



## City Council Meeting

Regular Session Minutes  
January 23, 2023

### 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 January 23, 2023 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 Jeff Watt, who then led the pledge of allegiance.

### III. ROLL CALL

Council Members Present: Paul Jenness, Ward I  
Greg Duncan and Kelley Wrenn Pozel, Ward II  
Kevin Graham and Jeff Watt, Ward III  
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Harold Phillips, 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  
Jim Martin, Police Chief  
John Mills, Fire Chief  
Sherri McIntyre, Public Works Director  
Heather Massey, Police Lieutenant  
Lori Sutton, Police Support Services Supervisor  
Jerry Clark, Communications Supervisor  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION

#### A. JERRY CLARK - TRI-CIT TELECOMMUNICATOR OF THE YEAR AWARD

Police Chief Jim Martin congratulated Liberty Police Dept. Communications Supervisor Jerry Clark for receiving the TRI-CIT Telecommunicator of the Year Award. The TRI-CIT Awards event honors the Northland Crisis Intervention Team (CIT), a community partnership of law enforcement, mental health providers, individuals who

live with mental illness and/or substance use disorders, their families, treatment courts and other community stakeholders.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. MOTION TO AUTHORIZE THE PURCHASE OF A LAND PRIDE BATWING MOWER FROM HEARTLAND TRACTOR IN AN AMOUNT NOT TO EXCEED \$23,785.50

The replacement of a batwing mower for the Parks and Natural Resources Division is part of the Parks and Recreation Department's 2023 capital improvement equipment replacement program. The Land Pride batwing mower has flexible mowing decks that allow one tractor to mow a 16-foot wide path of land in one pass. This unit is vital for mowing the large open lawn areas within the parks. This unit will replace an 11-year-old implement that requires maintenance and replacement parts.

Council Member Hagan moved to approve the purchase. Council Member Jenness seconded the motion, which carried unanimously.

B. MOTION TO AUTHORIZE THE PURCHASE OF TWO JOHN DEERE Z994 MOWERS FROM LAWN AND LEISURE OF LEE'S SUMMIT, MO IN AN AMOUNT NOT TO EXCEED \$28,024.22

The replacement of two mowers for the Parks and Natural Resources Division is included as a part of the Parks and Recreation Department's 2023 capital improvement equipment replacement program. The current units have exceeded the life of work hours and are recommended for replacement. The life-hours are an indicator that maintenance costs will increase as more repairs become needed to the wearable parts of the equipment.

Council Member Hagan moved to approve the purchase. Council Member Jenness seconded the motion, which carried unanimously.

C. MOTION TO AUTHORIZE THE PURCHASE OF A 2022 NEW HOLLAND POWERSTAR 75 TRACTOR FROM ST. JOSEPH TRACTOR IN AN AMOUNT NOT TO EXCEED \$57,500.00

Purchase of a 2022 New Holland Power Star 75 Tractor for \$57,500.00. This tractor will replace the 2002 John Deere 5420 tractor, which has reached the end of its service life. The replacement tractor will primarily be utilized to operate a 16-foot mower, which maintains large areas of turf in all of the parks. Other uses for this tractor include grading, brush cutting and blading of snow in parking lots.

Council Member Hagan moved to approve the purchase. Council Member Jenness seconded the motion, which carried unanimously.

D. MOTION TO AUTHORIZE A BLANKET PURCHASE ORDER AND DELIVERY OF HYDRATED LIME FROM MISSISSIPPI LIME IN AN AMOUNT NOT TO EXCEED \$400,000.00

The City's water production plant uses certain chemicals in the production process. Lime is utilized in large quantities throughout the year for softening and coagulation. The 2023 Water Fund budget includes funds to cover this purchase throughout the year.

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

Council Member Hagan moved to approve the purchase. Council Member Jenness seconded the motion, which carried unanimously.

- E. MOTION TO APPROVE A PURCHASE ORDER TO HARCROS CHEMICAL FOR THE PURCHASE AND DELIVERY OF SODIUM FLUORIDE IN AN AMOUNT NOT TO EXCEED \$30,000.00

Operations at the City's water production plant require certain chemicals in the production process. Sodium Fluoride is added to maintain a fluoride residual that helps fight tooth decay. This chemical is required for water production throughout the year. Proposals were requested from three companies that provide various chemical products. The unit costs include transportation to the water production plant with deliveries anticipated to be bi-monthly, or as needed.

Council Member Hagan moved to approve the purchase. Council Member Jenness seconded the motion, which carried unanimously.

#### VIII. PUBLIC HEARINGS

#### IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF DECEMBER 30, 2022 TO JANUARY 13, 2023

Mayor Pro Tem Kevin Graham took over as Chair of the meeting.

Document No. 9540 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11708.

Mayor Brenton resumed as chair of the meeting.

B. ORDINANCE AMENDING ORDINANCE NO. 11561, AMENDING AN AGREEMENT WITH DENALI WATER SOLUTIONS, LLC FOR THE DISPOSAL OF WATER PLANT RESIDUALS

Wastewater continually produces biosolids. These biosolids require handling. Denali has been managing/handling our beneficial reuse of biosolids. Handling of biosolids requires agronomical loading/ nutrient testing and generation of annual reports for the Wastewater Treatment Plant which goes to Missouri Department of Natural Resources (MoDNR) to demonstrate biosolid compliance.

Denali has an existing contract that expires at the end of 2023 which is currently set at \$49 per wet ton with no minimum. This amendment adds a monthly minimum of \$14,700 monthly for 350 wet tons, which is a reduction to \$42 per wet ton. The reduction in rates and a minimum monthly amount was a compromise solution for both the City and the contractor. Monthly tonnage above 351 wet tons will be at an additional rate of \$49 per wet ton. This proposal/amendment is being pursued due to contractor financial issues related to increase in fuel and labor, increased equipment and repair costs and periods of decreased production of biosolids.

Biosolid disposal exceeded 350 wet tons for seven months in the year 2022. Staff expects less biosolid disposal needs as the membrane thickening improvement project is completed however, it would be optimistic not to plan for some months that would exceed the 350 wet ton allotment.

Document No. 9541 was read.

**Action:** Council Member Jenness 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 Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11709.

C. ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF LIBERTY AND WEATHER OR NOT WEATHER SERVICE IN AN AMOUNT NOT TO EXCEED \$21,473.00

The "Weather or Not" program is a weather tracking and alert system that the City of Liberty used by the Fire (Emergency Management), Public Works, Utilities and Parks & Rec departments as well as the City's special events teams. The contract allows for up to 35 users.

The automated system provides twice daily weather forecasts Monday - Friday and daily forecasts on the weekends. The service provides alerts and real-time calls for severe weather, specifically for Liberty, via text and email. City staff may also call for updates and forecasts as needed

Document No. 9542 was read.

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

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

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11710.

D. ORDINANCE APPROVING A CONTRACT WITH J&M DISPLAYS FOR THE LIBERTY FEST FIREWORKS DISPLAY LOCATED AT CAPITOL FEDERAL SPORTS COMPLEX OF LIBERTY IN AN AMOUNT NOT TO EXCEED \$35,000.00

The City of Liberty and the Liberty Area Chamber of Commerce have co-hosted Liberty's Independence Day celebration at the Sports Complex since 2016 and over that time, the event has grown to see more than 10,000 attendees. J&M Displays has provided the fireworks for the Liberty Fest Fireworks event since 2017 and has provided not only excellent quality fireworks, but also excellent customer service.

Similar to past years, the fireworks will be a pyro-musical with the various shells timed to music. With funding from the Transient Guest Tax, the City of Liberty has budgeted \$35,000 for fireworks in 2023.

Per the outlined contract renewal schedule, staff distributed a request for proposals in December 2022 to our list of fireworks vendor contacts (three companies) and posted the RFP online (to the public bids module that has four subscribers in the Liberty Fest bids category). Only one response proposal was submitted and that was from J&M Displays.

Document No. 9543 was read.

**Action:** Council Member Watt moved to waive the rules and consider the ordinance on first reading. Council Member Jenness 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 7-0-0  
Yes: Council Members Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11711.

E. ORDINANCE APPROVING A CONTRACT WITH STRATUS BUILDING SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$48,600.00 FOR THIRD SHIFT CONTRACTUAL CUSTODIAL SERVICES AT THE LIBERTY COMMUNITY CENTER

In March 2013, the Liberty Community Center began utilizing third shift contractual custodial services for a deeper cleaning of the locker rooms and fitness center Monday through Friday. In addition to a deeper cleaning, third shift custodial also prevents interruption of service for Liberty Community Center guests. In March 2015, third shift contractual custodial was expanded to seven days per week in the high profile areas of the facility to further enhance the guest experience. MC Janitorial had provided third shift contractual custodial assistance for the Liberty Community since March 2016. The original three-year agreement, ending February 2019, was for \$29,920.80 per year. In March 2019, MC Janitorial began another three-year agreement for \$30,818.42. With the addition of the weight room and companion care locker room, the contracted amount was increased for years two and three of the agreement to \$35,732.42.

Although MC Janitorial was the low bidder, staff experienced service issues over the length of their previous contract. Issues included an overall failure to maintain a clean facility and missed days of service without communication. Staff met with MC Janitorial management on several occasions to express specific concerns regarding facility cleanliness and expectations for a change in the quality of service. MC Janitorial failed to make the requested changes. Staff made efforts to receive a proposal from Town & Country Building Services (approved contractor for City Hall janitorial services) but an official proposal was not received. After checking references for Stratus Building Solutions, staff recommended approval of an ordinance for a contract for third shift custodial services at the Liberty Community Center.

In December 2022, Stratus Building Solutions requested an increase of \$368.00 per month or \$4,416.00 annually for year two of the contract siting unavoidable costs to them for supplies and doing business. The requested increase is still significantly less than the next lower bidder, Hi-Gene's Janitorial. Satisfactory results were experienced by staff during year one (2022) of the contract. Staff recommends approval of an ordinance for a contract with Stratus Building Solutions to provide third shift custodial services at the Liberty Community Center for an amount not to exceed \$48,600.00. This will be year two (2023) of the potential three, one-year agreements.

Document No. 9544 was read.

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

Vote: Motion passed unanimously.

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

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

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11712.

#### F. SPORTS APPAREL UNIFORMS

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.

Six proposals were received. A “basket of goods” analysis was used to compare unit pricing proposed. Staff used FY 2021 numbers of apparel units managed to project FY 2022 annual costs per item bid, which are summarized in the tables below. Please note that not all vendors bid on all items and not all items met specifications.

- Award #1 – Challenger Teamwear – Youth Soccer - \$15,607.50
- Award #2 – Custom Graphics – Youth Baseball/Softball Jerseys, Baseball Caps, and Volleyball Jerseys - \$20,249.50
- Award #3 – TW Sportswear for Basketball Jerseys, Bitty Sports, and Adult Sports Championship Shirts - \$27,880.05

Contracts have been written for each of the awards at the amount budgeted for each set of anticipated apparel purchases.

#### 1. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH CHALLENGER TEAMWEAR GROUP FOR FY 2023 YOUTH SPORTS APPAREL - YOUTH SOCCER IN AN AMOUNT NOT TO EXCEED \$ 15,607.50.

Document No. 9545 was read.

Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Graham seconded the motion.

**Vote:** Motion passed unanimously.

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

**Vote:** Motion passed 6-0-1

**Yes:** Council Members Jenness, Pozel, 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. 11713.

2. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH CUSTOM GRAPHICS FOR FY 2023 YOUTH SPORTS APPAREL - YOUTH BASEBALL/SOFTBALL JERSEYS, BASEBALL CAPS AND VOLLEYBALL JERSEYS IN AN AMOUNT NOT TO EXCEED \$ 20,249.50.

Document No. 9546 was read.

Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Graham seconded the motion.

Vote: Motion passed unanimously.

Council Member Jenness moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 6-0-1  
Yes: Council Members Jenness, Pozel, 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. 11714.

3. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH TW SPORTSWEAR FOR FY 2023 ADULT AND YOUTH SPORTS APPAREL - BASKETBALL JERSEYS, BITTY SPORTS AND ADULT SPORTS CHAMPIONSHIP SHIRTS IN AN AMOUNT NOT TO EXCEED \$27,880.05.

Document No. 9547 was read.

Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Graham seconded the motion.

Vote: Motion passed unanimously.

Council Member Watt moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 5-0-2  
Yes: Council Members Jenness, Pozel, Hagan, Watt and Duncan  
No: None  
Abstain: Council Members Graham and Gentrup, due to potential conflict of interest  
Approved by the Chair and inscribed in Ordinance No. 11715.

- G. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH KOHL WHOLESALE IN AN AMOUNT NOT TO EXCEED \$70,000.00 FOR FY 2023 CONCESSION FOOD AND SUPPLIES

The Parks and Recreation Department operates two concession stands during programs and events held at the Sports Complex. Independent contractors are engaged to deliver concession food, beverages, and supplies to the Sports Complex concession stands. Because the services requested are specialized, services are divided into two separate groups (concession food and supplies; beverages).

Services covered by this contract include all concession food and supplies that will be resold in FY 2023. The Sports Complex operating budget includes funding for all supplies in the amount of \$120,000, of which \$70,000 is planned for food and supplies.

Staff solicited proposals from four area food delivery vendors (Sysco, KOHL, Graves, and EVCO) as well as publicly advertised for food and supplies delivery services. One sealed proposal and one email proposal were received. A “basket of goods” analysis was used to compare unit pricing between the two to ensure competitive pricing. It is important to note that the “basket of goods” analysis does not include an exhaustive list of all products purchased but focuses on the primary products purchased each year.

Document No. 9548 was read.

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

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

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11716.

H. RESOLUTION APPROVING AN AMENDMENT TO ON-CALL ENGINEERING TASK ORDER NO. 7 WITH HDR ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$110,130.00

The proposed Whitehorse residential development requires full street improvements to Birmingham Road from Ruth Ewing Road to Lauren Street. Since there is an existing at-grade railroad crossing at Birmingham Road approximately 400 feet south of Holt Drive, the City is requiring re-alignment of approximately 2,250 feet of Birmingham Road to allow for a future flyover bridge over the existing railroad approximately 420 feet northeast of the existing crossing.

Funding for the project is intended to come from

- The Developer (as established within an approved development agreement)
- Canadian Pacific Railroad (as defined within a letter of support)
- City Capital and Transportation Sales Tax Funds (budgeted)
- Federal Grant Programs

Task Order #7 with HDR Engineering (approved November 14, 2022), in the amount of \$90,210.00, established capital funding workshops to identify grant funding opportunities and to produce preliminary designs sufficient to include in grant funding applications.

This resolution would amend Task Order #7 increasing the agreed upon amount by \$19,920.00 to \$110,130.00 and would add the following additional items to the Scope of Work:

- Environmental Services, which includes field review and technical report updates on protected species, cultural resources, section 4(f) resources, natural resources, hazardous materials, NEPA documentation and includes deliverables such as USFW/MDC protected species file review updates, section 106 updates and RER submittals.
- Utility Review, which includes the review of existing GIS maps, contact with local utility companies and includes deliverables such as utility locates in the plan view and concept plans for the grade separation.

**Action:** Council Member Jenness moved to approve the resolution. Council Member Watt seconded the motion.

**Vote:** Motion passed 7-0-0  
**Yes:** Council Members Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
**No:** None  
**Abstain:** None  
 Inscribed in Resolution No. 3300.

X. OTHER BUSINESS

A. FAIRVIEW CEMETERY/BLOCK 174

Mayor Brenton stated that the attorney for the Sons of Confederate Veterans filed a motion for a summary judgment on January 13. A summary judgment is appropriate when the facts in a case are undisputed. The City's attorney will respond to this motion within the 30 days allowed. Based on the information provided by both attorneys, the judge can make a determination to provide a summary judgment or to move this to trial. If the latter, a trial date has been set for April 24.

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, asked Council to stop the revestment lawsuit.

David Langston, 920 Carter Court, spoke about Martin Luther King Jr. and the Civil Rights Act.

David Sallee, 9531 N. Laurel, Kansas City, MO, stated contrary to what has been stated about Public Law 85-425, Confederate soldiers were granted pension rights but are not considered U.S. veterans.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Attest:

\_\_\_\_\_  
Mayor

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