

City Council Meeting

Regular Session Minutes
November 8, 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, November 8, 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, 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: Paul Jenness, Ward I

Staff Present: Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Vicki McClure, Interim Finance Director
Shawna Funderburk, Chief Strategic Operations Officer
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
Matt Kellogg, Police Captain
Katherine Sharp, Planning and Development Director
Wade Thomas, Technology and Logistics Director
Sherri McIntyre, Public Works Director
Tom Garland, Assistant Parks and Recreation Director
Janet Pittman, Deputy City Clerk

Public Present: 15 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

David Sallee, 9531 N. Laurel Avenue, Kansas City, stated that he appreciated the efforts by City Council to regain Block 174. He was disappointed that Confederate battle flags have recently been set out on the lot. Proponents of the Monument say it simply marks the graves (does not promote Confederacy), but they lose that argument when they add Confederate flags (it's about white supremacy). He asked the Council to consider passing a resolution denouncing racism.

Dwayne Holtzclaw, 113 Kevin St, Excelsior Springs, stated that he has family buried in Block 174, and its private property/private gravesite, leave it alone and don't desecrate their grave.

Gieselle Fest, 1407 Lynette, Liberty, requested that Council withdraw the lawsuit to reclaim Block 174. She noted that she is not a generational Liberty resident, but is a tax payer. This is not a good use of tax payer funds. She asked that the soldiers buried there be left in peace.

Sharon Fiene, 457 E. Franklin, Liberty, stated she has been a Liberty resident for 48 years and she appreciated how her Council Member and staff have responded to inquiries in the past. She is against the removal of the statue. It's private citizens' private property, and a symbol of history, good or bad. If the citizens of Liberty are divided, then removal of the statue won't fix that. Government's job is to protect its citizens and to provide services, like adequate streets. The lawsuit is not a prudent use of tax payer funds. Whatever the reason for removing the statue, it's seen as an affront to the Constitution. It's against free speech.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution granting a Certificate of Appropriateness for Exterior Improvements at 430 Franklin, Jewell Historic District [HDRC Case 21-018J] [AR 154-21]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3204.

- B. Resolution authorizing the offering for Sale of General Obligation Refunding Bonds by the City of Liberty, Missouri [AR 155-21]

The Series 2012 General Obligation bonds were issued in July 2012. These bonds were used to cover costs associated with major road infrastructure projects such as the I35/M291 project and the Liberty Drive Improvements projects. The Series 2013 General Obligation Bonds were issued to help cover costs associated with the Franklin Street project and South Liberty Interchange. Interest rates of today are much more advantageous than they were when these two bond issuances were completed. Both of series of the General Obligation Bonds became callable in early 2021, giving City Staff the ability to refinance them and take advantage of the lower interest rates. By refunding these bonds, the NPV shows a savings from cash flow of \$455,000.

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

Vote: Motion passed 7-0-0

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

No: None
Abstain: None
Inscribed in Resolution No. 3205.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of October 15 – October 29, 2021

Document No. 9309 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11488.

- B. 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] **(second reading)**

Document No. 9303 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11489.

- C. Street Maintenance Pavement Restoration Project [AR 152 -21]

This action is to finalize the contract for the 2020 Street Maintenance Pavement Restoration Project and to accept the project. The \$750,000 contract with Metro Asphalt, Inc. was approved by Council on September 20, 2020. Necessary additional work was added to the contract, resulting in a contract amendment increasing the original contract amount of \$750,000.00 by \$850,000.00 to \$1,600,000.00 accepted by City Council on March 22, 2021.

The contract amount for the base bid was determined from estimates of the materials required to restore, repair, and pavement marking each of the roadway sections.

Following project completion, the actual material quantities used resulted in adjustments to the estimated bid quantities

1. Ordinance amending Ordinance No. 11368 amending an ordinance amending a Contract with Metro Asphalt, Inc. for the 2020 Street Maintenance Pavement Restoration Project, increasing the amount by \$4,847.38, from \$1,600,000 to \$1,604,847.38.

Document No. 9310 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 Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11490.

2. Resolution accepting the 2020 Street Maintenance Pavement Restoration Project

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3206.

- D. Ordinance accepting a Public Easement for Storm Drainage Facilities for 520 Skyline Drive [AR 151 -21]

To facilitate the construction of the Preston Street and Skyline Drive Storm Sewer Improvements project, a public storm drainage facilities easement is necessary to encompass a portion of a proposed realigned public storm sewer at 520 Skyline Drive as part of the Preston and Skyline Storm Sewer Improvements project.

Approving this ordinance will dedicate the public easement for storm drainage facilities acquired from Mary L. Bahr, at no cost to the City.

Document No. 9311 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 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11491.

- E. Ordinance approving a Lease Agreement with Utility, Inc. for the Lease, Maintenance, and Installation of Police Vehicle/Body Cameras in an amount not to exceed \$300,000.00 [AR 153 -21]

Use of the current camera vendor has become cumbersome and time consuming for officers and support staff. Warranties are expiring, items need maintenance/replacing, and the Department is looking at increasing costs over the next year or so. Currently, the Department owns the cameras/hardware.

Utility offers a product that provides several officer safety benefits, which are not available with the current system. For example, the cameras automatically activate when running or drawing a firearm; also, the ability to match an officer's movements during an event with online maps, assisting with investigations and prosecutions. The sharing of video is smoother and provided at no additional charge to prosecutor's offices.

Document No. 9312 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 Hagan moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11492.

- F. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri [AR 150 -21]

The traffic regulation amendment is to reduce the number of one-hour parking spaces on the east side of S. Water Street from three (3) spaces to two (2) spaces.

Document No. 9313 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 Gentrup moved to approve the ordinance. Council Member Graham seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11493.

- G. Ordinance approving a Contract with CivicPlus for the Purchase and Implementation of CivicClerk Agenda Management Software in an amount not to exceed \$11,950.00 [AR 149 -21]

With the replacement broadcasting system for Council Chambers, staff explored various software alternatives to interface with the new solution and recommend CivicClerk. CivicClerk is a comprehensive, collaboration tool to help aggregate information, reports, approvals, and notes in a single, transparent, cloud-based repository. In addition to agenda creation, and streaming Council meeting videos, it will also provide an agenda management solution to streamline the packet creation process.

Document No. 9314 was read.

Action: 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.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11494.

X. OTHER BUSINESS

- A. Landscaping and Variance for Art Funds - Discussion

The Unified Development Ordinance was approved in April 2005. Periodically, the City reviews potential changes that may be warranted due to changing technologies, trends, community preference, grammatical errors in the code, or Planning Commission direction. The topic under consideration for this session is within the commercial landscaping code. Specifically, the allowance to utilize the fee from the fee-in-lieu of trees fund to be used for public art.

The City's development ordinance requires landscaping and trees to be planted at each new development and when trees are cleared. If the site cannot accommodate the required trees on site, the UDO allows the developer to pay into a fee-in-lieu of tree replacement fund to plant trees within the City.

The current landscape ordinance and tree preservation requirements predate the City's Unified Development Ordinance (UDO), which was adopted in 2005. The landscape ordinance was then amended in 2009, following the Blue Jay Crossing development, to provide credit for trees that are preserved. The ordinance amendment in 2009 also allowed the developer to plant the required replacement trees off-site within Liberty. Because this allowance for off-site planting (and subsequent maintenance) had proved to be problematic, and in order to give the developer an option beyond planting replacement trees on site, a fee-in-lieu of tree planting was added in 2013. This is an option when all of the required trees cannot be accommodated on site, and would not apply to the other landscaping requirements that must be met for every development.

During the 2013 code change, a provision was added to allow, through the variance process, tree fee money to be used for public art (City Code Section 30-97.4(10)c). This variance process requires the Liberty Arts Commission to determine that the proposed art is public art. At present, there is no cap on the amount of money that could be requested through this process. Past recipients of this provision are:

- 2016 North Haven Center- \$49,500 equivalent of work on the site for China Slaughter statue.
- 2018 Oakwood Business Park, 3 Buildings Tracts 13,14,15- \$15,250 to Great Americans Project.
- 2019 Ford Expansion- \$20,500 to Great Americans Project.

The investment in public art section is in section 30-97.4(10)c at the end of the landscaping ordinance and has been underlined.

If, through the development review process, the city determines that the site cannot accommodate the number of required replacement trees, the developer shall, prior to final occupancy, provide an equivalent fee-in-lieu of trees to a dedicated parks tree account. The fee per tree shall be posted in the city's schedule of fees. The fee-in-lieu shall be used for the future planting of trees in parks, rights-of-way, and public spaces, the location of which shall be determined by the director of parks and recreation. When a fee-in-lieu of trees provision exists and a variance is granted in accordance with section 30-21.11, the developer may receive a dollar-for-dollar credit for investment in public art in the City of Liberty when such art is deemed to be of public value by the arts commission and the city council. Aforementioned art may or may not be located on the development site.

Recommendation

The Mayor and City Council reviewed and discussed the fee in lieu of tree provision. As this provision is at the discretion of City Council, they requested that City Council consideration of such a variance come earlier in the application process.

- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Mayor

Attest:

Deputy City Clerk