



## City Council Meeting

Regular Session Minutes  
November 22, 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, November 22, 2021 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:05 p.m.

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Harold Phillips, who then led the pledge of allegiance.

### III. ROLL CALL

Council Members Present: Harold Phillips, Ward I  
Greg Duncan, Ward II  
Kevin Graham and Jeff Watt, Ward III  
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Paul Jenness, Ward I  
Kelley Wrenn Pozel, Ward II

Staff Present: Sara Cooke, Assistant City Administrator/Communications  
Vicki McClure, Interim Finance Director  
Shawwna Funderburk, Chief Strategic Operations Officer  
Andy Noll, Utilities Director  
Sherri McIntyre, Public Works Director  
Amy Blake, Human Resources Director  
BJ Staab, Parks and Recreation Director  
Donna Kay Taylor, Assistant Parks and Recreation Director  
James Simpson, Police Chief  
John Mills, Fire Chief  
Brandon Smith, Economic & Business Dev. Manager  
Katherine Sharp, Planning Director  
Claire Rodgers, Communications Manager  
Janet Pittman, Deputy City Clerk

Public Present: Kellie Houx, Liberty Tribune  
25 members of the public

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION

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

Sharon Fiene, 457 E. Franklin, Liberty, expressed opposition to the lawsuit in order to eliminate the statue and requested it be stopped.

Max Garrison, 138 N. Missouri Street, Liberty, stated the graves should not be desecrated but the monument should be removed as its symbol of treating people as chattel.

Dwayne Holtzclaw, 113 Kevin Street, Excelsior Springs, stated his family has ties to the County and the McClarty Camp, including burial in lot 174. He requested that the private gravesite be left alone.

Martin Jacobs, 1541 Canterbury Lane, Liberty, noted his concern about any display of slavery, battle flags do not belong in a City cemetery.

David Langston, 1920 Carter Court, stated the flags in the cemetery are Christian flags. He has seen the US flag burned and misused. Was the Christian flag misused by the Confederacy? Maybe so, but it's no less a Christian flag.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA - None

VIII. PUBLIC HEARINGS

- A. 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)

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.

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.

Mayor Brenton stated the Ordinance would be considered on second reading at the December 13, 2022 Regular Session meeting.

- 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 \$93,875,000; and authorizing and approving Certain Documents and Actions in Connection Therewith (AR 167-21/NP Broadacres)

The Project consists of acquiring and improving an industrial development of approximately 517,000 square feet, consisting of one industrial/warehousing building, and proposes a Chapter 100 Tax Abatement for Sales Tax Exemption Only for a 3-

year period. It is anticipated that the building will be built in one phase. NP Broadacres 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, pg. 3). NP Broadacres will make that payment to the County as real property tax revenue which is then distributed to the taxing entities. The total amount of qualified building materials purchased will be \$30,361,190. The sales tax exemption for the entire 3-year period is approximately \$2,686,965. The PILOT payments made on the project site will be 100% PILOT payments totaling approximately \$662,654,000. The site currently has an estimated tax revenue of \$399 annually. It is anticipated that approximately \$2,686,965 in sales and use tax revenue will be exempt, however there are no sales anticipated within the City of Liberty.

The bonds will be purchased by the company and funded by the company via a bond trustee, as they spend funds on the project. The City will take title to the real estate in order for the property to be tax exempt from taxes. The company in turn will make lease payments equal to the debt service payments on the bonds. The City is merely acting as a conduit for the financing. The City will have no financial liability with respect to the bonds, since the bonds are payable only from the company's lease payments. Tenants secured by NP Broadacres will enter into a sub-lease agreement.

Document No. 9316 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 Gentrup seconded the motion.

**Vote:** Motion passed unanimously.

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

Roll Call

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11495.

- C. 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 \$35,500,000; and authorizing and approving Certain Documents and Actions in Connection Therewith (AR 168-21/Project Nucleus {Walgreen Co})

The Project consists of constructing tenant finish improvements and acquiring and installing equipment in an industrial space located within NP Broadacres, and

proposes a Chapter 100 Tax Abatement for a 10-year period with an abatement schedule of 50% in years one through ten. Walgreens Co. will make a PILOT (Payment In Lieu of Taxes) payment at a rate of 50% of the taxes that would be due were it not for the City's ownership of the equipment outlined in this plan. Walgreen Co. will make that payment to the County as property tax revenue and distribute it to the taxing entities. The tax abatement for the entire 10-year period is approximately \$1,486,762. The PILOT payments made during that same 10-year period totals approximately \$1,513,619. The project will also receive sales tax exemption on qualified building materials and personal property as part of the Chapter 100 approval. It is anticipated that approximately \$2,971,388 in sales and use tax revenue will be exempt, however there are no sales anticipated within the City of Liberty.

The bonds will be purchased by the company and funded by the company via a bond trustee, as they spend funds on the project. The City will take title to the real estate in order for the property to be tax exempt from taxes. The company in turn will make lease payments equal to the debt service payments on the bonds. The City is merely acting as a conduit for the financing. The City will have no financial liability with respect to the bonds, since the bonds are payable only from the company's lease payments.

Document No. 9317 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 Watt moved to approve the ordinance. Council Member Hagan seconded the motion.

Roll Call

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11496.

- D. Ordinance approving a Plan for an Industrial Development Project; authorizing the City of Liberty, Missouri to Issue Taxable Industrial Revenue Bonds in the Maximum amount of \$7,950,000; and authorizing Certain Agreements and Actions in Connection Therewith (AR 169-21/Ford Motor Co.)

The Project consists of the expansion of an industrial development of approximately 55,000 square feet, and proposes a Chapter 100 Tax Abatement for real and personal property for a 15-year period. It is anticipated that the expansion will be built in one phase. Ford Motor Company will not make any payments in lieu of tax

during construction or for years 1-10 after project completion for real or personal property comprising of the project. Ford Motor company will make a PILOT (Payment In Lieu of Taxes) payment in years 11-15 for real and personal property comprising the project at a rate of 50% of the taxes that would be due were it not for the City's ownership of the project in accordance with the development plan. Ford Motor Company will make that payment to the County as real property tax revenue, which will distribute to the taxing entities. The total amount of qualified building materials purchased will be \$5,620,000. The sales tax exemption based on those assumptions is approximately \$497,370. The PILOT payments made on the project site in years 11-15 will be 50% PILOT payments totaling approximately \$605,363. The value of the abatement over the 15 year period is \$3,241,735. It is anticipated that approximately \$5,620,000 in sales and use tax revenue will be exempt, however there are no sales anticipated within the City of Liberty.

The bonds will be purchased by the company and funded by the company via a bond trustee, as they spend funds on the project. The City will take title to the real estate in order for the property to be tax exempt from taxes. The company in turn will make lease payments equal to the debt service payments on the bonds. The City is merely acting as a conduit for the financing. The City will have no financial liability with respect to the bonds, since the bonds are payable only from the company's lease payments. Tenants secured by NP Broadacres will enter into a sub-lease agreement.

Document No. 9318 was read.

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

Tony Rinehart, Ford Motor Co., stated this is the 5<sup>th</sup> expansion of the stamping plant and will add approximately 350 additional employees.

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

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

Roll Call

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11497.

## IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of October 29 – November 12, 2021

Document No. 9319 was read.

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

Roll Call

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11498.

Mayor Brenton resumed as chair of the meeting.

- B. 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)

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 Graham moved to postpone consideration of the resolution to December 13, 2021. Council Member Hagan seconded the motion.

- C. Ordinance approving a Contract with JE Dunn Construction for Progressive Design/Build Construction Services for the City Hall Project No. 21-19 in an amount not to exceed \$46,575.00 (AR 158-21)

The goals of the project were defined as City Hall renovation, and included addressing the building's glass atrium that is causing significant leaking into the building, and repairing all damages caused by the leakage. All repairs and major updates to City Hall shall be to a minimum of LEED Gold standards. The front entrance from Kansas Street into the second floor of City Hall shall also be upgraded to meet ADA compliance as part of the atrium improvements.

JE Dunn Construction will provide programming, design development, cost estimating, and pre-construction activities to establish a guaranteed maximum price for the work. Future work and contracting will include final design, construction phase services and the cost for construction.

Document No. 9320 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 Hagan seconded the motion.

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11499.

- D. Ordinance approving a Contract with Town & Country Building Services for Janitorial Services in an amount not to exceed \$28,920.00 (AR 159-21)

Document No. 9321 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 Gentrup seconded the motion.

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11500.

- E. Ordinance approving a Covenant to maintain the Storm Water Management System for the Oakwood Business Park Tracts 16 and 17 Development (AR 156-21)

To facilitate the Oakwood Business Park Tracts 16 and 17 commercial development located on Haines Road, west 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 This covenant is the City's standard requirement where storm water detention and storm water quality facilities are required.

Document No. 9322 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 6-0-0  
Yes: Council Members Phillips, Hagan, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11501.

F. Ordinance amending Chapter 20, "Motor Vehicles & Traffic", of the Code of the City of Liberty, Clay County, Missouri (Stop Intersections Schedule) (AR 157-21)

This amendment is for existing stop signs that have been in place for many years, but for some reason were never codified by City ordinance. This action will update the City Code so it agrees with what is out in the field. The traffic regulation amendment is for stop signs located in Withersfield residential subdivision on Surrey St, Buckingham Dr, Bernadine Dr, and Parkside Dr.

Document No. 9323 was read.

**Action:** Council Member Watt 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 Hagan moved to approve the ordinance. Council Member Graham seconded the motion.

Vote: Motion passed 6-0-0  
Yes: Council Members Phillips, Hagan, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11502.

G. Ordinance approving a Guaranteed Pricing Agreement with Brady Industries for 2022 Citywide Purchase and Delivery of Custodial Supplies in an amount not to exceed \$40,000.00 (AR 160-21)

Document No. 9324 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 Gentrup seconded the motion.

Vote: Motion passed 6-0-0  
Yes: Council Members Phillips, Hagan, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11503.

- H. Ordinance approving a Memorandum of Understanding with Clay County Senior Services to provide Grant Funding for Senior Center and Senior Transportation Administration in the amount of \$122,000.00 (AR 161-21)

The City of Liberty has received notification from Clay County Senior Services that the Community Services Division will receive \$122,000.00 for the Community Services division for operational expenses associated with Liberty Access (\$34,000), Liberty Access Bus Match (\$16,000), and Liberty Senior Center (\$72,000).

Document No. 9325 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 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11504.

- I. Ordinance approving a Guaranteed Pricing Agreement with Heartland Mechanical for FY 2022 HVAC Preventative Maintenance and On-Call Repair Services in an amount not to exceed \$125,000.00 (AR 162-21)

Document No. 9326 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 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11505.

- J. Ordinance approving a Guaranteed Pricing Agreement with Liberty Sports Officials for 2022 Youth and Adult Sports Officiating Services in an amount not to exceed \$250,000.00 (AR 163-21)

The Parks and Recreation Department utilizes independent contractors to manage officiating services for all sports leagues. Services covered by this contract include all Liberty Parks and Recreation Department sports programs (youth recreational and

competitive baseball, youth recreational and competitive softball, youth recreational and competitive basketball, youth recreational soccer, youth recreational and competitive flag football, youth recreational volleyball, adult softball, adult volleyball, and adult basketball). The division's operating budget includes funding for this set of officiating services in the amount of \$250,000, which is recouped through participant registrations.

Document No. 9327 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 Phillips seconded the motion.

**Vote:** Motion passed 5-0-1

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

**No:** None

**Abstain:** Council Member Gentrup, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 11506.

K. Lime Silo Project (AR 164-21)

1. Ordinance amending Ordinance No. 11390, authorizing a Contract with David E. Ross Construction Co. to remove existing Lime Silo and Install New Lime Silo #UT-001-20

David E. Ross Construction Company has completed the installation of the Lime Silo at the Water Production Plant. Documentation of the final change order has been completed and is in the amount of \$5,444.53, which is well below the authorized installation contingency of \$35,000.00. Changes were necessary for the installation of the exterior eye wash system, installation of alternate tubing due to supply issue, and change in the size of a valve.

Document No. 9328 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 Gentrup moved to approve the ordinance. Council Member Watt seconded the motion.

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11507.

2. Resolution accepting the Lime Silo Removal and Installation Project

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

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3207.

L. Ordinance approving an Agreement with Dude Solutions for Purchase and Implementation of Asset Essentials Enterprise Software in an amount not to exceed \$94,042.99 (AR 165-21)

Asset Essentials is a cloud-based system that will allow staff to utilize the software in the office and the field, which will encourage more robust tracking and documenting of maintenance activities. The contract for Asset Essentials will provide for the software, implementation, conversion of existing data, unlimited users and 20 GB of storage. All of the existing electronic maintenance records from the mid-1990s to current will be imported into the new software package.

Document No. 9329 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 Hagan seconded the motion.

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11508.

M. Ordinance authorizing and directing the Issuance, Sale and Delivery of the City of Liberty, Missouri, General Obligation Refunding Bonds, Series 2021 in an amount not to exceed \$7,030,000; and Authorizing certain other Documents and Action in Connection Therewith (AR 166-21)

The Series 2012 General Obligation bonds were issued in July 2012. These bonds were used to cover costs associated with major road infrastructure projects such as the I35/M291 project and the Liberty Drive Improvements projects. The Series 2013 General Obligation Bonds were issued to help cover costs associated with the Franklin Street project and South Liberty Interchange. Interest rates of today are much more advantageous than they were when these two bond issuances were completed. Both series of the General Obligation Bonds became callable in early 2021, giving City staff the ability to refinance them and take advantage of the lower

interest rates. By refunding these bonds, the estimated NPV shows a savings from cash flow of \$455,000.

Document No. 9330 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 Gentrup seconded the motion.

Roll Call

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11509.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

\_\_\_\_\_  
Mayor

Attest:

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