



## City Council Meeting

Regular Session Minutes  
August 23, 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 August 23, 2021 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:10 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  
Greg Duncan and Kelley Wrenn Pozel, Ward II  
Kevin Graham and Jeff Watt, Ward III  
Gene Gentrup, Ward IV

Council Members Absent: Michael Hagan, Ward IV

Staff Present: Curt Wenson, City Administrator  
Sara Cooke, Assistant City Administrator  
Shawna Funderburk, Chief Strategic Operations Officer  
Andy Noll, Utilities Director  
BJ Staab, Parks and Recreation Director  
James Simpson, Police Chief  
John Mills, Fire Chief  
Katherine Sharp, Planning and Development Director  
Sherri McIntyre, Public Works Director  
Janet Pittman, Deputy City Clerk

Public Present: Kellie Houx, Courier Tribune  
3 members of the public

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Regular Session Minutes of August 9, 2021

Council Member Phillips moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-1. Council Member Pozel abstained due to absence.

### V. CITIZENS' PARTICIPATION – None

### VI. MEETING SCHEDULE

### VII. CONSENT AGENDA

A. Regular Session Minutes of July 26, 2021

**Action:** Council Member Watt moved to approve the minutes as distributed. Council Member Graham seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

B. Motion to purchase of a Fire Attack Hose replacement from Sentinel Emergency Solutions in an amount not to exceed \$3,248.00

Each year the Fire Department inventories and evaluates the conditions of the fire attack hose that staff utilize on each of the fire apparatus. Reports indicated that 32 sections of hose (32–50ft sections for a total of 1,600 ft. at a cost of \$6,496) need to be replaced. However, at this time we are replacing 16 sections at a cost of \$3,248.00. The department asked multiple companies to supply hose for testing and after those tests were complete, the department has chosen the Combat Sniper hose due to its maneuverability and action characteristics under water pressure conditions. This is a sole source provider for this brand of hose.

**Action:** Council Member Watt moved to approve the purchase. Council Member Gentrup seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

C. Motion to purchase of a John Deere Z994R Diesel commercial mower through Deere & Company in an amount not to exceed \$12,644.36

The Parks Department and the Fire Department have an ongoing agreement in which the Fire Sales Tax funds a new mower in alternating years; and, in return, the Parks Department mows the three Fire Stations. Staff requests approval authorizing the purchase of replacement equipment utilizing a cooperative purchasing opportunity by purchasing a 2021 John Deere Z994R Diesel commercial mower through Deere & Company. The proposed cost includes cooperative discounts valued at \$4,523.64 and trade-in value of the City's 2012 Scag diesel mower at \$2,500.

**Action:** Council Member Watt moved to approve the purchase. Council Member Gentrup seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

D. Resolution appointing Directors to the Homestead Community Improvement District Board of Directors

Appointment of Walter Holt to a 4-year term, commencing on August 2, 2021 and expiring on August 2, 2025.

**Action:** Council Member Watt moved to approve the appointment. Council Member Gentrup seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3196.

VIII. PUBLIC HEARINGS

A. Resolution approving a Final Development Plan for the Construction of two 8,000 sq. ft. Commercial Buildings at 888 Haines Drive in Liberty, Clay County, Missouri [P&Z Case 21-37FDP]

The applicant is proposing to develop two 8,000 sq. ft. buildings along Church Road in the Oakwood Business Park. In 2004, 3 buildings were approved for this site. The southernmost building was the only building that was built. The approval for the remaining two buildings eventually sunset which requires this project to come back for review and approval based on current codes. The applicant is asking for a variance to reduce the required 10 ft. buffer on the west side. The variance is being requested to allow the new buildings to match the setback of the existing building. In the applicant's request letter, they state that requiring the 10 ft. buffer would create driveway offsets that could potentially affect the safe and efficient flow of traffic on the site.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the application. Seeing no one wishing to speak, the Mayor closed the Public Hearing

**Action:** Council Member Jenness moved to approve the resolution with buffer setback. Council Member Watt seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3197.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging vendor payments for the period of July 30, 2021 – August 13, 2021

Mayor Pro Tem Greg Duncan took over as Chair of the meeting.

1. Ordinance excluding Westland Landscape payments

Document No. 9277 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11458.

2. Ordinance including Westland Landscape payments.

Document No. 9278 was read.

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

Roll Call

Vote: Motion passed 6-0-1

Yes: Council Members Phillips, Pozel, 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. 11458.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance approving an Agreement with Life Scan to Complete Fire Department Physicals in an amount not to exceed \$17,010.00

The Fire Department has been researching opportunities to improve the health and wellness of its members for several years. The Department, with labor management, has worked to find the company that provides the most benefits for the members of the Department while insuring that the requirements set forth in the collective bargaining agreement are met.

**Section 2. Physical Examinations**

*A health and wellness committee comprised of members from both the Employer and Union shall be established to determine local standards for firefighter wellness, mandatory physicals and fitness standards accordance with NFPA 1582, 1583 and the IAFF/IAFC Joint Labor Management wellness/fitness initiative.*

The Fire Department has reviewed multiple physicals from different vendors and after a thorough review, the department found Life Scan was the company that provided the most comprehensive physical, the most in-depth blood and cancer screenings, as well as the NFPA 1582 physical. Life Scan allows the Department to meet the intent of the

collective bargaining agreement and provide the members of the department the most comprehensive look at their overall health and wellness along with providing recommendations for improvements to their health.

This year, according to the standards set forth in the CBA, the members that are 40 years old and older will be scheduled for the physical. This agreement will provide physicals to the 27 individuals accordingly.

Document No. 9279 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 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11459.

C. Ordinance approving an Engineering Services Contract with Crawford, Murphy & Tilly, Inc., Consulting Engineers for the 2021 Digester Cover Project #UT-003-21

The design build at the Wastewater Treatment Plant originally had the Digesters covered to help maintain temperatures at 20 degrees centigrade per EPA 503 Biosolids Rule. The covers were removed from the design because it was thought that the forced air (which maintains pH and other processes) would be sufficient to maintain a 20 degrees centigrade temperature. The air is not enough to maintain the required temperature and staff is now looking at covering them once again. Crawford, Murphy, & Tilly will prepare a bid package utilizing City of Liberty standard contract documents and technical specifications that will be used to secure construction bids.

Document No. 9280 was read.

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

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11460.

- D. Ordinance approving a Guaranteed Pricing Agreement with Burns Boys Co. for Purchase and Installation of the Red Room Operable Wall Replacement at the Liberty Community Center in an amount not to exceed \$13,900.00

The existing Red Room operable wall was installed during the first Liberty Community Center expansion in 2003. For the past two years, the need for repairs has been escalating, with many parts becoming very difficult to find. Burns Boys is the same successful vendor that installed the White/Blue Room operable wall in 2012. There is a 12-week lead time from notice to proceed to receive the wall panels. Staff will work within the Red/White room schedule to determine the best week for installation. Staff anticipates that timeframe will be around Christmas.

There is a two year warranty on the panels and a five year warranty on the track and trollies.

Document No. 9281 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 Gentrup moved to approve the ordinance. Council Member Jenness seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11461.

- E. Ordinance approving a Community Assistance Program Agreement with the Missouri Department of Conservation and the City of Liberty, Missouri for management of eight (8) ponds at the Capitol Federal Sports Complex

The original Community Assistance Program agreement between the City of Liberty and the Missouri Department of Conservation was June 22, 2009.

The City of Liberty's responsibilities within this agreement includes: 1) free public access and full use for fishing and related recreational activities by the general public consistent with the Wildlife Code of Missouri and during hours established by mutual agreement of the City and the Department; 2) monitor and maintain the area according to MDC guidelines; 3) provide adequate law enforcement and protective services, as much as City jurisdiction permits, for the safety and well-being of the users; 4) stock fish only as recommended by the MDC; 5) take no action that will lead to the deterioration of the lakes' water quality, habitat, or aquatic community; and 6) comply with all local, state, and federal laws and regulations.

The Department of Conservation's responsibilities within this agreement includes: 1) prepare and provide a general management plan for the fishery resources of the lakes; 2) provide periodic fish community surveys and analysis; 3) enact and enforce appropriate fishing rules and regulations; and 4) provide and maintain informational and entrance signs recognizing the City and the Department for their roles in this cooperative project.

The agreement shall expire 25 years from the effective date provided; however, it shall renew automatically for successive terms of one year each if neither party has advised the other in writing of the intention to terminate the same at least one hundred and twenty days prior to any applicable termination date. This agreement may be amended as desired by the mutual written agreement of both parties.

Document No. 9282 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 Graham seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11462.

F. Ordinance amending Chapter 10, 'Courts, Fines and Imprisonment' of the Code of the City of Liberty, Clay County, Missouri (\$7 Court Automation Surcharge)

In August 2018, the Missouri Automation Committee (MAC) adopted an implementation plan designating Show-Me-Courts as the new statewide court automation system to streamline case management, and which all municipal court divisions across Missouri must subscribe to. All municipal divisions are required to integrate Show-Me-Courts by January 2022. Liberty's municipal court implementation is scheduled for October 2021.

In order to fund a statewide conversion to the Show-Me Courts automation system, the Missouri Office of State Courts Administrator has required that all divisions impose a surcharge of Seven dollars (\$7.00) on all cases in which court costs are taxed. No such surcharge shall be collected when the proceeding or defendant has been dismissed by the Court, when costs are waived, or when costs are paid to the City.

Approval of this Ordinance will amend the City Code to add the required \$7.00 surcharge to the list of fees to be collected by the municipal court.

Document No. 9283 was read.

**Action:** Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Pozel 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 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11463.

- X. OTHER BUSINESS – None
- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

\_\_\_\_\_  
Mayor

Attest:

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Deputy City Clerk