



City Council Meeting

Regular Session Minutes

April 26, 2021

I. CALL TO ORDER

A regular meeting of the City Council of the City of Liberty, Missouri was held via Zoom video conference with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Greg Duncan and Kelley Wrenn Pozel, 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
Vicki McClure, Interim Finance Director
Shawna Funderburk, Chief Strategic Operations Officer
Andy Noll, Utilities Director
Sherri McIntyre, Public Works Director
Amy Blake, Human Resources Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning Director
Wade Thomas, Information Technology Director
Sara Cooke, Assistant City Administrator/Communications
Janet Pittman, Deputy City Clerk

Public Present: 4 members of the public

Note: The meeting was held electronically via Zoom in accordance with Mayor Brenton's Health and Safety State of Emergency Proclamation for Liberty, Missouri, declared March 19, 2020 due to the existence and spread of the COVID-19 virus. The meeting Agenda was posted on the City's website in accordance with the Sunshine Law, and included information on how the public could view the meeting and provide public comment.

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Purchase of 12 sets of Bunker Gear from Conrad Fire in an amount not to exceed \$31,620.00 [AR 057-21]

Using the current recommendations from the NFPA and the Collective Bargaining Agreement with Local 42, the City has established a 5 year bunker gear rotation that provides the firefighter with a new set of gear and leaves their current bunker gear as a 2nd set of gear that is available after any call that may leave their gear contaminated (i.e. structure or car fire or hazardous chemical call.).

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

- B. Boards and Commissions Appointments

1. Liberty Parks and Recreation Foundation

I. Reappoint Patrick Flora to a term expiring 1-1-2024

II. Reappoint David Sallee to a term expiring 1-1-2024

2. Planning and Zoning Commission

I. Reappoint Walter Holt to a term expiring 1-1-2024

II. Reappoint Judith Dilts to a term expiring 1-1-2024

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

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of April 2 – April 16, 2021

1. Ordinance excluding Westland Landscape payments

Document No. 9205 was read.

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

Roll Call

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11392.

2. Ordinance including Westland Landscape payments.

Document No. 9206 was read.

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

Roll Call

Vote: Motion passed 7-0-1

Yes: Council Members Phillips, Pozel, 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. 11392.

B. Resolution approving a Final Development Plan for Heartland Meadows, 14th Plat, Lot 3C, NW Corner of Heartland Meadows Industrial Park, in Liberty, Clay County, Missouri [P&Z 21-16FDP]

The applicant is proposing to build a one-story light industrial/warehousing type building (168,000 sq. ft.) on an existing vacant lot. There is a large green space are on the west side to be utilized for onsite stormwater detention.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3172.

C. Resolution approving a Final Development Plan for the Construction of a 35,640 sq. ft. Industrial/Warehouse Building at the NE Corner of Brown Street and Progress Drive in Liberty, Clay County, Missouri [P&Z Case 21-17FDP]

The applicant is proposing to build a one-story industrial/warehousing type building, 35,640 sq. ft. in size. It is proposed to have pedestrian doors and office space facing the public right-of-way and garage doors to the rear of the building.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None
Inscribed in Resolution No. 3173.

D. Liberty Commerce Center

1. Resolution approving a Final Development Plan for Liberty Commerce Center, Building 5, South of South Liberty Parkway & East of Hughes Road, in Liberty, Clay County, Missouri [P&Z 21-13FDP]

This Final Development Plan is for Building 5 of Liberty Commerce Center, a 463,000 sq. ft. warehouse/distribution type building. The zoning is M-1 "Light Industrial" which allows; non-retail business uses, light manufacturing facilities, distribution and warehousing facilities, restaurants and indoor recreational facilities.

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

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 3174.

2. Ordinance accepting and approving a Final Plat for Liberty Commerce Center, 2nd Plat, in the City of Liberty, Clay County, Missouri [P&Z Case No. 21-15FP]

This is a proposal for the 2nd Plat of the Liberty Commerce Center, a proposed industrial center of 337+/- acres with approximately 3.6 million square feet of space in 8 buildings. This second plat contains 2 lots and 2 tracts (lots 5 & 6) and Tracts C & D) proposed on 127 +/- acres. The industrial buildings are proposed to be utilized for manufacturing, warehousing and distribution purposes.

Document No. 9207 was read.

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

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11393.

3. Ordinance accepting and approving a Final Plat for Liberty Commerce Center, 3rd Plat, in the City of Liberty, Clay County, Missouri [P&Z Case No. 21-19FP]

This is a proposal for the 3rd Plat of the Liberty Commerce Center, a proposed industrial center of 337+/- acres with approximately 3.6 million square feet of space in 8 buildings. This third plat contains 1 lot and 3 tracts (lot 4 and Tracts E, F, G) proposed on 74+/- acres. The industrial buildings are proposed to be utilized for manufacturing, warehousing and distribution purposes.

Document No. 9208 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Jenness 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11394.

- E. Ordinance amending Ordinance No. 8893, approving a City Administrator Employment Agreement, authorizing a Contract Enhancement [053-21] [second reading]

The Contract amendment would elevate Mr. Wenson's compensation package and severance language to better align with current market trends, and to promote equity with other metro like positions. Proposed changes include increasing annual salary from \$146,473 to \$170,000 and eliminating monthly car allowance of \$400.00. Increasing severance package from six months to twelve months. In the event of termination, the City will pay the equivalent to 12 months base salary and 12 months of the employer portion for family medical, dental and vision coverage. There will be a discontinuance clause added in the event that Mr. Wenson takes employment and/or medical, dental and/or vision coverage elsewhere before the end date of the 12 month severance payout. In the event that Mr. Wenson resigns or retires, he will follow normal City policy and procedures for resignation and/or retirement payouts.

Document No. 9198 was read.

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

Vote: Motion passed 7-1-1

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

No: None
Abstain: Gentrup
Approved by the Chair and inscribed in Ordinance No. 11395.

- F. Ordinance Ratifying Ordinance No. 11386, which Approved a Plan for an Industrial Development Project and Authorized the City of Liberty, Missouri to Issue Two Series of Taxable Industrial Development Revenue Bonds; and Approving a Combined Issuance Amount of Not to Exceed \$59,800,000.00 [AR 058-21]

On April 12, 2021, City Council held a public hearing to consider the Plan for an Industrial Development Project for the NP Broadacres Industrial, LLC. Council subsequently adopted an Ordinance approving a Plan for Industrial Development and issuance of two series of taxable Industrial Development Revenue Bonds in the amount of \$58,000,000. The April 12, 2021 had a typographical error and incorrectly listed the Bond amount as \$58,000.00. As this was the amount publically posted, Bond Counsel recommends that City Council approve a ratifying ordinance.

Document No. 9209 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11396.

- G. Ordinance Authorizing a Special Warranty Deed Conveying Property from the City of Liberty, Missouri to Trustees of William Jewell College [AR 056-21]

An August 20, 1991 a Special Warranty Deed conveyed approximately ten acres of land to the City of Liberty to be utilized as a waste water treatment facility. The property is generally located at the southeast corner of the former Cardinal Hill Golf course. The waste water treatment facility was decommissioned after the Upper Rush Creek interceptor sewer and Rusk Creek pump station and force main was constructed in 2007.

The property was conveyed to the City in accordance with a Sewer Treatment Plant Agreement with a stipulation that if the City shall permanently cease using the property conveyed for sewage treatment purposes then William Jewell Trustees shall have the right and option to purchase the property. William Jewell has contacted the City and expressed interest in purchasing the property and the City no longer utilizes the property for sewage treatment.

Document No. 9210 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, Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11397.

- H. Ordinance Approving an Agreement with the Mid-America Regional Council pertaining to COVID-19 Vaccination Registry Assistance for Older Missourians in an amount not to exceed \$20,000.00 [AR 055-21]

Each year the City of Liberty is awarded operating contracts by the Mid-America Regional Council (MARC) to support senior services including transportation services, senior center administration, and Meals on Wheels meal delivery. All contracts are for the state fiscal year July 1 through June 30. Amendment #6 to the contract provides older Missourians with access to the COVID-19 vaccinations by assisting them with registering online for appointments, arranging transportation to and from the appointment, and arranging other wrap-around services necessary to help older Missourians stay healthy by being vaccinated. Compensation to the City of Liberty is \$20.00 per senior assisted up to a not-to-exceed amount of \$20,000. To date staff has provided assistance to 100 seniors at a reimbursement rate of \$2,000.

Document No. 9211 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 Watt moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11398.

- I. Ordinance Approving a Memorandum of Understanding with Bird Rides, Inc. for the Deployment of Stand-up Electric Scooter Sharing Systems within the City of Liberty, Missouri [AR 059-21]

The Memorandum of Understanding would allow Bird Rides Inc. to deploy a fleet of stand-up electric scooters within the City. The scooters, which travel up to 15 miles an hour, are app-based and pay as you go. The city would not be liable for the scooters or own and maintain them and can terminate the agreement as needed. A local operator hired by the company will run the system, pick up the scooters every night and recharge them to put them back on the streets in the morning. The operator will be responsible for repairing any broken scooters. They would also strategically place the scooters in high-demand areas within the community and move them from low-demand areas back to high-demand areas. The company will roll out the scooters this spring (50 minimum to start). Users must be at least 18 years of age and would be responsible for following rules of the road and must park scooters so not to impede ADA access. Scooters are to be ridden on streets, and where available, in bike lanes (helmets are encouraged, but not required). No motorized vehicles are allowed on park trails.

Document No. 9212 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 Phillips seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11399.

- J. Ordinance Amending Ordinance No. 11068, 'Approving a Contract with Liberty Solar Company LLC for Solar Power', to also include City Hall, Fire Stations 1, 2 and 3, Liberty Community Center, Parks Maintenance, Public Works Maintenance, Animal Shelter, Waste Water Treatment Plant and Water Treatment Plant increasing the amount from \$218,000.04 to a not to exceed amount of \$231,000.00 [AR 054-21]

The City entered into an agreement in 2018 for renewable solar energy with Liberty Solar LLC for Parks and Utilities. The first phase is now complete and the City is offsetting power at Capitol Federal Sports Complex and the City water wells. City approved a second phase and amendment to the first agreement to use solar power for all City owned building with a projected goal to cut power costs by 50%. The agreement with MC Power was stalled due to Covid-19 restrictions and a loss of investors in the project. MC Power was able to find new investors for the project; however, they are requesting additional funding to provide solar power for City Hall all three Fire Stations, Waste Water Treatment Facility, Water Plant, the Community Center, the New Animal Shelter, Park Maintenance Facility and Public Works Maintenance Facility.

MC Power has provided a proposal that would offset current electrical consumption from 4% up to 68% for various City buildings based on the limited available roof and ground space for solar panels. Based on estimates, the lease would save the City just under \$1 million dollars at \$958,228 over the life of the agreement. Price sensitivity, rebate award and net present value analyses were conducted on the economics. A NPV calculation for all scenarios was based on a discount rate of 3% over a 20 year term. The base case generated projected NPV savings of \$505,415 and assumes that Evergy electrical rates increase starting in the current year, and the City receives the \$195,215 rebate.

MC Power would pay for the construction of all solar improvements to each facility and would maintain the panels throughout the life of the agreement. The solar panels have a rating of 40 years at 80% production so the array could continue to save the City more money over the life of the panels. The City would make its first lease payment 30 days after the solar array is operational so there should be no added cost to the City during construction. MC Power has applied and secured rebates from Evergy for solar power that will go back to the City once each site is operational. The projected rebate for this project at this time is \$195,215.

Document No. 9213 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11400.

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

The meeting adjourned at 7:57 p.m.

Mayor

Attest:

Deputy City Clerk