



City Council Meeting

Regular Session Minutes

June 14, 2021

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 June 14, 2021 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 Jeff Watt, who then led the 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: Sara Cooke, Assistant City Administrator
Shawna Funderburk, Chief Strategic Operations Officer
Dan Estes, City Consultant
Andy Noll, Utilities Director
Sherri McIntyre, Public Works Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Mgr. (via phone)
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

VIII. PUBLIC HEARINGS

- A. Ordinance approving a Plan for an Industrial Development Project; Authorizing the City of Liberty, Missouri to Issue Two Series of Taxable Industrial Development Revenue Bonds in a Combined Principal Amount Not To Exceed

\$73,075,000; and authorizing and approving certain documents and actions in connection therewith [AR 085-21]

The Project consists of two industrial/warehouse buildings totaling 1,001,000 square foot of speculative industrial buildings. This is a Chapter 100 industrial project. The tax abatement associated with this project is for 20 years with a tiered abatement schedule that starts in year 1 with 90% abatement and ends in year 20 with 18% abatement. Prior to approving bond documents, the City Council must hold a public hearing and consider the Plan for Industrial Development and Cost Benefit Analysis pertaining to the development.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the Plan.

Chris Chancellor spoke on behalf of the applicant, Northpoint Development. He stated that buildings one and two are under construction and there is strong leasing activity. The two buildings within this project are expected to be fully leased in the near future. He noted that the build out of the project is happening much faster than originally anticipated.

Seeing no one else wishing to speak, the Mayor closed the Public Hearing.

Document No. 9233 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 Watt moved to approve the ordinance. Council Member Gentrup 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. 11418.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of May 14 through June 4, 2021

1. Ordinance excluding Westland Landscape payments

Document No. 9234 was read.

Action: Council Member Hagan 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, Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11419.

2. Ordinance including Westland Landscape payments.

Document No. 9235 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Gentrup 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. 11419.

- B. Ordinance approving a Memorandum of Understanding between the City of Liberty and Clay County African American Legacy, Inc. (CCAAL) pertaining to the Construction of an African American Memorial [AR 078-21] **{Second reading}**

Since 2017, a group of interested citizens has been meeting with City staff to research graves and burials in the African American section of the Fairview and New Hope Cemeteries with a goal to put a name to the grave plots that have no headstone or marker. From this effort, the Clay County African American Legacy, Inc. (CCAAL) has undertaken an initiative to build a memorial in the Fairview Cemetery to honor and memorialize the African Americans buried in the cemetery in unmarked graves. The CCAAL and the City have created a memorandum of understanding to accomplish this effort.

Document No. 9230 was read.

Action: Council Member Phillips moved to approve the ordinance. 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

Approved by the Chair and inscribed in Ordinance No. 11420.

- C. Ordinance approving a Funding Agreement between Galehart Communities, LLC. (the "Company") and the City of Liberty providing for the Reimbursement of Certain Project Costs to be incurred by the City and authorizing the Mayor to execute the Funding Agreement [AR 082-21]

The City and GaleHart Communities have been discussing and working towards redevelopment of a mixed-use planned community in proximity to Liberty North High School and adjacent to Interstate 35 (the "Site"). Although no Redevelopment Plan has been finalized, there are certain expenses the City will incur applicable to plan financial review, redevelopment/negotiation of the Redevelopment Plan and other associated actions.

The Funding Agreement provides the mechanism for GaleHart Communities to fund the reasonable legal expenses associated with preparation of a redevelopment plan, other related documents and necessary consultant review of the financial plan. By executing this agreement, GaleHart Communities will pay \$55,000 to the City as a \$5,000 non-refundable application fee and \$50,000 for costs associated with the Redevelopment Plan. The \$50,000 will be paid in tranches of \$15,000.

The total estimated Redevelopment Plan budget indicates total City expenses could reach \$100,000. If the initial \$50,000 level of committed funding is going to be exceeded, the City and Developer will meet to determine next steps as outlined in the Funding Agreement. These steps may include determining alternate plan preparation modes, cessation of the plan and additional funding being provided to the City.

Document No. 9236 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 Watt 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. 11421.

D. Public Art Acquisition [AR 071-21]

The City of Liberty's Arts Commission invited artists to submit artwork for the annual Rotating Sculpture Program. The panel issued a call for artists seeking original, three-dimensional works of art to be displayed for a one-year period at pre-selected sites within Liberty's downtown area. With funds from the Transient Guest Tax, the City of Liberty has the option to purchase at least one piece of art from the sculptures on display each cycle, which would become a part of the City's permanent art collection.

1. Ordinance approving the Donation of Artwork Agreement for a Sculpture from the Liberty Arts Foundation to the City of Liberty to be used for Permanent Public Exhibition

Document No. 9237 was read.

Action: Council Member Jenness 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 Watt 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. 11422.

2. Ordinance approving an Artwork Purchase and Exhibition Agreement for the acquisition of a Sculpture from Hilde Debruyne in an amount not to exceed \$10,000.00 to be used for Public Exhibition

Document No. 9238 was read.

Action: Council Member Jenness 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 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. 11423.

3. Ordinance approving an Artwork Purchase and Exhibition agreement for the acquisition of a Sculpture from Greg Mueller in an amount not to exceed \$6,900.00 to be used for Public Exhibition

Document No. 9239 was read.

Action: Council Member Jenness 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 Phillips 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. 11424.

E. Progress Shops Development [AR 079-21]

1. Ordinance accepting a Conservation Easement for the Progress Shops Development Project

As part of addressing storm water requirements on the Progress Shops development project, the developer has elected to preserve a portion of the property in its natural state. To ensure the set aside property is not impacted in the future, a conservation easement is required. The conservation easement outlines the purpose, rights, and prohibited uses of the conservation easement area.

Document No. 9240 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 Hagan 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. 11425.

2. Ordinance approving a Covenant to Maintain the Storm Water Management System for the Progress Shops Development

Document No. 9241 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 Gentrup moved to approve the ordinance. Council Member Watt 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. 11426.

- F. Ordinance amending Ordinance No. 11111 amending Ordinance No. 10919 approving a Contract with Star Signs, LLC for the Wayfinding Signage & Kiosk Project increasing the contract by \$34,000.00 from \$84,000.00 to a not to exceed amount of \$118,000.00 [AR 080-21]

This action is to increase the contract in order to allow for installation of the next phase of wayfinding signage in 2021. The Wayfinding Signage and Kiosk project base budget was established at \$53,000.00 for FY2018 during budget development and anticipated funding of approximately \$35,000 annually until all signs are installed over the course of 3 to 5 years.

Document No. 9242 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 Hagan 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. 11427.

- G. Ordinance approving a Guaranteed Pricing Agreement with Fry & Associates for Purchase and Installation of Play Equipment at Jefferson/Cates Creek Park in an amount not to exceed \$13,815.00 [AR 083-21]

As part of the funding from the Use Tax approved by voters in April 2018, 10 parks were identified for upgrades. The neighborhood meeting for Jefferson Park / Cates Creek identified a need to add play structures. This play structure targets ages 5-12 year olds. The park and playground location is new and currently there are no play amenities within this park.

Also, as part of this project, Liberty Parks and Recreation has partnered with the Liberty Kiwanis Club. The Kiwanis will contribute \$3,100 to this project along with volunteer hours/projects.

Document No. 9243 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 Gentrup moved to approve the ordinance. Council Member Watt 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. 11428.

- H. Ordinance amending Ordinance No. 11187 authorizing a Cooperative Agreement for Sewer Service between the City of Kansas City, Missouri and the City of Liberty, Missouri [AR 081-21]

City Council approved a cooperative sewer service agreement with Kansas City, Missouri on December 9, 2019 that established the ongoing use of Liberty's Segment 2 interceptor by KCMO. The agreement established KCMO's responsibility for any extraordinary maintenance and or repair of Segment 2. Liberty notified KCMO of a failure of segment 2 and the expectation that KCMO would adequately repair the interceptor. After researching costs and alternatives KCMO made the determination the best course of action would be to connect KCMO sanitary sewer flow to the newly constructed Liberty sanitary sewer interceptor and pay Liberty for sanitary sewer treatment services.

The term of the treatment services is expected to be for a period of five years while KCMO acquires easements, bids and constructs a new KCMO sanitary sewer interceptor. The Liberty Wastewater Treatment plant has ample capacity to treat the increased flow from KCMO and the initial term of the amendment states that KCMO shall cease to use Liberty treatment services until December 31, 2026. The term of the agreement can be extended if both parties mutually agree. Liberty and Kansas City are both authorized by the amendment to terminate treatment services with 30 days written notice.

KCMO will pay Liberty according to the metered flow of the sanitary sewer connection at a wholesale rate consistent with that of the Little Blue Valley Sewer District that serves many communities in Jackson and Cass County and includes Kansas City, Lee's Summit, Independence and Raytown. The rate is currently set at \$2.15 per 1000 gallons and will increase 3% every 12 month period. In addition, Liberty has the right to have a third party complete a cost of service study in the event there is belief the rate is not sufficient. A recent flow study estimates the KCMO connection will contribute approximately 750,000 to 1,000,0000 gallons per day of sanitary sewer flow.

KCMO has ceased utilizing Segment 2 and will no longer reimburse Liberty for the use of Segment 2; however, Kansas City is responsible to make a permanent disconnection of Segment 2 from the KCMO system.

As a result of the new connection, and Liberty providing wastewater treatment, Liberty will only have one location, Liberty North High School, where KCMO will be providing sanitary sewer treatment services. The result of the new connection will be a significant decrease in fees paid to KCMO for wastewater treatment services and a substantial increase in fees paid to Liberty by KCMO for wastewater treatment

services. The increase in revenue will be temporary as the completion of the KCMO interceptor sewer will revert to the previous condition of Liberty paying KCMO for wastewater treatment services for the approximately 255 locations tributary to the KCMO collection system.

Document No. 9244 was read.

Action: Council Member Watt 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 Hagan 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. 11429.

- I. Ordinance amending Chapter 10, "Courts, Fines and Imprisonment," of the Code of the City of Liberty, Clay County, Missouri (removing Sheriffs' Retirement Fund fee) [AR 084-21]

The Missouri Supreme Court has ruled that a \$3 court fee used to pay for sheriffs' retirement is unconstitutional. Judges in a 6-0 decision issued June 2, 2021 ruled that the sheriffs' retirement fund is not related to the administration of justice, meaning collecting fees for that purpose is not allowed.

Document No. 9245 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 Graham 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. 11430.

X. OTHER BUSINESS

MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XI. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Mayor

Attest:

Deputy City Clerk