



## City Council Meeting

Regular Session Minutes  
September 13, 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 September 13, 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 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: Curt Wenson, City Administrator  
Sara Cooke, Assistant City Administrator  
Vicki McClure, Interim Finance Director  
Shawna Funderburk, Chief Strategic Operations Officer  
Andy Noll, Utilities Director  
Matt Kellogg, Police Captain  
Chris Young, Division Chief  
Wade Thomas, Technology and Logistics Director  
Sherri McIntyre, Public Works Director  
Donna Kay Taylor, Assistant Parks and Recreation Director  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION – NONE

### VI. MEETING SCHEDULE

### VII. CONSENT AGENDA

A. Motion to approve an Amusement License for Jones & Co. Carnival to operate a carnival during Fall Festival, September 24–26, 2021 [AR 125-21]

Jones & Co. Carnival has participated in Fall Festival the last 21 years. Liberty City Code requires an amusement license be issued by the City Council for a carnival to operate in the City. State background checks for the carnival operators are also required by City Code as part of the amusement license review. Staff will review the insurance and background checks to ensure that all requirements as set out in the Code are met prior to issuing the license.

Inspections will be conducted by the Chief Building Inspector and the Fire Marshal on the day the carnival is set up in order to complete the license requirements.

**Action:** Council Member Phillips moved to approve the license. 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

- B. Motion to approve a purchase order with Hutchinson Salt Company for Road Salt in an amount not to exceed \$81,000.00 [AR 119-21]

Due to the anticipated demand for road salt over the winter months, it is necessary to arrange for the purchase of the required material at this time. Authorization of this blanket purchase order will ensure delivery of materials as necessary to replenish the inventory of road salt utilized during the upcoming winter season.

The City of Gladstone coordinated a cooperative bid process for supply of road salt. Participants in the process included Gladstone, Liberty, and Clay County. The lowest unit cost submitted was Hutchinson Salt Company at \$57.49 per ton which includes material and delivery costs. This price is based on a 7-day delivery time frame. The contract has the provision to purchase salt with a 24-hour delivery notice at a premium price of \$88.68, if needed.

**Action:** Council Member Phillips moved to approve the purchase. 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

- C. Motion to approve the purchase of Dell VxRail Datacenter Storage solution in an amount not to exceed \$399,881.10 [AR 121-21]

The City has been using HP 3PAR and HP C7000s since 2015 for data storage and computer needs. Support and maintenance for 3PAR is on a 5-year lifecycle, both from hardware and a licensing perspective. Due to 2020 pandemic reasons and cutbacks on expenditures staff postponed this project to 2021. In doing so, a premium was paid on one additional year of maintenance.

After several months of discussions with vendors and datacenter storage experts, staff have selected to move forward with Dell VxRail due to its compatibility with City needs for storage support, maintenance, and management.

**Action:** Council Member Phillips moved to approve the purchase. 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

- D. Motion to purchase Fire Station gym equipment from Ringside in an amount not to exceed \$20,321.98 and Rogue in an amount not to exceed \$1,857.77 [AR 122-21]

In 2020, the Fire Department realized that adding and upgrading the fitness equipment at each of the fire stations was a much more viable solution to increase firefighters' health and wellness. With the volume of calls and the need for increased social distancing, having workout equipment available to the firefighters at all times in their stations allows for physical fitness to occur, whenever the time presents itself. This year we have budgeted funds to supplement the equipment that is needed at each of the stations.

**Action:** Council Member Phillips moved to approve the purchase. 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

- E. Motion to purchase vehicle computer equipment and mounts for the Fire Department from Zones, Inc. in an amount not to exceed \$31,218.62 [AR 108-21]

With the implementation of the new CAD system the Fire Department needs to update its vehicle computer equipment to be able to access the CAD systems for notes, en route, and on scene times. This purchase of laptops, tablets, mounts, and docks will give staff the ability to complete reports and inspections. The pumper crews will also be able to assist with refusals on scene.

**Action:** Council Member Phillips moved to approve the purchase. 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

- F. Motion to approve a purchase order from Mississippi Lime for the purchase of Hydrated Lime in an amount not to exceed \$60,000.00 [AR 124-21]

The City’s water production plant utilizes several chemicals in the production process. Lime is one of the chemicals and is utilized in large quantities throughout the year for softening and coagulation.

Mississippi Lime is the sole source provider for quality lime in the region. A proposal was received from the company and has a separate fuel surcharge cost in addition to the delivered price per ton for the product. The fuel surcharge is calculated monthly utilizing information reported by the US Department of Energy. This charge is based on the truck delivery charge and is a percentage additive to the delivery charge.

The lime silo upgrade has been completed and lime usage is up with increased water production. The switch from quicklime to hydrated lime comes with an increased unit cost. The unit cost for hydrate is \$240.84 per ton compared to the quicklime cost of \$205.87 per ton. Staff is still fine tuning the operation of the new silo and developing a history of usage.

There is \$280,000.00 budgeted for chemical expenses and staff has forecast a cost of \$309,000.00 at the water treatment facility. Staff recommends the approval of an additional blanket purchase order in the amount of \$60,000.00 with Mississippi Lime for the purchase of hydrated lime for the remainder of Liberty’s water production year.

**Action:** Council Member Phillips moved to approve the purchase. 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

VIII. PUBLIC HEARINGS – NONE

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of August 13 – September 3, 2021

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

Document No. 9284 was read.

**Action:** Council Member Hagan moved to approve the vendor payments. 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. 11464.

Mayor Brenton resumed as chair of the meeting.

B. Liberty Heartland Logistics Center [AR 118-21]

To facilitate the development of the 125-acre Liberty Commerce Center commercial development located south of Shepherd Road between W. Heartland Drive and E. Heartland Drive, off-site public easements for sanitary sewer and storm drainage facilities and an off-site declaration of easement for public sanitary sewer mains to provide for the extension of off-site public sanitary sewer mains and storm drainage facilities to the development site. These two ordinances will: 1.) Dedicate off-site public easements for sanitary sewer mains and storm drainage facilities acquired from Hallmark Cards, Inc. at no cost to the City and 2.) Accept a declaration of easement for public sanitary sewer mains from the City of Liberty that will allow for the future establishment of a public sanitary sewer easement should the City-owned property transfer ownership.

1. Ordinance accepting a Declaration of Easement for Public Sanitary Sewer Mains

Document No. 9285 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 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. 11465.

2. Ordinance accepting Public Easements for Storm Drainage Facilities and Public Sanitary Sewer Mains

Document No. 9286 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 Hagan 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. 11466.

C. Ordinance accepting a Public Easement for Utility Mains for Lots 1 and 2 of Bent Oaks First Plat [AR 117-21]

To facilitate the construction of a home between 1880 and 1856 Bent Oaks Drive, a lot line between Lot 1 and Lot 2 needs to be moved. In order to move the lot line, a lot split has been submitted for Lots 1 and 2 of Bent Oaks First Plat. In order to record the lot split, a public utility easement was obtained from Freedom Custom Homes LLC & Jake Dobberke and Lindsay Dobberke at no cost to the City. City Council acceptance is required prior to recording the easement document at the Clay County Recorder of Deeds.

Document No. 9287 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 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. 11467.

D. Ordinance approving a Contract with Blue Moon Hauling, LLC for the Preston Street and Skyline Drive Storm Sewer Improvements Project in an amount not to exceed \$277,656.00 [AR 116-21]

Extensive pavement and concrete sidewalk and curb failures at or near the intersection of Preston St. and Skyline Dr. indicate stormwater drainage issues. The Preston Street cul-de-sac is situated at a higher elevation and on a steep slope just east of the intersection with Skyline. Additionally, there is an existing public storm sewer pipe that is routed across 572 Skyline very close the existing house structure posing future constructability maintenance issues or potential foundation issues.

City Council approved a design contract of \$32,640.00 on January 25, 2021 with AGC Engineering to develop a design contract to evaluate the intersection and design storm drainage improvements. After the evaluation, AGC Engineers and City staff developed a bid package for the Preston and Skyline Storm Sewer project and received bids for the project on Thursday, August 26, 2021.

The lowest and most responsive bid was that of Blue Moon Hauling, LLC at \$257,706.00. The design and construction of the project will utilize 2021 Capital Stormwater Improvement Program capital sales tax funds for maintenance and construction of storm drainage projects. There is \$529,454 in budgeted funds available in 2021. Following the \$42,750 engineering cost and the \$277,656 construction contract, the \$209,048 balance of the program funds would be available as project contingency to address potential utility conflicts and to address other City storm sewer maintenance issues.

Document No. 9288 was read.

**Action:** Council Member Jenness 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 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. 11468.

- E. Ordinance approving a Guaranteed Pricing Agreement with Heartland Mechanical for the Purchase and installation of two HVAC units at the Liberty Community Center in an amount not to exceed \$22,633.97 [AR 123-21]

The Liberty Community Center opened on February 17, 1992. The existing roof top units #9 & #13 are original to the building. During the month of July, service technicians were contacted regarding RTU#9 and #13.

It was determined that the RTU #9 unit had a hole in the heat exchanger as well as leaking valves. After repairs, the unit would need to be charged with R-22 refrigerant. Repair cost and replacement refrigerant for RTU #9 is \$7,498.50. The cost to purchase and install a new rooftop unit for RTU#9 is \$8,972.68. The new Carrier unit comes with a one year all parts limited warranty and a 4-year warranty on the compressor, heating elements and heat exchanger wheel. With repair costs at 84% of a new unit, staff recommends replacement of RTU #9.

It was determined that the rooftop unit, RTU #13, needs a replacement condenser fan, replacement of leaking valves and has a leak in the compressor. After repairs, the unit would need to be charged with R-22 refrigerant. Due to the age of the unit and a blower motor that had excessive runtime with a lack of oil due to leaks in the system, Heartland Mechanical is uncertain as to the longevity of the unit even after repairs. The cost to replace and install RTU #13 is \$13,661.29. The new Trane HVAC split system unit comes with a one-year complete unit replacement, five-year standard parts and 10-year compressor replacement warranty.

Document No. 9289 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 Gentrup 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. 11469.

F. Ordinance establishing the 2021 Ad Valorem Tax Levies for City Operations for the 2022 Budget Year [AR 120-21] {first reading}

State law requires Special Charter taxing jurisdictions take certain actions to establish their applicable property tax levies by October 1<sup>st</sup>. Failure to do so can expose the taxing jurisdictions to not having a levy. The levy rate must be filed with Clay County by October 1<sup>st</sup>. Coordination is made with the State Auditor's Office to ensure local calculations are consistent with State law. The City has complied with all State law noticing/posting requirements and coordinated with the Auditor's office. The posted Public Hearing notice was based on preliminary assessments and the maximum allowable 2021 levy rate without adjusting the levy to reset for prior year voluntary rollbacks.

Staff analyzed levy options that focused on the revenue and residential real estate tax impacts on existing final property assessed values and have made those calculations the basis of the 2021 Levy Public Hearing to be held on September 13, 2020. Council has options in establishing the 2021 levy at the maximum allowed or lower rates. A discussion with the Budget Committee on the 2021 levy rate was held on August 16<sup>th</sup>.

The recommendation from the Budget Committee is to set the 2021 Levy at a Tax Neutral rate adjusted for inflation Growth of 1.4% per the State of Missouri. This rate is \$0.7960 based on preliminary assessments. Based on Final Assessments the 2021 Levy at the Tax Neutral rate adjusted for inflation growth of 1.4% per the State of Missouri is \$0.7968. Preliminary Assessments are \$78M or 14.2% when compared to 2020 Final assessed values. Total Final Assessed valuations came in at \$624,732,692, this is a decrease of \$4.2M when compared to preliminary numbers. The Property Tax Levy is the lowest since 1989.

Document No. 9290 was read.

The ordinance will be considered on second reading at the September 27, 2021 Regular Session meeting.

G. Ordinance amending Chapter 3, "Alcoholic Beverages" of the Code of the City of Liberty, Clay, County, Missouri [AR 126-21]

During the Covid-19 pandemic, the state allowed to-go sales of intoxicating liquor for off-premises consumption. This allowance was well received by both restaurants and customers. In Liberty, there were no issues or concerns regarding to-go alcohol sales.

On July 7, 2021 the Governor signed SB 126, that became effective August 28, 2021. The bill includes a provision increasing the number of hours that alcohol can be sold on Sundays and permanently allowing to-go sales. In order to reflect the changes in state statute, an amendment to Liberty's City Code to reflect these is required.

The City Code amendment will modify the hours that establishments may apply for a Sunday by the drink license from 6:00 a.m. Sunday to 1:30 a.m. on Mondays. Previously, establishments could sell by the drink on Sundays 9:00 a.m. to 12:00 a.m. Specifications for drink containment are included. Additionally, containers shall have a label with the name and address of the business and another label that states, "THIS BEVERAGE CONTAINS ALCOHOL".

Document No. 9291 was read.

**Action:** Council Member Jenness 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 Hagan 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. 11470.

H. Resolution recognizing the Observance of an Annual Juneteenth Day in the City of Liberty, Missouri [AR 127-21]

News of the end of slavery did not reach frontier areas of the United States for more than two years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War. June 19<sup>th</sup>, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free. June 19<sup>th</sup>, the oldest known celebration of the ending of slavery, is known in many places as "Juneteenth Day". On June 17, 2021 President Biden signed bipartisan legislation making Juneteenth a federal holiday.

The Mayor and Council Members recognize the historical significance of celebrating Juneteenth, and the opportunity it provides to learn more about the past to better understand the experiences that have shaped our City and the nation, by adding Juneteenth Day to the list of holidays observed by the City of Liberty.

**Action:** Council Member Pozel moved to approve the resolution. 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  
Inscribed in Resolution No. 3198.

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

The meeting adjourned at 7:40 p.m.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk