind in the hopes that it will be leased.

The process for bond authorization is part of their due diligence and governmental approval timeframe. The bonds will not be sold/purchased until after the land purchase has closed (early November).

The project proposes a Chapter 100 Tax Abatement for a 10-year period at 90%. It is anticipated that the building will be built in one phase and then secure tenants who may or may not apply for tax abatement separate from OPUS. OPUS will make a PILOT payment of approximately \$39,000 per year which is equal to 10% of the value of the property after completion.

Document No. 9106 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 Watt moved to approve the ordinance. Council Member Gentrup seconded the motion.

Roll call

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11298.

- D. Ordinance accepting and approving a Final Plat for Heartland Meadows Technology Center, Lot 1 & Tract A in the City of Liberty, Clay County, Missouri, [P&Z Case 20-21FP]

Document No. 9107 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11299.

- E. Ordinance approving a Contract with Brotchke Well & Pump for the Inspection and Repair of Well No. 6 in an amount not to exceed \$85,941.00

The vertical turbine pump has been damaged and will need approximately \$6,700. in repairs. To prevent further damage to the pump a new 18-inch well liner, screen, and gravel pack will be installed inside of the existing 24" liner. The space between the new liner and screen and the existing screen will be filled with gravel that will prevent infiltration of the fine sand. The cost of the well modifications to prevent further sand infiltration is approximately \$28,800. The total cost to repair the well and place back in service is \$35,519.00.

Document No. 9108 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 Gentrup moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11300.

- F. Ordinance amending Chapter 20, "Motor Vehicles & Traffic" of the Code of the City of Liberty, Clay County, Missouri (pertaining to speed limits, stop signs etc.)

Document No. 9109 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-1-0

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

No: Council Members Phillips

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11301.

- G. CARES Act Small Business Grant Program

1. Ordinance establishing a CARES Act Small Business Grant Program allocating up to \$250,000 in City CARES Act funds to the SBG Program for distribution of grants up to \$10,000 per eligible Liberty small business

In May 2020, the City of Liberty received \$2,931,395 in CARES Act funds. The CARES Act allows for cities to distribute CARES Act funds to small businesses through small business grants. The City of Liberty Small Business Grant Program would allocate up to \$250,000 in City CARES Act funds to the SBG Program for distribution of small business grants up to \$10,000 per eligible Liberty small business. The SBG Program requirements state grants will be awarded to businesses with 20 or fewer full-time equivalent employees (not including part-time employees); businesses with \$2.5 million or less in annual revenue; and businesses that have not received other Federal COVID-19 relief funds (e.g. Payroll Protection Program); however, any Liberty small business is encouraged to apply.

Document No. 9110 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 amend the ordinance by adding the word 'first' in the eighth Whereas, so it reads "program requirements are to award grants first to businesses that have 20 or fewer full-time equivalent employees". Council Member Graham seconded the motion.

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

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11302.

- 2. Ordinance approving a Memorandum of Understanding with Clay County Economic Development Council (CCEDC) for administration of the City of Liberty Small Business Grant Program for a 5% administration fee totaling up to \$12,500

Document No. 9111 was read.

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11303.

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

XIII. ADJOURNMENT

The meeting adjourned at 7:26 p.m.

Attest:

Mayor

Deputy City Clerk