



City Council Meeting

Regular Session Minutes

July 26, 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 July 26, 2021 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Kevin Graham, who then led the 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
James Simpson, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning Director
Donna Kay Taylor, Assistant Parks and Recreation Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Special Session Minutes of June 28, 2021

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-2. Council Members Jenness and Phillips abstained due to absence.

B. Executive Session Minutes of June 28, 2021

Council Member Watt moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-2. Council Members Jenness and Phillips abstained due to absence.

C. Regular Session Minutes of June 28, 2021

Council Member Graham moved to approve the minutes as distributed. Council Member Pozel seconded the motion, which carried 6-0-2. Council Members Jenness and Phillips abstained due to absence.

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Special Session Minutes of June 14, 2021

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried unanimously.

B. Executive Session Minutes of June 14, 2021

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried unanimously.

C. Regular Session Minutes of June 14, 2021

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried unanimously.

D. Study Session Summary of June 21, 2021

Council Member Hagan moved to approve the summary as distributed. Council Member Phillips seconded the motion, which carried unanimously.

E. Regular Session Minutes of July 12, 2021

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried unanimously.

F. Boards and Commissions Appointments/Reappointments

1. Liberty Tourism Committee

I. Appointment of Anna Bedinger to a term expiring 05/01/2025

2. Historic District Review Commission

I. Appointment of Aimee Gray to a term expiring 07/01/2026

3. Liberty Parks and Recreation Board

- I. Reappointment of Clay Lozier to a term expiring 06/01/2024
- II. Reappointment of Jackie Kennedy to a term expiring 06/01/2024
- III. Reappointment of Deborah Loomis to a term expiring 06/01/2024

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

VIII. PUBLIC HEARINGS

- A. 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 16 +/- acres located SW Corner of S. Withers Road and Old Withers Road from Mixed Use and Floodplan to Low Density Residential [P&Z Case 21-27A] **{postponed from July 14, 2021}**

Action: Council Member Phillips moved to further postpone the public hearing and resolution to August 9, 2021. Council Member Gentrup seconded the motion, which carried unanimously

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 1 +/- Acre at 1628 Southview from C-2, "General Business" and R-1A, "Suburban Residential District" to R-1C "Standard Single Family District" [P&Z 21-30R]

This proposal to rezone the 1+/- acre to "Standard Single Family" will make the single family property compliant. The front 155 feet of the property are currently zoned commercial but include a single family home and residential accessory structure. If approved, this rezone will change the front 312 feet to "Standard Single Family."

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.

Document No. 9256 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 Jenness moved to approve the ordinance. Council Member Hagan 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. 11441.

C. Savory – Mo Bettah’s Development

The applicant is proposing to redevelop the vacant Pizza Hut site to a new Hawaiian style food restaurant. In order to be placed closer to Kansas St. with a drive-thru lane wrapping around the building, the applicant is requesting a variance to reduce the required 10 ft. buffer on the east and west sides. To the lot’s east is Platte Valley Bank and to its west is Autozone, all lots are C-3, “Highway Business” districts.

1. Resolution approving a Final Development Plan for the Construction of a Mo Bettah’s Restaurant, totaling 2,130 sq. ft. at 1316 W. Kansas Street in Liberty, Clay County, Missouri [P&Z Case 21-39FDP]

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

Cassidy Tenney, Director of Real Estate Development – Savory Restaurants, stated they are requesting a variance on the sides (side of bank and back of auto shop). In response to Planning Commission questions regarding traffic stacking concerns, she noted that queuing at their busiest location in Utah is approximately five cars. Liberty’s location can accommodate ten cars.

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

Action: Council Member Hagan moved to approve the resolution with requested variance. 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. 3191.

2. Ordinance accepting and approving a Final Plat for Savory-MB, in the City of Liberty, Clay County, Missouri [P&Z Case 21-40FP] {not a Public Hearing}

Document No. 9258 was read.

Action: Council Member Graham 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 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. 11443.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging vendor payments for the period of July 2 – July 16, 2021

Mayor Pro Tem Phillips took over as Chair of the meeting.

1. Ordinance excluding Westland Landscape payments

Document No. 9259 was read.

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

Roll Call

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. 11444.

2. Ordinance including Westland Landscape payments.

Document No. 9260 was read.

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

Roll Call

Vote: Motion passed 7-0-1

Yes: Council Members Phillips, Pozel, 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. 11444.

Mayor Brenton resumed as chair of the meeting.

B. Liberty Heartland Logistics [AR #100-21]

The Project consists of one industrial/warehouse building totaling 847,475 sq. ft. for Hallmark Marketing Company, LLC. This is a Chapter 100 industrial project. The tax abatement associated with this project is for 15 years with a tiered abatement schedule that starts in year 1-10 with 90% abatement and ends in year 11-15 with 45% abatement.

1. Ordinance authorizing the Issuance of Taxable Industrial Development Revenue Bonds in a Maximum Aggregate Principal Amount of Not to Exceed \$62,000,000.; and authorizing Certain Documents and Actions in Connection Therewith.

Document No. 9261 was read.

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

Vote: Motion passed unanimously.

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

Roll Call

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. 11445.

2. Ordinance authorizing the Issuance of Taxable Industrial Development Revenue Bonds in a Maximum Aggregate Principal Amount of Not to Exceed \$36,500,000.; and authorizing Certain Documents and Actions in Connection Therewith.

Document No. 9262 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 Graham seconded the motion.

Roll Call

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. 11446.

C. Liberty Commerce Center

This is a proposal for the 2nd Plat of the Liberty Commerce Center, a proposed industrial center of 337 +/- acres with approximately 3.6 million square feet of space in 8 buildings. The 2nd Plat contains 3 lots and 3 tracts (lots 5, 6, & 7 and tracts C, D, & F) proposed on 190 +/- acres. The industrial buildings are proposed to be utilized for manufacturing, warehousing, and distribution purposes. The Final Development Plan is for Building 7; the building would be a 1,049,978 sq. ft. warehouse/industrial-type building. Current zoning is M-1 "Light Industrial" which allows non-retail business uses, light manufacturing facilities, distribution and warehousing facilities, restaurants, and

indoor recreational facilities. Access to the site from South Liberty Parkway is proposed from S. Withers Road.

1. Ordinance accepting and approving a Final Plat for Liberty Commerce Center, 2nd Plat, in the City of Liberty, Clay County, Missouri [P&Z Case 21-33FP]

Document No. 9263 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Hagan moved to approve the ordinance. Council Member 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. 11447.

2. Resolution approving a Final Development Plan for Liberty Commerce Center, Building 7, South of South Liberty Parkway & East of Hughes Road, in Liberty, Clay County, Missouri [P&Z Case 21-34FDP]

Action: Council Member Watt moved to approve the resolution. Council Member Hagan 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. 3188.

D. Liberty Heartland Logistics Center

The Liberty Heartland Logistics Center is a proposed industrial center of 152 +/- acres with approximately 1.6 million sq. ft. of space in three buildings. The industrial buildings are proposed to be utilized for manufacturing, warehousing, and distribution purposes. This project is located at the southeast corner of Shepherd Road and Lightburne Road.

1. Ordinance accepting and approving a Final Plat for Liberty Heartland Logistics Center, in the City of Liberty, Clay County, Missouri [P&Z Case 21-31FP]

Document No. 9264 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 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. 11448.

2. Resolution approving a Final Development Plan for Liberty Heartland Logistics Center, at Shepherd Road and Heartland Drive, in Liberty, Clay County, Missouri [P&Z Case 21-32FDP]

Action: Council Member Watt 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. 3192.

E. Resolution approving an Amended Preliminary Plat for Homestead of Liberty, 52.7 Acres, West of Withers Road between Blackberry and Old Withers Road, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 21-35PP-A]

The applicant was approved to subdivide 52.7 acres of land for a single-family residential development in 2015, the subdivision was proposed as 3 phases. Phase 1 and 2 have been platted and are under construction. The Phase 3 plat is anticipated this year. At buildout, the development will consist of 111 buildable residential lots and tracts for common infrastructure and recreation. Each lot proposed has direct access to public and sanitary sewer. Setback and building standards are governed by regulations for the R-1C zoning district.

Action: Council Member Watt moved to approve the resolution. Council Member Gentrup 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

Inscribed in Resolution No. 3189.

F. Ella's Crossing Development [AR #096-21]

The developer of Ella's Crossing has requested the acceptance of an ordinance to abandon a public sanitary sewer easement that is no longer needed and must be disclaimed. The Ella's Crossing development has constructed stormwater detention and stormwater BMPs (Best Management Practices) to address stormwater requirements.

The City of Liberty has a permit from the Missouri Department of Natural Resources regulating the discharge of stormwater which requires an agreement between the City and property owner to designate maintenance activities on stormwater. Accordingly, the developer of Ella's Crossing has requested the acceptance of a Covenant to Maintain a Storm Water Management System in order to facilitate the recording of the documents at the Clay County Recorder of Deeds.

The Ella's Crossing project has been completed and constructed according to the plans and specifications of the City of Liberty and a resolution accepting the public improvements is set forth.

1. Ordinance Disclaiming and Abandoning of a Public Sanitary Sewer Easement for Ella's Crossing.

Document No. 9266 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 Hagan 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. 11450.

2. Ordinance approving a Covenant to Maintain the Storm Water Management System for the Ella's Crossing Development.

Document No. 9267 was read.

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

Vote: Motion passed unanimously.

Action: Council Member 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. 11451.

3. Resolution accepting the Water, Sanitary Sewer, Storm Sewer, and Streets for the Ella's Crossing Project.

Action: Council Member Jenness 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. 3190.

G. Ordinance approving a Covenant to Maintain the Storm Water Management System for the Liberty Commerce Center – First Plat Development [AR #097-21].

The City of Liberty has a permit from the Missouri Department of Natural Resources regulating the discharge of stormwater which requires an agreement between the City and property owner to designate maintenance activities on stormwater. Accordingly, the developer of the Liberty Commerce Center has requested to City Council the acceptance of a Covenant to Maintain a Storm Water Management System in order to facilitate the recording of the documents at the Clay County Recorder of Deeds.

Document No. 9268 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 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. 11452.

H. Ordinance authorizing the Deposit of Funds to Defeas and Redeem Certain Bonds related to the Relocation of the Clay County Health Center and prescribing Matters related Thereto [AR #099-21].

The City issued TIF bonds for the Liberty Triangle Project B in late 2007. Under the Series 2007 structure these bonds were scheduled to be paid off in 2030. Alongside

the Series 2007 bonds, the City issued Special Obligation Bonds for the CCHC lots (former Clay County Health Center location) in 2010 with an expected payoff in 2032. In 2017, the City refinanced the 2010 CCHC TIF Special Obligation Bonds for a much lower interest rate of 2.65% and a provision for optional payoff in 2024. In 2018, the City refinanced the Series 2007 bonds for a much lower interest rate of 2.70%. These new bonds (Series 2018 Bonds) had a payoff year of 2024.

All Developer TIF expenses not reimbursed through bond issuance (Pay-Go Expenses) have either been paid or reserved for future payment. With this, the Developer has provided the City with a Certificate of Completion which now allows the City to apply all generated TIF revenues to debt service. Series 2018 bonds were paid off in April of 2021.

Sufficient funds exist to defease the 2017 CCHC Relocation Bonds. With approval of the attached ordinance, an escrow account will be created and held by UMB to allow for the payment of 2021, 2022, and 2023 scheduled debt service and redeem this bond in 2024. Staff recommends approval of the attached ordinance. This series of events allows for the termination of the Triangle TIF and CID. The CID's 1% Sales Tax ended on June 30, 2021. The TIF terminates on September 1, 2021.

Document No. 9269 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 Hagan 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. 11453.

- I. Ordinance approving an Agreement with the Mid-America Regional Council pertaining to Senior Services [AR #098-21].

The Liberty Silver Center has been classified as gold status by the Mid-America Regional Council since the introduction of the bronze, silver, and gold designations. The classifiers are determined by the number of evidence-based programs offered. In 2019 the City received \$61,390.02 in grant revenue from MARC and \$57,229.20 in 2020. MARC has granted the City a contract for the 2021/2022 fiscal year with a maximum of \$92,807.14. All MARC funding is based on usage and capped at the grant-funded amounts. The City uses these funds for Senior Center transportation, Meals on Wheels delivery and administration, and evidence-based programs such as disease prevention and health promotion.

The table below summarizes the funding offered to the City of Liberty for the fiscal year SFY 2021/2022 with generated revenues, anticipated City subsidy, and anticipated grant funding from Clay County Senior Services:

Document No. 9270 was read.

Action: Council Member Watt 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 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. 11454.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:14 p.m.

Mayor

Attest:

Deputy City Clerk