



## City Council Meeting

Regular Session Minutes

May 24, 2021

### I. CALL TO ORDER

A regular meeting of the City Council of the City of Liberty, Missouri was held via Zoom video conference on May 24, 2021 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

### III. ROLL CALL

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

Council Members Absent: None

Staff Present: Curt Wenson, City Administrator  
Sara Cooke, Assistant City Administrator  
Vicki McClure, Interim Finance Director  
Shawwna Funderburk, Chief Strategic Operations Officer  
Andy Noll, Utilities Director  
Sherri McIntyre, Public Works Director  
BJ Staab, Parks and Recreation Director  
James Simpson, Police Chief  
John Mills, Fire Chief  
Katherine Sharp, Planning Director  
John Findley, City Engineer  
Tom Garland, Assistant Parks and Recreation Director  
Janet Pittman, Deputy City Clerk

Public Present: 7 members of the public

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.

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION - NONE

### VI. MEETING SCHEDULE

### VII. CONSENT AGENDA

- A. Motion to approve the Annual Payment to Utility Service Co., Inc. for Water Tank Maintenance Services for Gordon Tower and Nashua Tower in an amount not to exceed \$80,454.48 [AR 075-21]

The maintenance contract provides for annual interior and exterior inspections that are documented with photos and written reports; also included is biennially internal cleaning and periodic exterior painting and repairs.

Utility Services also repairs any coating damage due to storms and will be a critical piece of our emergency response when the need presents itself. They are also a great resource in the management of accessories that are added to the towers such as communication antennas.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

- B. Motion to approve a Microsoft Office Upgrade to Office 2019 in an amount not to exceed \$65,379.55 [AR 065-21]

Staff rely heavily on functional and stable Microsoft Office suite of applications; most notably Excel and Word. The City's current versions have become quite outdated. Beyond issues with feature functionality and compatibility is the concern of patch management and security. Microsoft recently announced its discontinuance of MS Office 2010 support, updates, and patching.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

- C. Resolution approving a Temporary Event Liquor License for the Liberty Area Chamber of Commerce Liberty Fest Event at Capitol Federal Sports Complex, 2200 E. Old 210 Highway, Liberty, MO on July 3, 2021 [AR 076-21]

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3176.

D. Boards and Commissions Appointments

1. Liberty Housing Authority
  - i. Appoint Norma Gilbert to a term expiring July 1, 2025.
2. Liberty Community Christmas Tree
  - i. Appoint Colleen Jones from auxiliary member to full member with a term expiring 5/1/2024
3. Citizen Sales Tax Oversight Committee
  - I. Reappoint John Riedel to a term expiring 5/15/2024
  - II. Reappoint Mike Flannigan to a term expiring 5/15/2024
  - III. Reappoint Bill Moberly to a term expiring 5/15/2024
  - IV. Reappoint Deborah Reames to a term expiring 5/15/2024
4. Liberty Arts
  - I. Reappoint Anna Knackstedt to a term expiring 5/15/2024
  - II. Reappoint Amy Steinbeck to a term expiring 5/15/2024
5. Liberty Community Christmas Tree
  - I. Reappoint Rob Fisher to a term expiring 5/1/2024
  - II. Reappoint Michele Cronin to a term expiring 5/1/2024
  - III. Reappoint Brent Dobberstine to a term expiring 5/1/2024
6. Tourism Committee
  - I. Reappoint Brett Nieman to a term expiring 5/1/2026

Council Member Phillips moved to approve the appointments. Council Member Gentrup seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

- A. Resolution approving a Final Development Plan for Liberty Commerce Center, Building 6, South of South Liberty Parkway & East of Hughes Road, in Liberty, Clay County, Missouri [P&Z 21-14FDP]

This Final Development Plan is for Building 6 of Liberty Commerce Center, a 514,000 sq. ft. warehouse/distribution type building. The zoning is M-1 "Light Industrial" which allows; non-retail business uses, light manufacturing facilities, distribution and warehousing facilities, restaurants and indoor recreational facilities. (*UDO Section 30-68.1*) Access to the site from South Liberty Parkway is proposed from S. Withers Road and Hughes Road. The applicant is requesting a variance to allow the dock doors and loading areas to face S. Withers Rd.

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

Chris Chancellor spoke on behalf of the applicant, Northpoint Development. He stated that the building has a tenant, and the variance request is for the dock doors facing

Withers. They see Withers as an 'internal' industrial road that ends in a cul-de-sac, and trucks will access the location via Hughes Road.

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

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

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3177.

- B. Resolution amending the Future Land Use Map of the Comprehensive General Plan of the City of Liberty by Changing the Land Use Designation of approximately 94+/- Acres located NW Corner of South Liberty Parkway and Birmingham from Neighborhood Commercial, Mixed Use and Conventional Residential to Low Density Residential [P&Z 21-21A]

The applicant is requesting a Future Land Use Map Amendment for Tapp Farm, changing to Low Density Residential for development of a standard single family subdivision at the NW corner of SLP and Birmingham. Low Density Residential is described in the Comprehensive Plan, The Blueprint for Liberty, 1999:

***Low Density Residential Land Use** is characterized by the detached single-family residence. Attached single family and multiple-family buildings could be allowed, but with low prevailing densities (0 to 6 dwelling units per acre). This is the predominant land use in Liberty*

A rezoning application and subsequent applications, including preliminary plat and final plat applications, and development plans will analyze particular site design standards. This application is merely for analysis of proposed use on the property.

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

Art Akin, AGC Engineers, noted that the commercial component in the current designation is difficult from a typography/terrain standpoint and the area is better suited for residential development.

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

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

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3178.

- C. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 152 +/- Acres at the SE Corner of Shepherd Road and Lightburne Street from R-1A, 'Suburban Residential District' to M-1 "Light Industrial District" for Liberty Heartland Logistics Center, an Industrial Development, and Associated Variances [P&Z 21-22R&PDP]

This is a proposal for an industrial center with approximately 1.65 million square feet of space in 3 buildings. The industrial buildings are proposed to be utilized for manufacturing, warehousing and distribution purposes. They will be located south of Shepard Road. The proposed zoning is M-1 "Light Industrial" which allows; nonretail business uses, light manufacturing facilities, distribution and warehousing facilities, restaurants and indoor recreational facilities. *UDO Section 30-68.1*. There are 3 proposed access points to the site from Shepherd Road. The applicant is proposing variances from the Unified Development Ordinance (UDO) with this application. They are asking for relief from the Streamside buffer zone and Riparian edge buffer zone in order to fit the large building on the site. They are also asking to allow the dock doors and loading area to face the public right-of-way.

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

Rita D'Agostino, Opus Development, and Chris Hafner, Davidson Architects, stated that the project includes three buildings for a total of 1.65 million sq. ft. of industrial use. Building A is a build to suit distribution center, and the other two are spec buildings that fit a multitude of uses.

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

Document No. 9221 was read.

**Action:** Council Member Jenness 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 Phillips seconded the motion.

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11407.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of April 30 through May 14, 2021

Document No. 9231 was read.

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

Roll Call

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11416.

- B. Resolution approving a Final Development Plan for Liberty Commerce Center, Building 4, South of South Liberty Parkway & East of Hughes Road, in Liberty, Clay County, Missouri [P&Z 21-24FDP]

This Final Development Plan is for Building 4 of Liberty Commerce Center a 517,000 sq. ft. warehouse/distribution type building. The zoning is M-1 "Light Industrial" which allows; non-retail business uses, light manufacturing facilities, distribution and warehousing facilities, restaurants and indoor recreational facilities. (*UDO Section 30-68.1*) Access to the site from South Liberty Parkway is proposed from S. Withers Road.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3179.

- C. Resolution approving a Preliminary Plat for Liberty Heartland Logistics Center, 152 Acres at the SE Corner of Shepherd and Lightburne, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z 21-23PP]

This is a proposal for an industrial center of 3 lots, 152+/- acres with approximately 1.65 million square feet of space in 3 buildings. The site is proposed on the south side of Shepherd Road at Heartland Drive.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3180.

- D. Ordinance approving an Emergency Purchase Order with Heartland Mechanical Services for the Purchase and Installation of City Hall 2<sup>nd</sup> Floor Condenser Unit in an amount not to exceed \$89,512.00 [AR 066-21]

The 2<sup>nd</sup> floor air conditioner unit is original to the building, and has failed to the point that all of the R-22 Freon has leaked out. With the age of the existing system staff has solicited a bid from Heartland Mechanical Service to replace the existing 2<sup>nd</sup> floor air conditioner unit with a new condenser unit with a 40 ton capacity unit.

Document No. 9222 was read.

**Action:** Council Member Jenness 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 Graham seconded the motion.

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11408.

- E. Ordinance approving an Agreement for Traffic Signal Maintenance with Black and McDonald, LLC in an amount not to exceed \$28,350.00 [AR 067-21]

City staff determined it would be beneficial to enter into an agreement with a fixed maintenance plan and annual cost in order to more accurately budget for future traffic signal needs. This agreement is to provide bi-annual maintenance tasks of the signals and provide fixed time and material rates for work performed above-and-beyond the scope of routine maintenance.

Document No. 9223 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 Gentrup moved to approve the ordinance. Council Member Watt seconded the motion.

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11409.

F. Ordinance accepting a Right-Of-Way Deed Dedicating Public Right-Of-Way for South Withers Road and Public Easements for Utility Mains and Storm Drainage Facilities [AR 068-21]

To facilitate the development of the 390 acre Liberty Commerce Center commercial development located south of Garrison Road between Hughes Road and the Burlington Northern railroad tracks to the east, off-site public easements for utilities and storm drainage facilities and off-site right-of-way needs to be dedicated to the City of Liberty to provide for the extension of South Withers Road from South Liberty Parkway south to the development site.

Approving this ordinance will dedicate public easements for utility mains and storm drainage facilities and convey the public right-of-way property to the City of Liberty via Right-of-Way Deed acquired from Huntington Ridge, LLC at no cost to the City.

Document No. 9232 was read.

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

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11417.

G. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri [AR 069-21]

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

- Prohibiting parking on S. Prairie Street on the west side of the street from the intersection with Bonaire St. 140' north to the dead end.
- Prohibiting parking on Groom Street on the south side of the street from the intersection with Main St., 100' west to the dead end.

Document No. 9224 was read.

**Action:** Council Member Phillips 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 Graham seconded the motion.

Vote: Motion passed 8-0-0  
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11410.

H. Clay Meadows 11<sup>th</sup> Plat Project [AR 070-21]

Clay Meadows, 11<sup>th</sup> Plat is located east of Claywoods Parkway at the end of Poplar Lane and Jasmine Drive. The developer constructed public sanitary sewer, water main, street and storm sewer improvements to facilitate the residential development. The public improvements were constructed by Robertson Construction LLC in accordance with City plans and specifications.

Per the City of Liberty’s storm water discharge permit from the Missouri Department of Natural Resources (MDNR), 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.

1. Resolution accepting the Sanitary, Water, Street and Storm Improvements for the Clay Meadows, 11<sup>th</sup> Plat Project

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

Vote: Motion passed 8-0-0  
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Inscribed in Resolution No. 3181.

2. Ordinance approving a Covenant to Maintain the Storm Water Management System for the Clay Meadows, 11<sup>th</sup> Plat Development

Document No. 9225 was read.

**Action:** Council Member Hagan 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 Pozel seconded the motion.

Vote: Motion passed 8-0-0  
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11411.

- I. Ordinance approving an Agreement with Mike Hagen Electric Inc. for Electrical Connection for the new Restroom at City Park in an amount not to exceed \$13,800.00 [AR 072-21]

The City Park renovation calls for a new restroom to be constructed. Staff recommended the installation of a prefabricated CXT restroom building for the park. The restroom requires that utility connections be provided by the owner. Park staff planned to provide the stubs for the new restroom as an in house project. Due to staff shortage and the timing of the project, staff is recommending that a contractor be hired to provide utility connections. Staff solicited bids from four companies with three responding.

Document No. 9226 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 Graham moved to approve the ordinance. Council Member Jenness seconded the motion.

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11412.

- J. Ordinance approving an Annual Contract with USIC Locating Services, Inc. for Locating both Water and Sanitary Sewer Infrastructure in an amount not to exceed \$120,000.00 [AR 074-21]

The basis of the contract is set for a per ticket cost associated with each Missouri One Call ticket that incorporates the underground facilities of the City of Liberty, which, to date, include the location of both water and sanitary sewer facilities as part of the Missouri One Call efforts. The price increase for 2021 is based on the CPI of 1.13% compared to last year's increase of 1.77%.

Document No. 9227 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 Graham moved to approve the ordinance. Council Member Phillips seconded the motion.

Vote: Motion passed 8-0-0  
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11413.

- K. Ordinance amending Ordinance No. 11320, amending an Agreement with Denali Water Solutions, LLC for the Disposal of Water Plant Residuals in an amount not to exceed \$580,000.00 [AR 073-21]

The water treatment plant and wastewater treatment plant create residuals that must be disposed of. The water treatment plant creates lime solids and the wastewater plant creates biosolids; both are currently disposed of by land application as soil amendments in agricultural fields that are within reasonable distances of both plants.

Denali Water Solutions, LLC was the successful bidder and has been the contractor that has disposed of water plant residuals since 2016 and wastewater residuals since 2017.

The current agreement expires in May of 2021 and requests for proposals were anticipated to be sent out in the spring of 2021 but have been delayed due to improvements in the waste water plant process that should significantly decrease the quantity of biosolids produced. The process improvement is not complete and staff does not have data to make an accurate estimate for contract purposes and the total amount of biosolids will impact contract costs. The process improvement should be complete in June and that will allow several months to determine the impact on biosolids production and an average contract amount.

Document No. 9228 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 8-0-0  
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11414.

- L. Ordinance approving an Agreement with Clay County, Missouri to provide Collection Services for City of Liberty Property Taxes [AR 077-21]

The renewal of this contract begins with 2021 and will renew automatically and perpetually unless cancelled by any of the three parties (beginning in 2023) on or

before July 1 of a tax year. All services currently provided to the City will be provided in the same manner, and on the same schedule as they have been provided previously, the only change is within the fee structure. Increase in fee from 1.6% to 2.0%; County (1.375%) and Assessor Fees (0.625%), with an overall increase of 0.4%. The increase is equivalent to \$20,000 based on 2020 fees paid for collection services.

Document No. 9229 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 Pozel seconded the motion.

**Vote:** Motion passed 7-0-1

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

**No:** None

**Abstain:** Council Member Graham, due to potential conflict of interest  
Approved by the Chair and inscribed in Ordinance No. 11415.

- M. Ordinance approving a Memorandum of Understanding between the City of Liberty and Clay County African American Legacy, Inc. (CCAAL) pertaining to the Construction of an African American Memorial [AR 078-21]

Since 2017, a group of interested citizens has been meeting with City staff to research graves and burials in the African American section of the Fairview and New Hope Cemeteries with a goal to put a name to the grave plots that have no headstone or marker. From this effort, the Clay County African American Legacy, Inc. (CCAAL) has undertaken an initiative to build a memorial in the Fairview Cemetery to honor and memorialize the African Americans buried in the cemetery in unmarked graves. The CCAAL and the City have created a memorandum of understanding to accomplish this effort.

Document No. 9230 was read.

Mayor Brenton stated the Ordinance would be considered on second reading at the June 14, 2022 Regular 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 8:40 p.m.

Attest:

\_\_\_\_\_  
Mayor

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