



City Council Meeting

Regular Session Minutes
March 28, 2022

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 March 28, 2022 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 Harold Phillips, 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
Shawna Funderburk, Chief Strategic Operations Officer
Vicki McClure, Finance Director
BJ Staab, Parks and Recreation Director
Jason Thomas, Assistant Director Utilities
James Simpson, Police Chief
John Mills, Fire Chief
Dustin Paddock, Fire Marshal
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Janet Pittman, Deputy City Clerk

Public Present: 20 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. Mayor Brenton proclaimed April 10-16, 2022 as National Animal Control Officer Appreciation Week.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of February 14, 2022

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

B. Regular Session Minutes of February 28, 2022

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

C. Motion to authorize the purchase of a Utilities Construction vehicle from Max Ford in an amount not to exceed \$38,894.00 (AR 056-22)

Council Member Watt moved to approve the purchase. Council Member Phillips seconded the motion, which carried unanimously.

D. Motion to authorize the renewal of Weather or Not weather service for 2022 in an amount not to exceed \$20,315.00 (AR 054-22)

Council Member Watt moved to approve the purchase. Council Member Phillips seconded the motion, which carried unanimously.

E. Motion to authorize the purchase of three (3) Zero Turn Mowers from Kearney Lawn & Outdoor in an amount not to exceed \$22,223.25 (AR 057-22)

Council Member Watt moved to approve the purchase. Council Member Phillips seconded the motion, which carried unanimously.

F. Board and Commission Appointments/Reappointments

1. Liberty Community Christmas Tree

- a. Appoint Jamie Goodwin to a term expiring 5/1/2024

2. Planning and Zoning Commission

- a. Reappoint Ken Personett to a term expiring 1/1/2025
b. Reappoint Dee Rosekrans to a term expiring 1/1/2025
c. Reappoint Patricia Evans to a term expiring 1/1/2025

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

VIII. PUBLIC HEARINGS

A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 13.74 Acres at the SE Corner of US 69 Hwy and Garrison Road from C-2, "General Business District" to M-1, "Light Industrial District" for Garrison Industrial Park, an Industrial Development [P&Z Case 22-02R&PDP]

The project will generally include construction of a new industrial building with truck and pedestrian parking, loading dock, curb and gutter, storm water management, lighting, and perimeter landscaping to serve new tenants on approximately 13.74 acres of previously undeveloped land. The site is proposed to be rezoned from C-2 to M-1.

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

David Langston, 1920 Carter Court asked if the blue line on the map was the city limits.

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

Document No. 9387 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 Hagan 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. 11563.

B. 12 N. Main Street Project

1. Ordinance adopting and approving the Amended Development Plan for the Downtown Area Redevelopment Project (including Twenty-Ninth Amendment for the 12 N Main Project) submitted by the Liberty Municipal Redevelopment Corporation, reaffirming the finding that the property within said Amended Development Plan is a Blighted Area in need of Development and Redevelopment as Determined in Ordinance No. 9794 and Ordinance No. 10820, authorizing certain Tax Abatement within the Redevelopment Area described within the Amended Development Plan; Authorizing Execution of a 353 Development Agreement for implementation of the 12 N Main Redevelopment Project; and Providing for Expiration of Development Rights (AR 061-22)

This amendment to the Redevelopment Plan consists of windows and doors on the exterior of the building, replacement of windows, exterior finish around windows, and tuckpoint wall to replace damaged brick. Interior finishes include ceiling demo and improvements, HVAC trunk line, electrical, plumbing, and seal and paint the interior walls and ceiling.

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. 9388 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 Phillips 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. 11564.

2. Resolution Granting a Certificate of Appropriateness for Exterior Improvements at 12 N. Main, Liberty Square Historic District (AR 059-22) (not a Public Hearing)

The owner is planning to take advantage of the City's Chapter 353 tax abatement program for exterior improvements.

Action: Council Member Phillips moved to approve the resolution. 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

Inscribed in Resolution No. 3231

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of March 4 – 18, 2022

Mayor Pro Tem Jeff Watt took over as Chair of the meeting.

Document No. 9389 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Phillips 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. 11566.

Mayor Brenton resumed as chair of the meeting.

B. Adoption of 2022 Utility Rates (AR 50-22)

Based on the review of 2022 Water, Wastewater and Solid Waste Fund expenditure budgets, the Budget Committee and staff are recommending an increase in Utility rates within all three funds.

1. Ordinance amending Section 29-25 (a) 'Water Rates' of the Code of the City of Liberty, Missouri (second reading)

Document No. 9385 was read.

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. 11567.

2. Ordinance amending Section 29-49.1 'Sanitary Sewer Rates' of the Code of the City of Liberty, Missouri (second reading)

Document No. 9386 was read.

Action: Council Member Phillips 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. 11568.

C. Resolution approving a Preliminary Plat for Garrison Industrial Park, 13.74 Acres at the SE Corner of US 69 HWY and Garrison Road, a subdivision of land in Liberty, Clay County, Missouri [P&Z Case 22-03PP]

A preliminary plat is required for the general subdivision of land to ensure the layout of a proposed subdivision conforms to the comprehensive plan and the UDO.

Action: Council Member Watt moved to approve the resolution. Council Member Phillips 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. 3232

- D. Resolution approving Final Development Plan for Liberty Commerce Center, Building 3, South of South Liberty Parkway & East of Hughes Road, in Liberty, Clay County, Missouri [P&Z Case 22-04FDP]

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 private drives within the subdivision.

Action: Council Member Hagan moved to approve the resolution. Council Member Phillips 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. 3233

- E. 2021 Encumbrances (AR 055-22)

The City's financial system uses an encumbrance process when purchase orders are issued. An encumbrance reserves the budgeted funds for each open purchase order. Approval of encumbrances is a housekeeping item that balances budgeted funds between fiscal years and does not represent new 2022 funds for departments to use.

1. Ordinance amending Ordinance No. 11521, Adoption of the 2022 Budget for the City of Liberty, Missouri

Document No. 9390 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 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. 11569.

2. Ordinance Amending Ordinance No. 11522, Adopting the Annual Park and Parks Sales Tax Budgets for the City of Liberty, Clay County, Missouri for the Fiscal Year 2022

Document No. 9391 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 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. 11570.

- F. Ordinance approving an annual Service Agreement Contract with Virtual Project Manager LLC for Virtual PM Software (AR 053-22)

Virtual PM is a cloud-based project management software package for municipalities to track and manage capital improvement projects. It represents the most attractive solution for the City's needs as it was originally built specifically for Cities, Counties, and Agencies. The software package offers easy access to team members, and unlimited users, projects, and cloud-based storage. The many features of the product include payments, daily logs, submittal, RFIs, mobile device use, change orders, and punch list and corrective items.

The product is a subscription service at a price of \$15,000 per year for the life of the City's use of the product. This annual price is guaranteed and it will never increase for as long as the City continues under this original contract. There is an additional up-front, one-time only implementation and setup fee of \$5,000. The purchase of this product will utilize budgeted Capital Sales Tax funds.

Document No. 9392 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 Watt 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. 11571.

- G. Ordinance approving a Contract extension with BKD CPA's & Advisors to provide Audit Services for the City of Liberty in an amount not to exceed \$62,715.00 (AR 060-22)

With all the uncertainty that continued in 2021 regarding the COVID pandemic, staff is recommending the extension of the current contract with BKD for auditing services through 2022. The City has been with BKD for the last six years and they have provided benefits in more ways than just the annual audit of the financial statements. BKD CPA's & Advisors provided a one-year contract extension. Approval of the contract would only apply to 2022 for the auditing of year ending December 31, 2021 financial statements.

Document No. 9393 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 Phillips 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. 11572.

- H. Ordinance approving a Contract with J&M Displays for the Liberty Fest Fireworks Display located at Capitol Federal Sports Complex of Liberty in an amount not to exceed \$33,000.00 (AR 058-22)

The City of Liberty and the Liberty Area Chamber of Commerce have hosted the Liberty's Independence Day celebration at the Sports Complex since 2016 and over that time the event has grown to see more than 10,000 attendees. J&M Displays has provided the fireworks for the Liberty Fest event since 2017 and has provided not only excellent quality fireworks, but also excellent customer service.

Document No. 9394 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 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. 11573.

I. City Code Amendments (AR 052-22)

In 2018, the Finance Department took over the processing of Business Licenses from the Deputy City Clerk. This Code Amendment will codify that change and transfer the authority to administer Business Licenses to the Director of Finance. The second proposed amendment is housekeeping in nature. The amendment includes language to incorporate the use of electronic signatures on forms, applications and contracts. Also included is an amendment to the Alcoholic Beverages section of the Code to reflect the repeal of RSMo 311.097, and incorporating reference to RSMo 311.480, which outlines the Sunday sale of intoxicating liquor, by the drink, for consumption on the premises for restaurant bars.

1. Ordinance amending Chapter 18, 'Licenses' of the Code of the City of Liberty, Clay County, Missouri

Document No. 9395 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 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. 11574.

2. Ordinance amending Chapter 1, 'General Provisions' and Chapter 3, 'Alcoholic Beverages' of the Code of the City of Liberty, Clay County, Missouri

Document No. 9396 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 Phillips 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. 11575.

X. OTHER BUSINESS

A. Block 174 – Fairview / New Hope Cemetery

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, MO, requested that the revestment lawsuit be dropped.

Gieselle Fest, 1407 Lynette, told a story about speaking on behalf of others who can't.

David Langston, 1920 Carter Court, requested the revestment lawsuit be dropped.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Mayor

Attest:

Deputy City Clerk