



## City Council Meeting

Regular Session Minutes

May 10, 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 (entered at 7:03 pm), 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  
Dan Estes, Assistant City Administrator/Finance Director  
Vicki McClure, Assistant Finance Director  
Shawwna Funderburk, Chief Strategic Operations Officer  
Andy Noll, Utilities Director  
Ben McCabe, Assistant Public Works Director  
Amy Blake, Human Resources Director  
BJ Staab, Parks and Recreation Director  
James Simpson, Police Chief  
John Mills, Fire Chief  
Karan Johnson, Economic & Business Dev. Manager  
Katherine Sharp, Planning Director  
Wade Thomas, Information Technology Director  
Sara Cooke, Assistant City Administrator  
Janet Pittman, Deputy City Clerk

Public Present: Zero 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

- A. Mayor Brenton read National Police Week Proclamation, declaring May 15, 2021 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty.
- B. Mayor Brenton read the Emergency Medical Services Proclamation Week, declaring the week of May 16-22 as EMS week, celebrating 'EMS Strong: Stronger Together'.
- C. Mayor Brenton read the National Public Works Week, declaring the week of May 16-22 as National Public Works week in the City of Liberty.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution approving a Liberty Community Center (LCC) Alcoholic Beverages Service Application for Laura Matson for a small/private bridal shower to be held on June 5, 2021[AR 064-21]

**Action:** Council Member Watt moved to approve the resolution. 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

Inscribed in Resolution No. 3175.

- B. Split/Regular Session Minutes of April 12, 2021

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

- C. Special Session Minutes of April 26, 2021

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

- D. Executive Session Minutes of April 26, 2021

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

VIII. PUBLIC HEARINGS

- A. Ordinance approving a Plan for an Industrial Development Project; Authorizing the City of Liberty, Missouri to Issue Taxable Industrial Development Revenue Bonds in a Principal Amount Not To Exceed \$21,800,000; and Authorizing and Approving Certain Documents and Actions in Connection Therewith [AR 062-21]

The total cost of the project is \$21,800,000 which will consist of acquiring, constructing, and improving an industrial development of approximately 247,500 square feet, consisting of three cold/dry storage industrial/warehouse buildings. The project will be built as speculative. The Project will be located generally between 69 Highway to the NW, Heartland Drive to the SE and Shepherd Rd to the South, and will contain approximately 24.7 acres of land.

The project proposes a Chapter 100 Tax Abatement for a 10-year period with an abatement schedule of 90% for the life of the abatement. It is anticipated that the three buildings will be built in two phases and then secure tenants who may or may not apply for tax abatement separate from Ace Properties, LLC. Ace Properties will make a PILOT (Payment In Lieu of Taxes) payment in an amount calculated based on square footage of the constructed buildings multiplied by a per-square foot PILOT. Ace Properties, LLC. will make that payment to the County as real property tax revenue and distribute it to the taxing entities. The tax abatement for the entire 10-year period is approximately \$5,204,538. The PILOT payments made during that same 10-year period totals approximately \$578,427. The developer will also receive sales tax exemption on construction materials as part of the Chapter 100 approval. It is anticipated that approximately \$489,761.00 in sales and use tax revenue will be exempt; however, there are no sales anticipated within the City of Liberty. There is no personal property tax abatement approved at this time.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Brandon Becker spoke on behalf of the applicant, Ace Properties He stated this will be one of the first cold storage spec buildings in the country at the moment, and such a use brings higher wages due to the specialized nature of the jobs. Seeing no one else wishing to speak, the Mayor closed the Public Hearing

Document No. 9214 was read.

**Action:** Council Member Watt 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 Graham moved to approve the ordinance. 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. 11401.

## IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

### A. Acknowledgement of vendor payments for the period of April 16 to April 30, 2021

1. Ordinance excluding Westland Landscape payments

Document No. 9215 was read.

**Action:** Council Member Phillips moved to approve the vendor payments. Council Member Pozel 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. 11402.

2. Ordinance including Westland Landscape payments.

Document No. 9216 was read.

**Action:** Council Member Watt moved to approve the vendor payments. Council Member Graham 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. 11402.

B. 2020 Encumbrances [AR 061-21]

Encumbrances result from an approved 2020 purchase which due to the timing of the receipt of the good or service could not be paid by the end of the 2020 fiscal year, but will be paid in 2021 when the goods are received or the service completed. To ensure proper budgetary treatment of all encumbrances, open amounts are totaled by fund and reservations on fund balances are made during the 2020 year-end close. In 2021, the bills are actually paid. Therefore, there is a need to appropriate the value of each item encumbered into the 2021 budget. The source of the additional budget appropriation is effectively from the reserved fund balance.

1. Ordinance amending Ordinance No. 11337, Adoption of the 2021 Budget for the City of Liberty, Clay County, Missouri for the Fiscal Year 2021

Document No. 9217 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 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. 11403.

2. Ordinance amending Ordinance No. 11338, Adopting the Annual Park and Parks Sales Tax Budgets for the City of Liberty, Clay County, Missouri for the Fiscal Year 2021

Document No. 9218 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 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. 11404.

- C. Ordinance amending Ordinance No. 11112, Approving an Engineering Services Contract with Burns & McDonnell Engineering Company, Inc. for the 2019 Water Treatment Plant Lime Feed System Upgrade, Project #UT-003-19, increasing the authorized amount by \$28,600.00 from \$87,600.00 to a not to exceed amount of \$116,200.00 [AR 063-21]

The current lime silo at the water treatment plant is due to be replaced as part of an ongoing project dating to 2018. A professional services contract was approved with Burns & McDonnell Engineering Company for the design and plan production for a replacement lime silo and slurry feed system. During the design process it was determined it would be best to break the project into two separate projects due to COVID-19 raw material availability. The first project would be to procure the new lime silo directly from the manufacturer and the second project would be installation of the procured lime silo. The split of the projects required additional work on the part of Burns & McDonnell but staff felt the additional work and expense would be worth the time savings and construction cost savings by contracting with the two major contractors directly.

Document No. 9219 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 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. 11405.

- D. Ordinance amending Ordinance No. 11341, Approving a Contract with AGC Engineers, Inc. for the Preston Skyline Storm Improvements Project, increasing the contract by \$10,110.00 from \$32,640.00 to a not to exceed amount of \$42,750.00 [AR 060-21]

City Council approved a design contract with AGC Engineers, Inc. for the design of the Preston Skyline Storm Improvements Project in the amount not-to-exceed \$32,640.00. Additional investigation identified additional deteriorated sections of the storm sewer system in the area in need of replacement. The cost of the additional survey and design for the additional work will result in an increase of \$10,110.00 to the original design contract amount. Accept an ordinance amending the original ordinance increasing the contract amount by \$10,110.00 from \$32,640.00 to \$42,750.00.

Document No. 9220 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 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. 11406.

X. OTHER BUSINESS

MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XI. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

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Mayor

Attest:

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Deputy City Clerk