



City Council Meeting

Regular Session Minutes
October 25, 2021

I. CALL TO ORDER

A regular meeting of the City Council of the City of Liberty, Missouri was held in the Council Chambers at City Hall on Monday, October 25, 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 Michael Hagan, 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
Shawna Funderburk, Chief Strategic Operations Officer
Andy Noll, Utilities Director
James Simpson, Police Chief
Andy Hedrick, Police Captain
Chris Young, Assistant Fire Chief
Katherine Sharp, Planning and Development Director
Wade Thomas, Technology and Logistics Director
Donna Kay Taylor, Assistant Parks & Recreation Director
Sherri McIntyre, Public Works Director
Claire Rodgers, Communications Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Special Session Minutes of August 23, 2021

Council Member Gentrup moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 7-0-1. Council Member Hagan abstained due to absence.

B. Executive Session Minutes of August 23, 2021

Council Member Watt moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 7-0-1. Council Member Hagan abstained due to absence.

C. Regular Session Minutes of August 23, 2021

Council Member Graham moved to approve the minutes as distributed. Council Member Jenness seconded the motion, which carried 7-0-1. Council Member Hagan abstained due to absence.

D. Special Session Minutes of August 30, 2021

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

E. Executive Session Minutes of August 30, 2021

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

V. CITIZENS' PARTICIPATION

Casey Tyler, 213 N. Lightburne, stated that he had spoken with Chief Simpson and some tickets have recently been written to gravel trucks. The ordinance is ineffective as it stands because some trucks are allowed on there, and police would need to follow each truck. He noted that this morning he saw multiple semi-trucks, trash trucks and a fire truck go past his home. Lightburne is becoming an increasingly important thoroughfare, which wears on the infrastructure. Reasonable accommodation should be made, waiving sewer lateral repair requirements, for property owners along Lightburne.

Gieselle Fest, 1407 Lynette, Liberty, requested Council withdraw it's lawsuit over the Confederate Monument, it causes more division amongst folks and is a waste of tax payer money. Council should take that money and make more historical markers. The City doesn't own the land, it's sacred, holy ground that is private property.

Dwayne Holtzclaw, 113 Kevin St, Excelsior Springs, asked that Council stop its attempt to reinvest the cemetery plot. It's his family member's grave and the monument has been their grave marker for more than 100 years.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Appointments/Reappointments

1. Liberty Arts Commission
 - a. Appoint Molly Hon to a term expiring 5/15/2025

2. Tourism Committee
 - a. Appoint of Kelly Wrenn Pozel in the capacity of City Council Liaison
3. Historic District Review Commission
 - a. Reappoint Vern Drottz to a term expiring 7/1/2026
4. Liberty Preservation and Development Commission
 - a. Reappoint Don Altis to a term expiring 9/1/2024
 - b. Reappoint Dail Hobbs to a term expiring 9/1/2024
5. Tree Board
 - a. Reappoint Chris Veach to a term expiring 12/15/2024

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

B. Resolution appointing Directors to the Liberty Parkway Plaza Community Improvement District Board of Directors

Paul Miller to a term expiring January 24, 2026
Chris Hafner to a term expiring January 24, 2026
Rachel Laffitte to a term expiring January 24, 2026

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. 3201.

C. Resolution approving a Liberty Community Center Alcoholic Beverages Service Application for Sheena Slack for a Small/Private Event to be held on December 18, 2021 (AR 148-21)

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. 3202.

VIII. PUBLIC HEARINGS

A. Ordinance providing for the Annexation of Unincorporated Territory described as the Tierney Annexation Area and the Extension of the Corporate Limits of the City of

Liberty, all Pursuant to Section 71.012 of the Revised Statutes of Missouri (AR 143-21)

On September 20, 2021, staff received a request by Ann Tierney Prochnow, co-trustee of the James P. Tierney Trust, requesting voluntary annexation of 131 acres from unincorporated Clay County into the City of Liberty.

Annexation Laws

The State of Missouri provides, in effect, three approaches to annexation. For actions that involve the annexation of unincorporated holdings into a municipality, either a voluntary or standard annexation can be pursued. This is a voluntary annexation of one 131 acre property into the city limits, for the purpose of development. The voluntary annexation rules from State statute and City code are summarized below:

1. Voluntary Annexation

Should 100% of the property owners involved in an annexation proceeding agree to the action, a voluntary annexation can be pursued in accordance with the following:

- i. 100% of property owners in the area of annexation petitions the City Council to request the annexation;
- ii. City Council holds a public hearing to consider the request after posting proper legal notice in local paper; and
- iii. City Council votes to annex or not to annex the subject property. A majority vote of the Council in favor of such a measure is all that is necessary to approve the annexation.

2. Contiguous and Compact

According to the State Statute, the annexation area: Shall be "contiguous and compact" and shall not include areas contiguous to the City only by a rail line, trail, pipeline, or real property less than ¼ mile in width that would after the annexation, leave areas of unincorporated land between the City and prior boundaries only connected by said rail line, trail, pipeline, or ¼ mile wide property.

3. Zoning

Should the City formally annex an area, City Council then must assign a zoning classification for the area. Such designation must be the City's equivalent to the existing County zoning designation. Should the City choose to pursue a different zoning classification, a rezoning application must be considered as a separate action that would require a separate hearing and vote.

Analysis of Request

The petition request for annexation is signed by the property owner of the property. The property is considered contiguous and compact, as it is directly adjacent to our current northern city limits. The current County zoning on the property is Agriculture, and so the zoning designation will be established as Agriculture within the City limits. However, a rezoning and preliminary development plan application for this annexation property and the property to the south is being reviewed by staff. The rezoning will require a separate public hearing and vote at the November Planning and Zoning Commission and City Council meetings.

Document No. 9303 was read.

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

Brian Forker, Northpoint Development, stated he was in attendance to represent the applicant in case Council had any questions.

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

Mayor Brenton stated the Ordinance would be considered on second reading at the November 8, 2021 Regular Session.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of October 1 – October 15, 2021

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

Document No. 9304 was read.

Action: Council Member Phillips 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. 11483.

- B. Ordinance accepting and approving A Final Plat for Homestead of Liberty, 3rd Plat, in the City of Liberty, Clay County, Missouri (P&Z No. 21-48FP)

Document No. 9305 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Watt moved to approve the ordinance. Council Member 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. 11484.

- C. Ordinance approving a Memorandum of Understanding with Clay County Senior Services to provide Grant Funding for Senior Memberships to the Liberty Community Center in the amount of \$60,000.00 (AR 145-21)

For 2022, \$60,000 was requested with \$60,000 granted. The cost for an annual Liberty Community Center senior membership, which includes group exercise classes will be \$325. Applying the \$100 from CCSS, seniors will have the option to pay the remaining \$225 in full or by monthly bank draft (less than \$20/month)

Document No. 9306 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 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. 11485.

- D. Ordinance authorizing a Communications Site Lease Agreement with North West Missouri ERC (AR 147-21)

David Jensen of North West Missouri Emergency Response Communications approached Fire Department Staff concerning the installation of an antenna and repeater at the Nashua Water Tower to increase the reach and effectiveness of the group's radio operations. The Fire Department included the Police, IT and Utilities Department in the discussion. The Utilities Department led the discussions with the amateur radio group and has finalized a low-cost lease agreement with the group to install one antenna at the top of the tower, a repeater in the base of the water tower and connections to power and internet. The power draw of the equipment is very low and the additional cost will be negligible. Initial term of lease is five years and includes three successive five-year extension terms. Annual Lease Payment of \$10.00.

Document No. 9307 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. 11486.

- E. Ordinance approving an agreement with Technology Group Solutions for purchase of Arctic Wolf Managed Detection and Response (MDR) Cybersecurity Services (AR 146-21)

Cyberattacks on local governments are increasing at an alarming rate, including a noticeable focus on Utility services through their PLC and SCADA systems. The attacks are becoming more sophisticated and focused. Quick detection and response to cyberattacks is crucial. The T&L department recommends entering into an agreement with Technology Group Solutions (TGS) Arctic Wolf Managed Detection and Response (MDR) cybersecurity services.

Document No. 9308 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 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. 11487.

- F. Resolution supporting Co-location and future Consolidation of Emergency Dispatch Services in Clay County (AR 144-21)

In 2017, Clay County and the cities of Liberty, Excelsior Springs, Gladstone, Pleasant Valley, Kearney, and the Kearney Fire & Rescue Protection District examined and evaluated the concept of consolidating Public Safety Answering Points (PSAP) / 9-1-1 Centers. They determined a consolidated PSAP / 9-1-1 Center would provide more efficient public safety services and would facilitate effective interagency cooperation

and improved public safety service delivery. These agencies agreed that a consolidated PSAP / 9-1-1 Center serves the best interests of citizens in Clay County.

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. 3203.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Mayor

Attest:

Deputy City Clerk