



City Council Meeting

Regular Session Minutes
January 24, 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 24, 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 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
Shawwna Funderburk, Chief Strategic Operations Officer
Vicki McClure, Finance Director
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Manager
Sherri McIntyre, Public Works Director
Tom Garland, Assistant Parks Director
Donna Kay Taylor, Assistant Parks Director
Andy Hedrick, Police Captain
Janet Pittman, Deputy City Clerk

Public Present:

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

A. Study Session Summary of November 15, 2021

Council Member Watt moved to approve the summary as distributed. Council Member Gentrup seconded the motion, which carried 5-0-2. Council Member Phillips and Jenness abstained due to absence.

B. Special Session Minutes of November 22, 2021

Council Member Graham moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried 5-0-2. Council Member Pozel and Jenness abstained due to absence.

C. Executive Session Minutes of November 22, 2021

Council Member Graham moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 5-0-2. Council Member Pozel and Jenness abstained due to absence.

V. CITIZENS' PARTICIPATION –

David Langston, Liberty. This plot in Fairview is private property. The City is trying to confiscate private property from established property owners. This is sacred ground. things like this are only done in communist countries. Citizens of liberty are against what you are doing. You are forming your opinion on an organization that it best has 150 members in this community. By their own admission they have 287 members countywide. You are totally out of touch with the voters in the city.

I want to thank Jeff Watt and Paul Jenness for their support of private property rights in the cemetery. Please drop your lawsuit. Leave the city Civil War monument and grave marker alone. It's time you wake up to what's going on in the city

Kim Johnson-Plumb, Liberty - Please withdraw the lawsuit to remove the grave marker on private property in Fairview Cemetery. This is not the best way to handle the situation.

Susan Wayne, Liberty - Please stop the attack on the veteran's graves in Fairview Cemetery. I care. I vote. I appreciate your consideration to stop this lawsuit.

Wes Franklin - I am absolutely appalled that the Liberty City Council is seeking in court to take ownership of a private cemetery plot just for the purpose of removing a memorial to local soldiers buried there. Has the council nothing better to do? Surely there are other issues facing the community besides a grave marker in a cemetery. That marker has stood for over a century and has never been an issue. Now it suddenly is? Give me a break. Its removal will only cause divisiveness and resentment. I would think you would be smart enough to see that on your own. Most of us are tired of this cancel culture garbage and are past ready to fight against it and anyone silly enough who sticks to it. Enough already. We're done. You don't speak for the majority of the citizens of Liberty.

Lanny Dixon - Why spend our hard-earned tax money on trying to remove a grave memorial, and use that money to fix the potholes in the street!! I am a Taxpayer!!

Alan Strobe - Please drop the lawsuit pertaining to Block 174 of Fairview Cemetery. Please stop wasting public funds on such an unjust cause.

Rodney Neville, Cooter, Missouri - Last I checked, this is still America. You must Cease the attempted steal by the Liberty City Council of the private property at plot 174 in the Fairview Cemetery. You wish to steal the plot to remove the Monument Grave Marker at that location because of your hidden political agenda to remove history. News Flash, You can't change history but you sure are attempting to Judge a historical representation out of its time & remove part of the record of Liberty's history & our American Ancestors.

The absolute rights of individuals may be resolved into the right of personal security, the right of personal liberty, and the right to acquire and enjoy property. These rights are declared to be natural, inherent, and unalienable. Atchison & N. R. Co. v. Baty, 6 Neb. 37, 40, 29 Am. Rep. 356.

By the "absolute rights" of individuals is meant those which are so in their primary and strictest sense, such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy, whether out of society or in it. The rights of personal security, of personal liberty, and private property that do not depend upon the Constitution for their existence. They existed before the Constitution was made, or the government was organized. These are what are termed the "absolute rights" of individuals, which belong to them independently of all government, and which all governments which derive their power from the consent of the governed were instituted to protect.

The entire council swore to an oath to uphold the constitution & protect the rights of those Americans they represent. You are in fact attempting to change the law & steal privately owned property for your own hidden political agenda. There is NO other explanation. It is what it is. What if someone was attempting to steal YOUR property for a hidden political agenda? I bet you wouldn't stand for it.

Neil Block, Huntsville, Missouri - Here's a great idea, maybe you'd have the courage to read it out loud at the next council meeting. Why do you use the funds to destroy, when you can just as easy use them to build.?

Build a monument of "Booker T. Washington"!!! A leader of MEN, who refused to be treated like a child and made something of himself by taking advantage of opportunities he had! Wow.....a build back better idea.....

Gieselle Fest, Liberty - Fairview Cemetery Civil War Graves (best research via Clay County Archives): Confederate 85; Union 95; Served both 7; Unknown 3; Home Guard 16. Whose stone or property will be next?

Offended is not a reason. I am offended that tax dollars are being spent here. I received my tax bill ... I am offended ... but I will pay my taxes. I am offended that your lawsuit says "Citizens of Liberty". Not. There is no such thing as a Friendly Lawsuit. This is wrong for deeded property... especially in a cemetery.

Lawyers. Once lawyers are included... communication stops... the only ones who win .. the lawyers ... because they are the only ones who get paid! How many tax dollars have been spent because a county wide group of 287 are offended? Please withdraw the lawsuit.

Marlena Porter, Liberty - Although it was requested to not ask to stop the lawsuit, I still respectfully ask that you drop the lawsuit! This is private property and burial ground for fallen soldiers. This is a constitution issue not a race issue! Thank you for your time.

Chery Holtman, Liberty - I am personally against the removal of the memorial in the Fairview Cemetery in Liberty. Ownership and the actual burial sites have been proven so the only reason for the removal is to be a part of the waning national movement to remove a reminder of our past. Statues aren't racist, neither are flags; people are racist and removing this statue doesn't change that. Let's do something positive rather than negative in promoting Liberty as a city where the Civil War is put in historical context, and we condemn racism where it happens today. Don't start targeting the past because one day we will be the past. What we do here matters.

Linda Wiese, Liberty - As a Liberty first ward resident and Liberty tax payer, I request no more tax dollars be spent seeking to remove the Veteran's Monument marking the graves of soldiers buried on private property in the Fairview Cemetery.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Purchase of Liberty Community Center Fitness equipment from Advanced Exercise Equipment in an amount not to exceed \$39,451.20 [AR 015-22]

The Liberty Community Center continues to use the Life Fitness brand of equipment for its reliability, continuous advances in technology, and ease of use. Advanced Exercise Equipment, the local provider of Life Fitness/Hammer Strength equipment, is the approved Sourcewell coop provider for fitness equipment. The total cost of this purchase is \$39,451.20 (including freight and delivery); the list of fitness equipment scheduled for purchase follows: Replacement Life Fitness 95T Discover ST Treadmill (2), Replacement Life Fitness Power Mill and ST Console (1), New Hammer Strength Select Hip and Glute Machine with SE Upgrade, Replacement Life Fitness Insignia Shoulder Press with attachments .

Action: Council Member Gentrup moved to approve the purchase. Council Member Pozel 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. Purchase of four 2022 Ford Police Interceptor Utility Vehicles from Shawnee Mission Ford of Shawnee in an amount to exceed \$146,048.00 [AR 010-22]

For approximately the past 10 years, the Police Department has followed a 3-year replacement cycle for its patrol fleet. This has allowed the department to maintain a reliable fleet. Through a competitive bid process Shawnee Mission Ford was awarded the Metropolitan Area Council of Public Procurement (MACPP) Price Agreement in October of 2021. The Police Department is recommending the purchase of four (4) vehicles in replacement of three (3) 2019 patrol vehicles, and one (1) Police

Interceptor Utility used for operations and support. The Police Department will continue to successfully re-purpose older vehicles into the Police fleet. An online auto auction will continue to be used to sell older Police fleet vehicles after replacement vehicles have been prepared and placed in service.

Action: Council Member Gentrup moved to approve the purchase. Council Member Pozel 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. Resolution accepting the Water Main Improvements for the OPUS Water Main Extension Project [AR 012-22]

The OPUS building project is located on the northwest corner of Shepherd Road and W. Heartland Meadows Drive. The developer constructed public water main extension to facilitate the development and construction of the OPUS commercial warehousing building. The public improvements were constructed in accordance with City plans and specifications.

Action: Council Member Gentrup moved to approve the resolution. Council Member Pozel 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. 3219

D. Resolution to Declare the Official Intent of the City of Liberty, Missouri to Finance the Cost of acquiring certain Equipment and Vehicles and making Capital Improvements using Tax Exempt Debt Financing [AR 019-22]

The City will be acquiring certain vehicles, equipment and property improvements during 2022. The 2022 General Fund anticipates using tax exempt debt financing. To provide maximum flexibility for 2022 budget management, a reimbursement resolution should be passed.

- Vehicles and equipment items include:
 - Information Services Department Minor computer equipment at an estimated cost of \$160,000; and, Capital Equipment at an estimated cost of \$510,000.
 - Police Department vehicles with extended warranties at an estimated cost of \$160,000; and, Capital Equipment at an estimated cost of \$200,000.

- Planning Department Inspection vehicle (s) purchase at an estimated cost of \$60,000
- Animal Control Officer vehicle(s) purchase at an estimated cost of \$110,000
- Public Works capital equipment (Dump truck, F550 with snow equipment, Utility Trailer and Asphalt breaker) at an estimated cost of \$285,000

Action: Council Member Gentrup moved to approve the resolution. Council Member Pozel 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. 3220

- E. Resolution authorizing the Filing of a 2022 Recreational Trails Program (RTP) Grant Application with the Missouri Department of Natural Resources [AR 022-22]

A reimbursement grant from the Missouri Department of Natural Resources (Rec Trails) could potentially subsidize the cost of the Homestead Trail Bridge. This grant is an 80/20 match grant.

Action: Council Member Gentrup moved to approve the resolution. Council Member Pozel 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. 3221

- F. Resolution authorizing the Filing of a 2022 Tree Resource Improvement and Management (T.R.I.M) Grant Application with the Missouri Department of Conservation [AR 022-22]

A reimbursement grant from the Missouri Department of Conservation (TRIM) could potentially subsidize the cost of tree inventory. This grant is a 60/40 match up to a maximum of \$10,000, with preference given to Tree City USA applicants. If selected, in-kind labor can serve as the City of Liberty's match portion.

Action: Council Member Gentrup moved to approve the resolution. Council Member Pozel 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. 3222

VIII. PUBLIC HEARINGS

- A. Ordinance approving an Amended and Restated Master Plan for an Industrial Development Project for the Liberty Heartland Logistics Center [AR 018-22]

This is an amendment to the plan which is increasing the bond capacity from \$118 million to \$133 million, due to increased project costs. The scope of the project remains the same, consisting of three industrial buildings totaling 1,659,000 square foot of build to suit / speculative industrial buildings.

This is a Chapter 100 industrial project. The tax abatement associated with this project is two-phased. Building A is for 15 years with a tiered abatement schedule that starts in years 1-10 at 90% abatement and ends in years 11-15 with 45% abatement. Building B and C will have 90% tax abatement for years 1-10, which is the life of the abatement.

Document No. 9355 was read.

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

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

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 Phillips moved to approve the ordinance. Council Member Gentrup 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. 11533.

- B. Ordinance approving a Plan for an Industrial Development Project; authorizing the City of Liberty, Missouri to Issue a Series of Taxable Industrial Development Revenue Bonds in a Principal Amount not to exceed \$108,200,000.00; and authorizing and approving Certain Documents and Actions in connection therewith [AR 024-22]

The Project consists of one industrial/warehouse building totaling 1,030,000 square foot of a build to suit industrial building. This is a Chapter 100 industrial project. The

tax abatement associated with this site 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. The tenant for this building has chosen to opt out of the 20-year tax abatement and pursue sales tax exemption only. The total amount of qualified building materials purchased will be \$34,600,000.

Document No. 9356 was read.

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

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 Phillips moved to approve the ordinance. Council Member Watt 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. 11534.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of December 30, 2021 to January 7, 2022

Document No. 9357 was read.

Action: Council Member Phillips moved to approve the vendor payments. Council Member Gentrup 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. 11535.

- B. Ordinance accepting a Covenant to Maintain Storm Water Management System, and Public Easements for Sanitary Sewer, Storm Detention Facilities, and Conservation Area for Tracts 2B and 2C of Oakwood Business Park [AR 014-22]

To facilitate the Oakwood Business Park Tracts 2B and 2C commercial development located on Haines Road, east of the Clay County Health Center, storm water quality

facilities will be constructed on the property. Per the City of Liberty's storm water discharge permit from the Missouri Department of Natural Resources, an agreement between the City and post-development landowner(s) is required to designate the responsible party(ies) and the type/frequency of maintenance activities for continued performance of storm water detention and storm water quality facilities. In response to the requirement, the Covenant to Maintain Storm Water Management System associated with the Oakwood Business Park Tracts 2B and 2C development has been executed by the property owner. As part of addressing storm water requirements on the 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. The conservation easement document is attached and executed by the current property owner, OBPT 12, LLC.

To facilitate the development, on-site and off-site public easements for sanitary sewer mains and storm detention facilities were required to be dedicated by the property owners OWBP 12, LLC and One Oak Wood LLC to provide for a sanitary sewer main extension and storm water detention facilities. All easements and covenant documents were obtained at no cost to the City.

Document No. 9358 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 Gentrup moved to approve the ordinance. Council Member Phillips 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. 11536.

C. Ordinance accepting Right-of-way Deed dedicating Public Right-of-way for Hughes Road and Public Easements for Storm Drainage Facilities [AR 011-22]

To facilitate the development of the 390 acre Liberty Commerce Center commercial development located south of Garrison Road between Hughes Road and the Burlington Northern railroad tracks to the east, off-site public storm drainage easements and off-site right-of-way needs to be dedicated to the City of Liberty to provide for the extension of Hughes Road from South Liberty Parkway south to the development site. This ordinance will dedicate public storm drainage easements and convey the public right-of-way property to the City of Liberty via Right-of-Way Deed acquired from Ford Motor Company at no cost to the City.

Document No. 9359 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 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. 11537.

D. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri [AR 013-22]

The traffic regulation amendments pertaining to this action are summarized as follows:

- Speed limit on N Church Road from M-291 Highway to Camille Street shall be 35 miles per hour.
- Speed limit on N Church Road from Camille Street to the north city limits shall be 45 miles per hour.

Document No. 9360 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 Phillips 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. 11538.

E. Ordinance approving a Contract with Stratus Building Solutions for Third Shift Contractual Custodial Services at the Liberty Community Center in an amount not to exceed \$44,184.00 [AR 017-22]

The Liberty Community Center began utilizing third shift contractual custodial services in March 2013 for the locker rooms and fitness center. In March 2015, third shift contractual custodial services were extended to seven days per week in the high-profile areas of the facility. Third shift custodial provides an opportunity for a thorough cleaning of the high-profile areas of the facility when guests aren't utilizing the facility. MC Janitorial is the current contractor and low bidder; however, staff has experienced

service issues throughout the length of their current contract. Staff is recommending a contract with Stratus Building Solutions. This would be year one (2022) of the potential three, one-year agreements with Stratus Building Solutions.

Document No. 9361 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 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. 11539.

- F. Ordinance approving a Guaranteed Pricing Agreement with Heartland Mechanical for removal of existing Natatorium HVAC Unit at the Liberty Community Center, and Installation of Engineered Air AHU, Ionization Unit and UVC Unit in an amount not to exceed \$329,998.00 [AR 016-22]

The Dectron, which currently serves as the air handling unit for the LCC Natatorium, was installed in 2009. Because of the chemicals required to maintain a pool environment, the average life expectancy of a roof top air handling unit in a corrosive atmosphere such as a natatorium is 12-15 years. Over the past three years, numerous repairs have been required due to the deterioration of the unit. Currently, the Dectron is in need of a new compressor estimated by Heartland Mechanical (current citywide HVAC vendor) at \$22,000.

During 2020 and 2021, Heartland Mechanical has had difficulty receiving repair parts for the Dectron in a timely manner. After discussions with Heartland Mechanical and other area pool facilities, staff chose the Engineered Air brand of air handling unit to replace the Dectron. Engineered Air has a manufacturing plant based in Desoto, Kansas, making parts for repairs more readily available.

Document No. 9362 was read.

Action: Council Member Graham 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 Phillips 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. 11540.

G. Sports Apparel Uniforms [AR 020-22]

The Parks and Recreation Department facilitates a wide variety of youth and adult sports leagues and camps throughout the year which require the purchase of uniforms, jerseys, caps, socks, champion apparel, etc. An RFP was advertised soliciting vendors to provide full service apparel management for each of the programs. The bid was not limited to a single-vendor award and was written with the ability to split the award among vendors offering the best price and/or service. A “basket of goods” analysis was used to compare unit pricing proposed.

1. Ordinance approving a Guaranteed Pricing Agreement with Challenger Teamwear Group for FY 2022 Adult and Youth Sports Apparel – Youth Soccer in an amount not to exceed \$15,582.50

Document No. 9363 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 Phillips seconded the motion.

Vote: Motion passed 6-0-1

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

No: None

Abstain: Council Member Gentrup, potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 11541.

2. Ordinance approving a Guaranteed Pricing Agreement with Custom Graphics for FY 2022 Adult and Youth Sports Apparel – Youth Baseball/softball, Baseball Caps, and Volleyball in an amount not to exceed \$20,249.50

Document No. 9364 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 Phillips moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 6-0-1

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

No: None
Abstain: Council Member Gentrup, potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 11542.

3. Ordinance approving a Guaranteed Pricing Agreement with TW Sportswear for FY 2022 Adult and Youth Sports Apparel – Basketball, Bitty Sports, and Adult Sports Championship Shirts in an amount not to exceed \$27,880.05

Document No. 9365 was read.

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

Action: Council Member Watt moved to waive the rules and consider the ordinance on first reading. Council Member Pozel seconded the motion.

Vote: Motion passed 6-0-1
Yes: Council Members Phillips, Jenness, Pozel, Graham, Watt and Duncan
No: None
Abstain: Council Member Gentrup, potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 11543.

- H. Ordinance approving a Guaranteed Pricing Agreement with Kohl Wholesale for FY 2022 Concession Food and Supplies in an amount not to exceed \$70,000.00 [AR 021-22]

During scheduled events, the Parks and Recreation Department operates two concession stands within the Sports Complex. An independent contractor is engaged to deliver concession food and supplies to the Sports Complex concession stands. The Sports Complex operating budget includes funding for this set of services in the amount of \$70,000. This pricing is based on past participation levels as well as the increased use of the Sports Complex with the installation of turf. This amount may fluctuate pending the increase or decrease of 2022 participation levels. All concession food purchased is resold for a profit.

Document No. 9366 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.

Vote: Motion passed unanimously.

Action: Council Member Pozel moved to approve the ordinance. Council Member Phillips 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. 11544.

- I. Ordinance authorizing the Mayor to Terminate the April 26, 2021 Amendment to the Agreement with Liberty Solar II, LLC for Renewable Power at City Hall, Fire Stations 1, 2, 3, Liberty Community Center, Park Maintenance, Public Works Maintenance, New Animal Control Shelter, Waste Water Treatment Plant, and Water Treatment Plant [AR 023-22]

On September 24, 2018, the City of Liberty entered into an agreement (Phase I) with Liberty Solar LLC for renewable solar energy for Parks and Utilities. Phase I is complete and the City is offsetting power at Capital Federal Sports Complex and the City water wells.

On September 23, 2019, the City Council authorized MC Power to move forward with Phase II of the solar panel project for City owned buildings to include City Hall, Liberty Community Center, Fire stations, Water and Wastewater, Animal Shelter, Public Works and Park Maintenance sites. MC Power applied for and received commitments from Evergy for rebates totaling \$185,000 upon completion of all solar systems. Later that year the City was notified that MC Power had lost its financial backing but was working with a new partner and would have new documents soon. MC Power developed plans for all sites and submitted them for building permits; permits were issued in the spring of 2020.

In January 2021, Valta Solar was brought on board and it was explained to the City that Valta would finance the project. Staff was told Valta had all the solar panels in a warehouse ready to ship to Liberty as soon as the updated documents were signed.

On April 26, 2021, an amended agreement was submitted to City Council requesting an increase in the monthly cost for solar; the Council authorized the Mayor to sign the amended agreement.

Several times throughout the spring of 2021 staff requested information from Valta on when construction would start and when the City should expect solar panels to arrive on site. Staff received little information from MC Power other than they were working on some final documents for the City to sign and would refer the City to Valta for more information.

In August 2021, the City received and was asked to sign a document that provided Celtic Bank of Utah as Lender. The agreement the City was asked to sign would, in summary, give Celtic Bank access to all City sites at any time to remove all solar systems should Valta be deemed in default. Since much of the energy savings for the City would be after 10 years this was a big concern to City staff and the City Attorney. Staff rejected the document.

In December 2021, City staff was notified by Evergy that all the rebates would expire at the end of the month and would not be renewed. Staff sent an email to Valta and MC Power giving 30 days to perform or the City would deem them in default and seek to terminate the agreement. With all the delays and added need

for additional agreements and added lenders, staff feels MC Power and Valta to be in default and unable to perform.

Document No. 9367 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 Phillips 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. 11545.

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

The meeting adjourned at 8:00 p.m.

Mayor

Attest:

Deputy City Clerk