



City Council Meeting

Regular Session Minutes
January 10, 2022

I. CALL TO ORDER

A regular meeting of the City Council of the City of Liberty, Missouri was held via Zoom video conference on January 10, 2022 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, 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: Paul Jenness, Ward I

Staff Present: Sara Cooke, Assistant City Administrator
Shawna Funderburk, Chief Strategic Operations Officer
Vicki McClure, Finance Director
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Janet Pittman, Deputy City Clerk
Chris Young, Fire Support Services Division Chief

Public Present: 0 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

The following comments were received via email and read during the meeting:

Wesley T. Franklin, urged Council to drop the revestment suit for Block 174 in Fairview Cemetery, which we know is for the purpose of removing the memorial to the local veterans buried in that plot. Removing a memorial to dead soldiers in a cemetery, of all places, is not only wrong but also wicked and utter madness. I can't believe this is where we are as a

society. It is NOT simply up to a judge to decide. That is a cop out. You can drop the legal suit at any time, as you know very well. Please stop wasting public funds on this unjust pursuit. You are better than that - aren't you?

Teresa Wenzel, stated that when the sanitizing of American history began, many told me that I did not have to worry about the destruction of cemeteries. It seems that those sentiments were false in Liberty. I would ask you to consider the morality of removing a monument to soldiers. You should drop the lawsuit and quit wasting the citizen's money. Block 174 in the Fairview Cemetery does not deserve to be desecrated.

Gieselle A.B. Fest, stated that she has made every attempt to provide council with new information at each council meeting. I will continue to provide you with more information on these veterans and their communal grave plot including their gravestone as research comes to light and time goes on. The only constant request I have made is to please withdraw the lawsuit against Block 174 and the dead veterans buried there. This is private deeded property. This is sacred, holy consecrated land. This is not the place for this discussion. I sincerely request that you look to leave the dead buried in Fairview Cemetery and build to the future of Liberty. I ask that you take your leadership skills, do the right and honorable thing ... withdraw the lawsuit and let the dead ... Rest In Peace not in pieces!

Marlena Porter, stated that she has been a resident and registered voter of Liberty for three years. I have cause for concern after reading the lawsuit for Fairview Cemetery block #174. It states representing citizens of Liberty which I find to be misleading and partly untrue! I am a citizen of Liberty and this lawsuit does NOT represent me! Thank you for your time.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Purchase of 400 additional Covid/Flu/RSV tests from Medline in an amount not to exceed \$27,200.00 [AR 010-22]

The Fire Dept. staff has utilized the COVID-19/Flu/RSV diagnostic testing machine extensively, especially in the last couple of weeks. In order to continue to provide COVID-19 testing to employees and family members, additional tests are needed. The City initially purchased 200 tests, and have used almost all of those at this time. The new purchase would be for 400 tests at a cost \$68.00 per test.

Staff recommends purchasing 400 tests, utilizing ARPA funds, at a total cost of \$27,200.00.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

- B. Authorize a blanket purchase order with Mississippi Lime in an amount not to exceed \$320,505.00 [AR 006-22]

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

Mississippi Lime is the sole source provider for hydrated and activated lime in the region. A proposal was received from the company and has a separate fuel surcharge cost that is calculated monthly using information reported by the US Department of Energy.

The unit cost for standard hydrated lime is \$196.88 per ton which is an increase of 8.0% over the previous year's cost of \$182.30 per ton. Transportation unit cost is \$60.61 per ton which is an increase of 23.8% over the previous year's cost. The average fuel surcharge is anticipated to be 35% which will add \$21.21 per ton. The total cost per ton is anticipated to be \$278.70 per ton. The average cost per ton with a similar fuel surcharge was \$248.88 in 2021 which results in a 12.0% increase for 2022.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

C. Resolution authorizing the Filing of a 2022 Land Conservation Partnership – Outdoor Recreation Infrastructure Program Grant Application with the Missouri Department of Conservation [AR 007-22]

The Liberty Parks and Recreation Department has an opportunity to apply for a grant through the Missouri Department of Conservation Partnership Grant – Outdoor Recreation Infrastructure Program. Staff proposes to build a new accessible parking lot at the sports complex for individuals who wish to fish at the south end of the complex. This new parking lot would provide 10-12 new parking spaces including some designated as accessible parking. This new space would allow the public to park safely and legally rather than along the roadside shoulder and the emergency routes within the complex. The illegal parking is especially challenging during heavy tournament traffic.

If the grant request is approved, the Liberty Parks and Recreation Department would plan to fund the City's portion of the project (\$9,726.00) through the LPR Quarter Cent Sales Tax. Upon receipt from MDC of approval of the grant, the project will be brought before the Citizen Sales Tax Oversight Committee (CSTOC) for review, then to Council for consideration.

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

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 3218.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of December 10, 2021 to December 30, 2021

Document No. 9349 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11527.

- B. Ordinance approving a Donation and Cooperative Agreement between Sam and Helen Scarfino and the City of Liberty, Missouri, and Accepting Lots 4, 5, 6, 7, 8 and 9 of Arnolds' Addition, addressed as 415, 503 & 504 Grover Street, Liberty, Missouri [AR 004-22]

Samuel Scarfino owns four lots with two small homes on two of them on the east side of Grover across from Ruth Moore Park. The lots are small and it would be difficult to build modern homes on the lots. The two houses need a great deal of repair to bring them up to a rentable standard.

Mr. Scarfino owns other lots to the east of these four lots and would like the City to build a privacy fence between the donated lots and his other rental units. City Staff had a title search completed on the four lots showing Mr. Scarfino as the owner with no leans or mortgages on the properties to be donated.

The City of Liberty Planning division determined the homes on the lots have extensive modifications from the original structure resulting in the loss of nearly all historic character. Doors and windows have all been replaced and the shiplap siding has been replaced with T-11 siding. Due to all the alterations that have been made to the homes, the Planning division sees no issues if the homes were to be removed from the lots, clearing the way for more open space. Parks staff would remove the two homes and maintain the land as open space for future City use. The City agreed to provide a 6ft tall wood privacy fence along the east lot line of 318 and 322 North Prairie Street, to be owned and maintained by the City of Liberty.

Document No. 9350 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11528.

- C. Ordinance approving an Intergovernmental Agreement with the Mid-America Regional Council Solid Waste Management District for Participation in the 2022 Regional Household Hazardous Waste Program in an amount not to exceed \$32,882.03 [AR 001-22]

Included in the 2022 solid waste budget are funds for Liberty's participation in the regional Household Hazardous Waste (HHW) program offered by the Mid-America Regional Council (MARC) solid waste management district. Participation in the program allows Liberty residents to use permanent collection facilities located at 4707 Deramus, Kansas City, MO and 2101 S.E. Hamblen Road, Lee's Summit, MO as well as to participate in mobile collection events throughout the metropolitan area without additional charges.

The cost to participate in this program in 2022 is \$32,882.03 which is lower than the 2020 payment of \$34,003.53. Participation cost is dependent on population size with each community being charged \$1.09 per resident based upon 2020 U.S. census population estimates. This is a one-year agreement with a start date of January 1, 2022.

Document No. 9351 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 Graham seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11529.

- D. Ordinance approving a Contract with Heartland Mechanical Services for the Purchase and Installation of Plasma Ionization Systems in an amount not to exceed \$306,175.00 [AR 003-22]

Heartland Mechanical Service is the current vender under contract to maintain the City facilities' heating ventilation and air conditioning services (HVAC). Staff contacted them regarding the installation of a system that would address the removal of airborne viruses. They provided staff with a quote for all of the City Owned facilities, except for the Solid Waste Treatment Facility. The quote that they provided is for a total of \$306,175.00 and includes the purchase and installation of the plasma ionization systems.

Plasma Ionization can be installed in the existing HVAC system duct work without extensive changes or external units. The number of systems per facility is based on the square footage of the buildings and the amount of air that is processed through each HVAC unit. The units at the Public Works and Parks Maintenance facilities will address only the office and breakroom area and not the full maintenance bay areas. The fire stations will address areas that have full HVAC coverage. Given the size and number of air-conditioning systems at the Community Center, this facility requires the most units.

Staff did evaluate another system, and found the system to be proprietary with unknown maintenance costs, and was estimating the product costs to be much higher based on preliminary conversations with the vendor. This system required external installation to the HVAC systems, which can be a challenge with existing facility space.

Funding for the system is through use of the America Rescue Plan Act (ARPA) and will benefit city employees and the public who visit City facilities.

Document No. 9352 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 Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11530.

- E. Ordinance approving a Contract with Voss Lighting for the City Hall Led Light Conversion Project in an amount not to exceed \$80,123.00 [AR 002-22]

Voss is a preferred vendor to addressing the lights used in City Hall. Staff requested a proposal to retro fit the lights throughout City Hall to LED lighting, providing energy savings in offices, common areas, and in stairwells of City Hall.

The ability to continue to maintain the existing light fixtures and to obtain replacement bulbs is getting harder and increasing in cost.

Proposed upgrades to LED fixtures and lights also include the ability to provide dimming switches and occupancy sensors to save in energy usage. Dimming is also highly preferred by many staff members to reduce glare from their computer monitors. The occupancy or motion sensors minimize the need for individuals to touch the light switches and spread germs.

Because Voss Lighting is an approved vendor on the State of Missouri's Cooperative Procurement Program, and our preferred lighting vendor, staff did not solicit bids for this LED lighting conversion.

Funding for the LED conversion is through the use of America Rescue Plan Act (ARPA).

Document No. 9353 was read.

Action: Council Member Phillips 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 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11531.

- F. Ordinance approving a Memorandum of Understanding between the Mayor, Councilmen and Citizens of the City of Liberty, Missouri and the State of Missouri relating to the Settlement of Opioid Litigation [AR 008-22]

On December 17, 2021, City Council approved a Resolution approving and authorizing execution of National Opioid Settlement Agreements. This companion ordinance to that action allows the State of Missouri to receive and administer any Settlement Funds the City would otherwise be entitled to receive as a result of the City's participation in the National Settlement Agreements. The settlement involves incentives based on the number of cities and other political subdivisions that agreed to sign on.

Document No. 9354 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 Phillips moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11532.

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

The meeting adjourned at 7:25 p.m.

Mayor

Attest:

Deputy City Clerk