

City Council Meeting

Regular Session Minutes
April 25, 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 April 25, 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 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
Gene Gentrup, Ward IV

Council Members Absent: Michael Hagan, Ward IV

Staff Present: Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Shawna Funderburk, Chief Strategic Operations Officer
Vicki McClure, Finance Director
Andy Noll, Utilities Director
James Simpson, Police Chief
John Mills, Fire Chief
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of March 14, 2022

Council Member Phillips moved to approve the minutes as distributed. Council Member Pozel seconded the motion, which carried 6-0-1. Council Member Jenness abstained due to absence.

B. Special Session Minutes of March 28, 2022

Council Member Phillips moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-1. Council Member Jenness abstained due to absence.

C. Executive Session Minutes of March 28, 2022

Council Member Phillips moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-1. Council Member Jenness abstained due to absence.

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Special Session Minutes of April 4, 2022

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

B. Executive Session Minutes of April 4, 2022

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

C. Purchase of Online Analyzers from Hach in an amount not to exceed \$21,239.15 (AR 074-2022)

Council Member Gentrup moved to approve the purchase. Council Member Graham seconded the motion, which carried unanimously.

D. Purchase of two 2022 Ford Rangers Building Inspector vehicles from Shawnee Mission Ford in an amount not to exceed \$63,564.00 (AR 073-220)

Council Member Gentrup moved to approve the purchase. Council Member Graham seconded the motion, which carried unanimously.

E. Resolution accepting the Water Main Improvements for the Liberty Triangle Water Main Extension Project (AR 072-22)

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3234.

F. Boards and Commissions Appointments

1. Liberty Parks and Recreation Foundation

- a. Appoint Jessie Fullinwider to a term expiring 1/1/2025
- b. Appoint Matt Sameck to a term expiring 1/1/2023

Council Member Gentrup moved to approve the appointments. Council Member Graham 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 0.62 Acres Located at 520 S. 291 Hwy from Low Density Residential to Commercial [P&Z Case 22-08A]

This is an application to amend the Future Land Use map, a component of the Comprehensive Plan for the City of Liberty. Unlike a zoning map, the Future Land Use (FLU) map establishes a vision for community growth and development and is a reference for local officials to coordinate plans and prioritize areas for growth and investment. From a land use perspective, staff believes amending the FLU map designation to Commercial would be appropriate in this area considering the property is adjacent to 291 Hwy and is proposing an appropriate buffer between the commercial use and the single family residential to the west.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3235.

- B. Resolution approving a Special Use Permit at 1 Liberty Bell Circle to allow a Temporary Bank Building, in Liberty, Clay County, Missouri [P&Z Case 22-09SUP]

Commerce Bank is proposing redeveloping their existing site in order to build a new bank building. The new bank building will be coming in a future application. In the interim, while the new bank is under construction, a modular office building will be placed on site.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

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, Jenness, Pozel, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 3236.

- C. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 16 +/- Acres at Old Withers and S. Withers from R-1A, "Suburban Residential District" and MU "Mixed Use" to PD, "Planned Development District" for Vintage Estates [P&Z Case 22-11R&PDP]

The purpose of this proposal is to allow Harvest Investments to build 25 individual homes and a clubhouse in an age restricted, gated, Cooperative development. The proposal also includes the extension of Buckingham Drive to S. Withers Road and the removal of Old Withers Road. This site is currently designated as floodplain by FEMA. Any development in the floodway and 100 year floodplain must meet specific requirements in order to provide a certain level of protection to the building, its contents, and its occupants during a flood. As such, the applicant will need to work through the federal FEMA process to remove the floodplain designation. FEMA has standardized application procedures to remove the floodplain designation on the floodplain maps. The applicant's engineers are working through the FEMA process to have Buckingham Drive and the area to the northeast of Buckingham Drive built up and out of the flood plain. The applicant has requested consideration of a variance from the Unified Development Ordinance (UDO) Section 30-93.6.2 "Design standards, lots". The applicant is requesting to reduce the required 100 foot bermed and landscaped buffer area to 50 feet in width. Other developments along S. Withers road have been granted this variance in order to maintain a unified look along S. Withers.

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

Ray Bisbee, Ewing Properties/Harvest Investments, builders of the development explained that the Coop is a member owned/controlled development whereby purchasing a share of the coop comes with an occupancy certificate.

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

Document No. 9405 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 Graham moved to approve the ordinance and requested variance. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Pozel, Graham, Watt, Duncan and Gentrup

No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11583.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of April 1 – April 15, 2022.

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

Document No. 9406 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11584.

Mayor Brenton resumed as chair of the meeting.

- B. Resolution approving a Preliminary Plat for Vintage Estates, One Lot on 16 +/- Acres at Old Withers and S. Withers, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 22-12PP]

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 Jenness moved to approve the resolution. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3237.

- C. Ordinance accepting and approving a Final Plat for a Replat of Homestead of Liberty 1st Plat, replatting Lots 10-16 in the City of Liberty, Clay County, Missouri [P&Z Case 22-13FP]

A request was received to replat 7 lots to create 5 larger lots to accommodate the homes that are being requested. The original lots are constrained in size due to conservation areas to the north and west.

Document No. 9407 was read.

Action: Council Member Jenness 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 Phillips seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11585.

D. North Liberty Logistics Park

A final plat is required for the general subdivision of land to ensure the layout of a proposed subdivision conforms to the comprehensive plan and this UDO and to provide a complete and exact subdivision plat, prepared for the official public record to define property boundaries and public improvements. In accordance with the UDO, staff’s analysis of the Final Development Plan applications find that the applications meet the standards of review for a final development plan.

- 1. Ordinance accepting and approving a Final Plat for North Liberty Logistics Park, 1st Plat, Lots 1-3 & Tracts A, B, C, in the City of Liberty, Clay County, Missouri [P&Z Case 22-14FP]

Document No. 9408 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 Jenness seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11586.

- 2. Resolution approving a Final Development Plan for North Liberty Logistics Park, Lot 1, on 29.2 Acres North of US 69 Hwy. and East of I-35 in Liberty, Clay County, Missouri [P&Z Case 22-15FDP]

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, Jenness, Pozel, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 3238.

3. Resolution approving a Final Development Plan for North Liberty Logistics Park, Lot 2, on 29.2 Acres North of US 69 Hwy. and East of I-35 in Liberty, Clay County, Missouri [P&Z Case 22-16FDP]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3239.

- E. Ordinance approving an Agreement with Layne Christensen Company for Well Field Maintenance Services in an amount not to exceed \$49,640.00 (AR 075-22)

Each year staff identifies multiple wells in need of service. These service tasks include but are not limited to: well pump removal and inspection, well chemical cleaning and TV inspection of the well casing and screen. Staff has identified the components of an effective and professional wellfield management program with annual bulk purchase of these routine services an integral component of this plan. Since beginning these services in 2014 and continuing through 2021, staff continues to record well flow increases for the treated wells and have experienced less system downtime.

Document No. 9409 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 Watt moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11587.

F. Ordinance amending Chapter 20, "Motor Vehicles & Traffic", of the Code of the City of Liberty, Clay County, Missouri (AR 071-22)

Amendments to traffic regulations are required to update the City Code for any new or modified traffic signage. The changes to traffic signs may be driven by a citizen request, staff, or temporary situations requiring traffic modifications. The codification of the traffic regulation and the addition of appropriate signage allow for the enforcement of the regulations.

Document No. 9410 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11588.

X. OTHER BUSINESS

A. Block 174 – Fairview / New Hope Cemetery

Gieselle Fest, 1407 Lynette, stated the money used on the lawsuit can be better spent in the cemetery.

Sharon, Fiene, 457 E. Franklin, reviewed the response received to her Sunshine Law request, and commented on the lawsuit.

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, MO, noted his famous family buried in the cemetery, and requested the lawsuit be dropped.

David Langston, 1920 Carter Court, stated Block 174 is where U.S. veterans are buried, and requested the lawsuit be dropped.

Susan Wayne, 1916 Carter Court, requested the lawsuit be stopped.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Attest:

Mayor

Deputy City Clerk