



## City Council Meeting

Regular Session Minutes  
December 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 Monday, December 13, 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 Gene Gentrup, who then led the 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  
Vicki McClure, Interim Finance Director  
Shawwna Funderburk, Chief Strategic Operations Officer  
Andy Noll, Utilities Director  
James Simpson, Police Chief  
Brandon Smith, Economic & Business Dev. Manager  
Katherine Sharp, Planning and Development Director  
Ashley Comer, Accounting Manager  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION

Marlena Porter, stated the statue is on private property and should be left where it is.

David Langston, 1920 Carter Court, thanked Council Members that support private property rights. He's here to show support for the black monument, and is supportive of the confederate monument as it's a part of history.

Dwayne Holtzclaw, 113 Kevin Street, Excelsior Springs, stated his family is buried in lot 174. He requested that the private gravesite be left alone.

Sharon Fiene, 457 E. Franklin, Liberty, stated it is imprudent to spend tax payer dollars to remove a monument, yet willing to build the black one. Why remove one while building another?

Gieselle Fest, 1407 Lynette, Liberty, requested that Council withdraw the lawsuit regarding Cemetery lot 174.

Mary Cravens, 300 Manor Lane, stated she has served on the Cemetery Committee since 2009 and she is against the revestment. The City didn't have money to help reset stones, but will spend money to take back a lot to remove a statue. She added that the CCAAL monument has been rushed, it's going to end up being built upon a burial plot.

Shelton Ponder, stated that people are trying to tie the two monuments together. No matter who is buried under the proposed CCAAL site, you can put a monument there as the black monument is a testament to all those pioneers.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to purchase two steel 16' x 24' shade structures from Poligon/Portercorp in an amount not to exceed \$33,346.00 [AR 173-21]

With the removal of trees inside the Sports Complex 4-plex and 5-plex due to Emerald Ash Borer, an invasive species, the Liberty Parks and Rec Foundation included the purchase of a shade structure in their 2021 fundraising effort. For the longest life expectancy, staff recommends the purchase of a steel structure.

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

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of November 12 – December 3, 2021

Document No. 9331 was read.

**Action:** Council Member Hagan moved to approve the vendor payments. Council Member Phillips 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. 11510.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 357 Acres between Interstate 35 and US 69 Hwy. South of 116<sup>th</sup> Street from R-1A, "Suburban Residential District" and Agriculture to M-1, "Light Industrial District" for North Liberty Logistic Park (P&Z Case No. 21-49R&PDP) [**Second Reading**]

The proposal is for an industrial center with approximately 4.3 million square feet of space in 9 buildings. There are 9 lots proposed on 360+/- acres. The proposed zoning is M-1 "Light Industrial" which allows; non-retail business uses, light manufacturing facilities, distribution and warehousing facilities, restaurants and indoor recreational facilities.

Document No. 9315 was read.

**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. 11511.

- C. Resolution approving a Preliminary Plat for North Liberty Logistic Park, 357 Acres between Interstate 35 and US 69 Hwy South of 116<sup>th</sup> Street, a Subdivision of Land in Liberty, Clay County, Missouri (P&Z Case 21-50PP) [**postponed from 11/22/21**]

This is a proposal for an industrial center with approximately 4.3 million square feet of space in 9 buildings. There are 9 lots proposed on 360+/- acres. The industrial buildings are proposed to be utilized for manufacturing, warehousing and distribution purposes.

**Action:** Council Member Phillips moved to approve the resolution. 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  
Inscribed in Resolution No. 3208.

- D. Ordinance approving a Development Agreement between the City and Northpoint Development, LLC; and authorizing and approving Certain Actions in Connection Therewith [AR 175-21]

The project consists of acquiring, constructing and improving an industrial development of approximately 4,258,000 square feet, consisting of nine industrial/warehousing buildings (The development will consist of approximately nine buildings ranging from 338,000 square feet up to 587,000 square feet).

The project proposes a Chapter 100 Tax Abatement for a 20-year period with a phased abatement schedule starting at 90% in year one and ending at 18% in year 20. It is anticipated that the nine buildings will be built in two phases and then secure tenants who may or may not apply for tax abatement separate from Northpoint Development, LLC. Northpoint Development LLC. will make a PILOT (Payment In Lieu of Taxes) payment in an amount calculated based on square footage of the constructed buildings multiplied by a per-square foot PILOT (outlined in Plan).

NorthPoint Development, LLC. will make that payment to the County as real property tax revenue and distribute it to the taxing entities.

The developer will also seek sales tax exemption on construction materials as part of the Chapter 100 approval. There is no personal property tax abatement included at this time. Staff anticipates as proposals for tenants come to the City, they will be evaluated at that time.

Document No. 9332 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 Hagan 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. 11512.

E. Street Restoration Project [AR 170-21]

1. Ordinance amending Ordinance No. 11439 approving a contract with Superior Bowen Asphalt Co., LLC for the 2021 Street Maintenance Pavement Restoration Project and decreasing the contract amount by \$13,231.26 from \$1,175,566.94 to \$1,162,335.68.

The contract amount for the base bid was determined from estimates of the materials required to restore, repair, and pavement mark each of the roadway sections. The \$1,175,566.94 contract with Superior-Bowen Asphalt Company, LLC was approved by Council on July 12, 2021. Following project completion, the actual material quantities used resulted in adjustments to the estimated bid quantities.

Document No. 9333 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 Pozel 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. 11513.

2. Resolution accepting the 2021 Street Maintenance Pavement Restoration Project and authorizing final payment to Superior Bowen Asphalt Company, LLC

**Action:** Council Member Hagan moved to approve the resolution. 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

Inscribed in Resolution No. 3209.

F. Little Shoal Creek Storm Drainage Improvements Project [AR 171-21]

1. Ordinance amending Ordinance No. 11295 approving a contract with Holthouse Construction, LLC for the Little Shoal Creek Storm Drainage Improvements Project and increasing the contract amount by \$11,814.00 from \$625,000.00 to \$638,814.00.

The contract with Holthouse Construction, LLC. was approved by City Council on September 14, 2020. The contract amount for the base bid was based on engineering plans developed by design consultant HDR Engineering to realign the stream channel back to within the existing public storm drainage easement limits and armoring of the channel with gabion baskets of approximately 700 feet of the stream to address stream incising, erosion, and slope stability. In November of 2019, City Council authorized City staff to apply for MDNR Stormwater Grant funding to be used toward stormwater projects consistent with a Comprehensive Stormwater Plan, bank stabilization, or erosion control. The City was awarded a total of \$151,825 in grant funding to be used for construction, and required a 50% City funding match, which was approved by City Council on September 14, 2020. City staff received the full grant reimbursement payment from MDNR in November 2021.

The budget for this project was established at \$1,195,110 for engineering design, permitting, environmental permit stream mitigation credit payment, tree clearing, construction, and contingencies. Funding consists of \$1,043,285 in Capital Sales Tax funds plus the \$151,825 in MDNR grant funding.

The original contract amount was based upon estimated construction quantities. Final payment is based on actual quantities constructed in the field. The as-constructed quantities resulted in a reconciliation contract amendment with Holthouse Construction, LLC increasing the contract amount by \$11,814.00 from \$625,000.00 to \$638,814.00.

Costs to date for the project total \$937,974.30 including engineering, environmental permit fees, mitigation credit payment, tree clearing, construction, and contingencies. There are expected to be additional costs associated with survey by HDR Engineering to produce as-built plans, but it is not expected to exceed \$3,565.

Document No. 9334 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 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. 11514.

2. Resolution accepting the 2021 Little Shoal Creek Storm Drainage Improvements Project and authorizing final payment to Holthouse Construction, LLC.

**Action:** Council Member Graham moved to approve the resolution. 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

Inscribed in Resolution No. 3210.

G. Ordinance approving an Agreement with A.W. Schultz, Inc. for the Purchase and Installation of Replacement SCADA Radios in an amount not-to-exceed \$66,150.00 [AR 176-21]

SCADA radios are essential for the operation of the drinking water and waste water systems as they allow for the remote monitoring of the water towers and control of pumps and wells. Staff has experienced reliability issues with the aging radios and believes it is best to replace all of the radios to standardize the radios that are in operation and minimize backup inventory requirements.

Document No. 9335 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 Pozel 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. 11515.

- H. Ordinance approving an Agreement with CK Power for the Purchase and Installation of Kohler Power Systems Emergency Generators at the Water Production Plant and Well Field in an amount not to exceed \$517,138.25 [AR 177-21]

The Water Production staff recently completed a federally required vulnerability assessment of the drinking water system and the highest priority action item identified was backup electrical power. Short power outages are a common item at both the well field and water plant. The water plant emergency generator will power 100% of the water treatment plant and the well field emergency generator will power two wells that will provide enough flow to meet base demand.

Document No. 9336 was read.

**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 Hagan moved to approve the ordinance. Council Member Gentrup 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. 11516.

I. Ordinance amending Ordinance No. 11337, Adoption of the 2021 Budget for the City of Liberty, Missouri (General Fund - Fund Balance Spend Down) [AR 178-21]

The current 20.38% General Fund fund balance is the result of prudent and conservative expenditure decisions each year, in addition to periodic incremental revenue increases. The General Fund fund balance has continued to increase, even during the COVID-19 pandemic.

A list of four one-time funding expenditures was presented to the Budget Committee on November 17, 2021: 1) Parks Master Plan, 2) Police upgrade of body cams, 3) Municipal Code Update, and 4) Payroll/HRMS System Upgrade. The total cost of the four one-time funding expenditures is \$370,000.

Document No. 9337 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 Phillips moved to amend the ordinance by adding an additional allocation of \$10,000.00 to Frank Hughes Library to replace a failed AC unit and \$25,000.00 to the cemetery for use by the cemetery committee to repair damaged headstones. Council Member Gentrup seconded the motion.

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

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

**No:** None

**Abstain:** None

**Action:** Council Member Watt moved to approve the ordinance as amended. 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. 11517.

J. Resolution approving the Final Design for a Memorial to Honor the Internment of African Americans in the Cemeteries of the City of Liberty, Missouri [AR 172-21]

Council approved an MOU for the placement of a granite marker with as many names as could be documented to be placed in the Fairview Cemetery; Council requested final design information be submitted for review as it became available.

The Cemetery Committee reviewed the proposal and had concerns that the marker would be placed over graves. The marker is to be placed in a no-longer-used road that

is also part of the cemetery plat. Measures will be used to help ensure the marker will not be placed over existing graves.

Every effort is being made to ensure no graves are disturbed. Johnson Monument will start with a long probe rod to determine if anything is below the surface. They will proceed to small pilot holes checking to make sure the site is clear. They will continue to widen the holes in gradual increments to the point required to hold the granite marker. The same process will be used for the installation of the bollards. Johnson Monument believes that two footings, 2' in diameter and 3' deep, will be less of a disturbance to the area than an 18" thick monolithic slab. Missouri State Statutes that could apply to this project: 1) Statute 194.400 Unmarked Human Burial Sites and 2) Statute 214.208 Disinterment authorized, when – consent required, when – cemetery owner not liable, will be followed.

**Action:** Council Member Hagan moved to approve the resolution. Council Member Pozel 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. 3211.

K. 2022 Annual Budgets [AR 174-21]

State law 67.010, 67.020 and 67.030 requires the City to annually adopt a budget prior to the beginning of the new fiscal year. Failure to adopt a new budget requires a default to the current year budget. The only expenditures that would be automatically approved would be 2021 levels for staffing, maintenance cost levels for commodities and funding for prior contractual arrangements.

Desiring to have enhanced elected official oversight on fiscal matters, the Mayor and Council established the Council Budget Committee in May 2009. Continuing the partnership with City staff, work on the 2022 budget commenced in the Summer with Administration and Finance issuing directions and forms to the departments. Over the last few months, the City's Management Team has been working through the budget process. The coordinated work with the Budget Committee was undertaken over numerous meetings and involved substantial hours of review.

1. Ordinance adopting the Annual Budget for the City of Liberty, Clay County, Missouri for the Fiscal Year 2022

Document No. 9338 was read.

Mayor Brenton stated this item would be considered on second reading at the December 20<sup>th</sup> Special Session Meeting.

2. Ordinance adopting the Annual Park and Parks Sales Tax Budgets for the City of Liberty, Clay County, Missouri for the Fiscal Year 2022

Document No. 9339 was read.

Mayor Brenton stated this item would be considered on second reading at the December 20<sup>th</sup> Special Session Meeting.

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

The meeting adjourned at 7:56 p.m.

\_\_\_\_\_  
Mayor

Attest:

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