



City Council Meeting

Regular Session Minutes
February 22, 2021

I. CALL TO ORDER

A regular meeting of the City Council of the City of Liberty, Missouri was held via Zoom video conference with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - None

III. ROLL CALL

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

Council Members Absent: Rae Moore, Ward II

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator/Finance Director
Sara Cooke, Assistant City Administrator/Communications
Vicki McClure, Assistant Finance Director
Shawna Funderburk, Asst. to the City Administrator
Andy Noll, Utilities Director
Sherri McIntyre, Public Works Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
John Mills, Fire Chief
Karan Johnson, Economic & Business Dev. Manager
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning Director
John Findlay, City Engineer
Dustin Paddack, Fire Marshal
Jeremy Adams, Chief Building Inspector
Janet Pittman, Deputy City Clerk

Public Present: None

Note: The meeting was held electronically via Zoom in accordance with Mayor Brenton's Health and Safety State of Emergency Proclamation for Liberty, Missouri, declared March 19, 2020 due to the existence and spread of the COVID-19 virus. The meeting Agenda was posted on the City's website in accordance with the Sunshine Law, and included information on how the public could view the meeting and provide public comment.

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. **Missouri Department of Natural Resources General Permit MOR04C Application**

The City of Liberty is required to apply for coverage under the new State municipal separate storm sewer system (MS4) permit 180 days in advance of the permit issuance. This is a compliance requirement of the City of Liberty under the national Clean Water Act - National Pollution Discharge Elimination System (NPDES) program administered by the EPA. The current permit expires September 30, 2021 and the new permit should be issued October 1, 2021. The State permit received a major overhaul being rewritten by MDNR during 2020.

As part of the City's application, it's required to hold a public meeting to accept any comments on the renewal application and proposed stormwater program plan as well as hold a public notice period of at least 30 days. The renewal application and program plan summary were posted on the City website on January 21st. The City Council and the public should keep in mind that the majority of the program plan is based on comprehensive prescriptive requirements in the proposed permit language. Staff has been accepting comments, and will continue to accept comments submitted to Public Works after this meeting within the next 30 days.

An additional requirement of the new permit is that staff provide an annual update to the City Council as to the status of the stormwater program. Staff has been working on preparing our biennial report on the activities completed during 2019 and 2020 to meet the current permit requirements. These include efforts in public education and involvement, illicit discharge detection and elimination, construction and post-construction runoff control and good housekeeping in municipal operations.

Some of the highlights of the City's current stormwater program activities for the last two years include:

1. Public Education and Public Involvement
 - a. MARC water quality information was available and linked on the City stormwater quality webpages. The City stormwater information webpage had at least 16,009 page views in 2019 and 24,514 page views in 2020.
 - b. Social media posts related to stormwater quality topics ranged from 1300 to 5700 people reached with multiple engagements and shares.
 - c. Household Hazardous Waste collected from Liberty Citizens –
 - i. 2019: 80,192 lbs and
 - ii. 2020: 55,557 lbs
 - d. The Parks department dog waste disposal program kept 9 dispensers fully stocked with bags for collecting pet waste.
 - e. Volunteer Storm Drain Marking program adhering "No Dumping, Drains to Stream" decals to storm drain tops saw participation, even during the pandemic.
 - i. 2019: one event marked 94 storm drains

- ii. 2020: three events marked a total of 297 storm drains.
 - iii. Program Progress (roughly 50% marked):
 - 1. Total Storm Inlets (city owned) city-wide: 3287
 - 2. Total # storm inlets marked (city owned) to date: 1662
 - 3. Total # storm inlets remaining to be marked (city owned): 1625
 - f. The City's 5-year MDNR MS4 permit will be renewed in 2021 for the 2022-2026 reporting cycle. The City's Stormwater Management Plan will be revised as part of this renewal process.
2. Illicit Discharge and Construction Stormwater Runoff Control
- a. Dry weather field inspections were conducted at City storm sewer outfalls checking for any illicit discharges.
 - b. Five (5) potential illicit discharges were reported by citizens and investigated by City staff, three (3) of which resulted in enforcement actions and were successfully rectified. The other two found no illicit discharges.
 - c. Construction sites are continuously monitored by City staff. Weekly erosion control reports are typically submitted to City staff for construction sites from open land disturbance permits.
 - d. Post-construction storm water BMPs (best management practices like rain gardens, bioswales, underground infiltration trenches, native vegetation, etc.) are required to be implemented in new developments and maintained by property owners through stormwater maintenance covenants. Periodic inspections of those facilities are conducted by City staff.
3. Pollution Prevention and Good housekeeping in Municipal Operations
- a. Continuous training of City employees in Parks, Public Works, and Utilities departments on stormwater quality protection and maintaining good housekeeping policies and standard operating procedures.

Staff stated it is important to note that this is an unfunded requirement under the Clean Water Act NPDES program. A significant amount of staff time and resources are dedicated toward these compliance efforts.

Staff advised that no COMMENTS from the Public were submitted prior to the meeting, or received tonight.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to approve Payment to 'Weather or Not' in an amount not to exceed \$20,315.00 [AR 024-21]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

- B. Resolution authorizing the Filing of an Application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant – Driving Under the Influence [AR 020-21]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3159.

- C. Resolution Authorizing the Filing of an Application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant – Hazardous Moving Violations [AR 021-21]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3160.

- D. Resolution accepting the Water, Sanitary Sewer, Storm Sewer, Streets and Traffic Signal Improvements for the Liberty Parkway Plaza Project 19-015 [AR 026-21]

The development is located on the south side of South Liberty Parkway between Flintlock Road and the I-35 / M-69 Pleasant Valley Interchange. The developer constructed public water main, sanitary sewer, storm sewer, street, and traffic signal improvements to serve the proposed commercial development. The public improvements were constructed in accordance with City plans and specifications.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3161.

- E. Resolution approving the Assignment by Missouri Becknell Investors LLC of its Interests and Obligations Under a Lease Agreement with the City and Other Documents relating to the City's Taxable Industrial Revenue Bonds (Missouri Becknell Investors LLC Project) Series 2012 and Taxable Industrial Revenue Bonds (Missouri Becknell Investors LLC Project) Series 2014 00 [AR 025-21]

Missouri Becknell Investors LLC desires to assign to the new company (3251 East Heartland Dr Owner LLC) all rights under the bond documents and the new company will assume all duties, liabilities and obligations of the bonds. This assignment is allowed and contemplated under the bond documents (Lease Agreement) per Section 13.1 (a).

The original Becknell parent company remains an investor in the new ownership group of 3251 East Heartland Dr Owner LLC. The assignment is part of the purchase and refinancing of the project by the new ownership group.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3162.

VIII. PUBLIC HEARINGS

- A. Resolution approving a Final Development Plan for Geiger Ready Mix at North Church Road & Geiger Drive, in Liberty, Clay County, Missouri [P&Z Case 21-02FDP] **{Public Hearing}**

The property owners have purchased the property to the north and will be demolishing several structures and adding three new structures to the existing site. The existing plant and aggregate supply buildings will remain in use until the end of service life. The use and building materials are appropriate in both of the zoning districts (M-1 and M-2); however, the location of the plant building in the M-1 will require a variance from the Unified Development Ordinance (UDO). The request is for a 99 foot tall building (M-1 has a height restriction of 50 feet). The building would be allowed at this height in the M-2 section of the property, but the applicant states that the best layout for this site would have the plant in the proposed location.

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

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3163.

B. Ordinance Accepting and Approving a Final Plat For Geiger Ready Mix, in the City of Liberty, Clay County, Missouri [P&Z Case 21-03FP]

Document No. 9164 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11353.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgment of vendor payments for the period of January 29 to February 12, 2021

1. Ordinance excluding Westland Landscape payments

Document No. 9165 was read.

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

Roll Call

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11354.

2. Ordinance including Westland Landscape payments

Document No. 9166 was read.

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

Roll Call

Vote: Motion passed 6-0-1

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

No: None

Abstain: Council Member Jenness, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 11354.

- B. Ordinance amending the Indenture, Lease and Performance Agreement of the Liberty Industrial Holdings Project (Liberty Logistics project) by separating Phase I building site and Phase II site and assign the obligations of Phase I Project and acknowledge completion of Phase I improvements [AR 027-21]

The Master Plan for the Liberty Industrial Holdings Project consists of three buildings (709,000 sq ft, 130,000 sq ft and 80,000 sq ft) located at 69 Hwy/I 35 and South Liberty Parkway. Phase I included the 709,000 sq ft building which obtained its first tenant in 2020 prior to the building being complete. LANE 4, the developer, had the intention of keeping ownership of the project, however, with changes to the LANE 4 organization, that intent also changed.

The City Council authorized issuance of Chapter 100 bonds in the amount of \$38 Million for the first building and associated site improvements. LANE 4 desired to build the second building about the same time and included it in the legal description of the bond documents. The project cost of the second building would still require Council to approve issuance of a second bond issue. Now that the Phase I building is complete, the developer wishes to sell the lot that the Phase I building sits on. In order to accomplish this, the legal description within the bond documents that included the two building sites needs to be separated.

The transfer of the Phase 1 building and site to the new owner, NSP – Liberty Industrial I, LLC , is allowed under Section 13.1(c) of the Lease. Section 3.3(b) of the Lease does require the project to be maintained in accordance with City Codes: “The Company shall comply in all material respects with all statutes, laws, ordinances, orders, judgments, decrees, regulations, directions and requirements of all federal, state, local and other governments or governmental authorities, now or hereafter applicable to the Project or to any adjoining public ways, as to the manner of use or the condition of the Project or of adjoining public ways.” This would allow code failures to trigger a threat of terminating the abatement. The new owner will be required to assume all obligations of the Lease.

Building sites II and III as well as the retail sites are still owned by the developer, but new limited liability companies may be created for each one. It is also contemplated that the retail buildings, which are not receiving tax abatement, may be sold to individual users, as contemplated originally.

Document No. 9167 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 Phillips moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 7-0-0

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

No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11355.

- C. Ordinance accepting and approving a Final Plat For Homestead Hills, 1st Plat, a Replat of Tract A, in the City of Liberty, Clay County, Missouri [P&Z Case 21-01FP]

The applicant proposes to replat a portion of Tract A, creating Tract C for a neighborhood pool.

Document No. 9168 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 Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11356.

- D. Resolution approving a Final Development Plan for Liberty Commerce Center, Building 1, South of South Liberty Parkway & East of Hughes Road, in Liberty, Clay County, Missouri [P&Z Case 21-04FDP]

This is the first of the eight similar projects that are proposed as part of the North East Distribution Center (NEDC). The proposal for Lot 1 includes one 272,000 square foot industrial/warehouse type building.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3164.

- E. Resolution approving a Final Development Plan for Liberty Commerce Center, Building 2, South of South Liberty Parkway & East of Hughes Road, in Liberty, Clay County, Missouri [P&Z Case 21-05FDP]

This is the second of the eight similar projects that are proposed as part of the North East Distribution Center (NEDC). The proposal for Lot 2 includes one 517,000 square foot industrial/warehouse type building.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3165.

F. Ordinance accepting and approving a Final Plat for Liberty Commerce Center, in the City of Liberty, Clay County, Missouri [P&Z Case 21-06FP]

This proposal is for the 1st Plat of the North East Distribution Center (NEDC), a proposed industrial center of 337+/- acres with approx. 3.6 million square feet of space in eight buildings. This first phase contains three lots and two tracts proposed on 84 +/- acres. The industrial buildings are proposed to be utilized for manufacturing, warehousing and distribution purposes. They will be located 2,000 feet to the south of South Liberty Parkway and east of Hughes Road.

Document No. 9169 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 approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11357.

G. Adoption of the 2018 International Building and Fire Codes [AR 005-21]

The International Code Council updates the Building and Fire Codes every 3 years. The 2012 International Building Codes were adopted by the City of Liberty in 2013. As a result of the lack of significant changes to the 2015 International Building Codes from the 2012 International Building Codes, staff felt that keeping the 2012 codes in place was the best option along with the surrounding municipalities.

Staff collaborated and worked with surrounding municipal building officials, the Heart of America Fire Marshal’s Group, the HBA or Home Builders Association, BOMA or Building Owners and Management Association, and several other stakeholders. The Heart of America Fire Marshal’s Group and several municipal building officials formed a steering committee to review and offer suggestions on omissions, additions, and

amendments to the 2018 International Building and Fire Codes. Staff has worked to ensure that the amendments, omissions, and additions to the proposed 2018 International Building Codes are commensurate with the communities in the Kansas City Metropolitan area.

1. Ordinance amending Chapter 6, "Buildings", of the Code of the City of Liberty, Clay County, Missouri

Document No. 9170 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 approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11358.

2. Ordinance amending Chapter 14, "Fire Protection", of the Code of the City of Liberty, Clay County, Missouri

Document No. 9171 was read.

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11359.

- H. Ordinance allowing the "2021 Show Me Green Sales Tax Holiday" To Apply to the Local Sales Taxes of the City of Liberty, Missouri From April 19 to April 25, 2021. [AR 023-21]

Document No. 9172 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 Watt moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion failed 0-7-0

Yes: None

No: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup

Abstain: None

I. Ordinance amending Chapter 7, ‘Businesses and Occupations Generally’, Article V, ‘Short-Term Lending Code’ of the Code of the City of Liberty, Clay County, Missouri [AR 022-21]

After implementation of the program, and subsequent litigation, it was determined the City needed to modify its definition of Short-Term Loan establishment. This action updates the definition accordingly.

Document No. 9173 was read.

Action: Council Member Hagan 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 Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11360.

X. OTHER BUSINESS

Vaccination Update – Staff provided an update on Operation Safe, noting that severe weather caused a clinic to be rescheduled from last week to this week. To date, 7,232 shots have been administered. Vaccinations continue based on supply; however, the goal is to be able to provide 6,000 shots every other week.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:34 p.m.

Attest:

Mayor

Deputy City Clerk