



Minutes

City Council Regular Session

Monday, May 23, 2022 - 7:00 PM
Council Chambers

I. Call to Order

A regular meeting of the City Council Regular Session of the City of Liberty, Missouri was held in the Council Chambers at City Hall on May 23, 2022 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

II. Invocation and Pledge of Allegiance

A. Council Member Jeff Watt

III. Roll Call

Council Members

Present:

Paul Jenness, Ward I
Greg Duncan and Kelley Pozel, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, Ward IV

Council Members

Absent:

Harold Phillips, Ward I

Staff Present:

Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Vicki McClure, Finance Director
Shawna 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: 15 members of the public

IV. Approve Minutes and Summaries

A. Regular Session Minutes of March 28, 2022

Council Member Watt moved to approve the Minutes, seconded by Council Member Gentrup. Motion passed 6-0-1, Council Member Jenness abstained due to absence.

B. Study Session Summary of May 2, 2022

Council Member Hagan moved to approve the Summary, seconded by Council Member Jenness. Motion passed 6-0-1, Council Member Pozel abstained due to absence.

V. **Citizens' Participation**

A. MARC's 50th Anniversary Proclamation

Mayor Brenton read the Proclamation and presented it to Amiee Wenson, Mid-America Regional Council's Local Government Services Program Manager.

B. National Gun Violence Awareness Day Proclamation

Mayor Brenton read the Proclamation and presented it representatives of Moms Demand Action.

VI. **Meeting Schedule**

VII. **Consent Agenda**

A. Regular Session Minutes of April 11, 2022

Council Member Gentrup moved to approve the Minutes, seconded by Council Member Watt. Motion carried unanimously.

B. Resolution approving a Temporary Event Liquor License for the Liberty Area Chamber of Commerce LibertyFest event to be held on July 3, 2022 at 2200 Old State Highway 210 (Capitol Federal Sports Complex)

ACTION: Motion to approve the Resolution by Gene Gentrup, seconded by Jeff Watt;

Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None
Inscribed in Resolution No. 3241.

C. Resolution appointing Directors to the Historic Downtown Liberty Commercial Community Improvement District Board of Directors

ACTION: Motion to approve the Resolution by Gene Gentrup, seconded by Jeff Watt;

Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None
Inscribed in Resolution No. 3242.

- D. Authorize the purchase of Non-Contact Flow Meters from Trimble Utilities in an amount not to exceed \$90,000.00

Non-Contact Flow Meters are highly accurate and monitor flows from sewer mains to the Waste Water Treatment plant (WWTP). Additional meters will give a broader view of normal flow and allow staff to identify inflow/infiltration issues.

ACTION: Motion to approve the purchase by Gene Gentrup, seconded by Jeff Watt;
Motion passed with a vote of 7-0-0
YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None

- E. Authorize the purchase of Trash Cans for the Capitol Federal Sports Complex from TrashCansWarehouse.com in an amount not to exceed \$25,100.68

In 2019, synthetic turf for the sports complex was funded through a special obligation. The turf project came in under budget with approximately \$200,000 in savings; because the turf project was a bond project, the remaining funds need to be spent. A portion of the savings will be used to purchase 30 trash cans for the complex.

ACTION: Motion to approve the purchase by Gene Gentrup, seconded by Jeff Watt;
Motion passed with a vote of 7-0-0
YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None

- F. Boards and Commissions Appointment
Liberty Housing Authority - Appoint Janet Peters to a term expiring 7/1/2023

ACTION: Motion to approve the appointment by Gene Gentrup, seconded by Jeff Watt;
Motion passed with a vote of 7-0-0
YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul

Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None

VIII. Public Hearings

- A. Ordinance adopting and approving the Amended Development Plan for The Downtown Area Redevelopment Project (including Thirtieth Amendment for the 117 W Kansas 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 117 W Kansas St Redevelopment Project; and Providing for Expiration of Development Rights

Document No. 9419 was read.

Heritage Auction Co, Inc, owner of 117 W Kansas Street, will utilize the 353 Program to improve and remove blighting factors from the property. The project qualifies for Level A-2 of abatement (10 years 100% improvement abatement) and meets the requirement that 50% of the improvements must be exterior.

ACTION: Council Member Jenness moved to waive the rules and consider on first reading. Council Member Graham seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Kevin Graham, seconded by Kelley Pozel;

Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11596.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 6.68+/- Acres at the SW Corner of Liberty Dr. & Fulkerson Circle From R-1C, "Standard Single Family" District to PD "Planned Development" District for Fulkerson Cottages (P&Z Case No. 22-19R&PDP) (to be Continued to June 13/22)

Council Member Hagen moved to continue the Public Hearing and Ordinance

to June 13, 2022. Seconded by Council Member Jenness, and carried unanimously.

IX. Ordinances, Contracts and Resolutions

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

- A. Ordinance approving Vendor Payments for the period of April 29 to May 13, 2022

Document No. 9421 was read.

Roll Call

ACTION: Motion to approve the Ordinance by Kevin Graham, seconded by Kelley Pozel; Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No. 11597

Mayor Brenton resumed as Chair of the meeting.

- B. Ordinance amending Ordinance No. 11399, Approving a Memorandum of Understanding with Bird Rides, Inc. for the Deployment of Stand-up Electric Scooter Sharing Systems within the City of Liberty (second reading) (to be Continued to June 13, 2022)

Document No. 9422 was read.

Council Member Watt moved to postpone consideration of the Ordinance to June 13, 2022, seconded by Council Member Graham. Motion carried unanimously.

- C. Resolution approving a Preliminary Plat for Fulkerson Cottages, One Lot on 6.68+/- Acres at SW Corner of Liberty Dr. & Fulkerson Circle, A Subdivision of Land in Liberty, Clay County, Missouri (P&Z Case 22-20PP) (to be Continued to June 13/22)

ACTION: Council Member Hagan moved to postpone consideration of the Resolution to June 13, 2022, seconded by Council Member Pozel. Motion carried unanimously.

- D. Ordinance accepting and approving a Final Plat for a Replat of Lot 61, Brookview Gardens & Lot 13, Middlemarch Estates in the City of Liberty, Clay County, Missouri (P&Z Case No. 22-21FP)

Document No. 9423 was read.

The applicant is requesting a replat of the 2 lots to reconfigure the lots to add approximately 17,000 sq. ft. to Lot 13 Middlemarch Estates (1500 Wynbick) from the back portion of Lot 61 Brookview Gardens (1458 Thompson Avenue). Lot 61 will still be well above the 8,000 sq. ft. minimum lot size required in the R-1C zoning district with approximately 20,300 sq. ft. remaining.

ACTION: Council Member Gentrup moved to waive the rules and consider on first reading. Council Member Jenness seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Jeff Watt seconded, by Michael Hagan;
Motion passed with a vote of 7:0 0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11598.

- E. Resolution approving a Preliminary Development Plan for Liberty Bell Circle at 1 Liberty Bell Circle, a Subdivision of Land in Liberty, Clay County, Missouri (P&Z Case 22-24PDP)

The current use on this site is a two-story bank building. This application is a preliminary plan for the redevelopment of the current Commerce Bank lot. The applicant proposes to remove the existing building and split the lot into two lots. They propose to rebuild a new bank on the northern lot and develop the southern lot for a restaurant.

ACTION: Motion to approve the Resolution by Michael Hagan seconded by Paul Jenness;
Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Inscribed in Resolution No. 3243.

- F. Ordinance accepting and approving a Final Plat for Tapp Farms, in the City of Liberty, Clay County, Missouri (P&Z Case No. 22-05FP)

Document No. 9424 was read.

The applicant proposes to plat 90 acres for the development of 149 single

family lots. There are 4 open space tracts in this subdivision; all tracts will be owned and maintained by the Home Owners Association. The stormwater quality areas are provided in the open space tracts. Though these facilities will be protected by a public easement granting access to the City for maintenance and repair, adequate performance of the facility is the responsibility of the property owner (HOA). All proposed residential development is required to dedicate park land or an equivalent fee-in-lieu of dedication for public use. As no parkland is proposed with this development, a fee in-lieu will be required before the final plat can be recorded.

ACTION: Council Member Jenness moved to waive the rules and consider on first reading. Council Member Hagan seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Jeff Watt, seconded by Kelley Pozel;

Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11599.

- G. Ordinance approving a Contract with Olsson Studio for a Comprehensive Plan Update in an amount not to exceed \$100,000

Document No. 9425 was read.

The updated comprehensive plan will provide a vision, goals, objectives, and polices to guide the city's development and redevelopment for the next 20 years. The plan will guide the City Council, various advisory boards, Planning & Zoning Commission, staff, developers, property owners, and residents on the appropriate growth and redevelopment for Liberty.

The updated plan will integrate all aspects of development including demographics, land use recommendations, parks, public facilities, infrastructure, transportation, environment, and economic trends. A critical component of the plan will be setting the vision for the city's development and redevelopment.

ACTION: Council Member Hagan moved to waive the rules and consider on first reading. Council Member Graham seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Jeff Watt, seconded by Paul Jenness;

Motion passed with a vote of 7-0-0
YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11600.

- H. Ordinance approving a contract with Heartland Mechanical for the purchase and installation of Liberty Community Center Replacement HVAC Rooftop Units in an amount not to exceed \$43,618.00.

Document No. 9426 was read.

RTU#6 – This unit provides service to the Liberty Community Center main lobby. It was determined that the unit had a hole in the heat exchanger. After repairs, the unit would need to be charged with R-22 refrigerant. The cost for purchase and installation of a replacement rooftop unit for RTU#6 is \$27,600. This cost includes sheet metal work that needs to be completed during installation. The new Carrier unit comes with a one-year all parts limited warranty and a four-year warranty on the compressor, heating elements and heat exchanger wheel. Due to the age of the unit and repair cost, it is recommended to replace RTU #6.

RTU#A2 – This unit provides service to the cardio side of the Wellness Center. It was determined that the unit had a hole in the heat exchanger. Heartland Mechanical also has concerns with the age of the compressor. The compressor is still original to the unit and has outlasted its life expectancy. Additionally, many of the coils are very old with some hail damage. The cost for purchase and installation of a replacement rooftop unit for RTU #A2 is \$16,018.00. The new Carrier unit comes with a one-year all parts limited warranty and a four-year warranty on the compressor, heating elements and heat exchanger wheel. Due to the age of the unit, cost of repairs and uncertainty by the vendor of the future operation of the unit, it is recommended to replace RTU #A2.

ACTION: Council Member Jenness moved to waive the rules and consider on first reading. Council Member Hagan seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Michael Hagan, seconded by Gene Gentrup;

Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11601.

- I. Ordinance approving a contract with Kitch's Lawncare for mowing services at Fairview, New Hope and Mount Memorial Cemeteries or an amount not to exceed \$46,200.00

Document No. 9427 was read.

The City of Liberty annually enters into an agreement with a lawn care company for mowing services for Fairview, New Hope and Mount Memorial Cemeteries. The services provided include mowing and trimming. The FY 2022 cemetery budget includes \$65,000 in funding for these services. After selected in February, KD LawncareKC was not able to fulfill the contract requirements which caused delays in mowing and trimming. Staff canceled the contract with KD LawncareKC and moved to the next low bid from Kitch's Lawncare. Given the weather-related variability of service needs year-to-year, the contract guarantees a minimum of 22 mows and all other services will be requested by staff as the budget allows.

ACTION: Council Member Hagan moved to waive the rules and consider on first reading. Council Member Pozel seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Jeff Watt, seconded by Michael Hagan;

Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11602.

- J. Ordinance approving a Contract with AW Schultz, Inc. in an amount not to exceed \$20,800, for Clarifier Sludge Monitoring Equipment and Installation

Document No. 9428 was read.

Wastewater clarifiers operate the most effectively when the depth of sludge at the bottom of the clarifier is maintained within a certain depth range. The depth of sludge is dependent upon the incoming flow rate and the rate at which the sludge is being pumped off the bottom of the clarifier by the recycled activated sludge (RAS) pump. Currently, staff performs daily calculations to determine the rate to operate the RAS pump to maintain the preferred sludge depth range. The purchase would allow constant monitoring of the sludge depth and the associated programming change would automatically modify the RAS pump rates to optimize the control of this sludge blanket depth.

ACTION: Council Member Watt moved to waive the rules and consider on first reading. Council Member Hagan seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Jeff Watt, seconded by Kelley Pozel;
Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11603.

X. Other Business

- A. Motion to acknowledge Republic Services Fuel Recovery Fee Increase of 27-cents per unit

As part of the first amendment for solid waste and recycling collection and disposal services, there is a provision for fuel recovery fees based on a rolling six (6) month average for diesel fuel prices. The assumed average diesel prices were under \$3.26 per gallon. The rolling average price of diesel fuel is based on a 6-month average from December 2021 to May of 2022 which has increased to an average of \$4.12 per gallon. The contract provisions allow for increased costs of a 27-cent increase to all service charges, based on the current average prices. The additional cost for trash and recycling collection will not be passed on to the customer and will be covered through fund balance within the Sanitation Fund.

ACTION: Motion to acknowledge the fee increase by Michael Hagan, seconded by Kevin Graham;
Motion passed with a vote of 7-0-0

YES: Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

- B. Block 174 – Fairview / New Hope Cemetery

Mary Cravens, 300 Manor Lane, stated the Cemetery Committee did not receive information pertaining to the cemetery and maintenance.

Gieselle Fest, 1407 Lynette, talked about value of volunteer's time and meaning behind Memorial Day.

Sharon Feine, 457 E. Franklin, asked that history be left alone, stop the lawsuit.

David Langston, 1920 Carter Court, asked that Council not think with a legal mind, think like a regular person – don't take down grave marker.

XI. Miscellaneous Matters from City Administrator

XII. Miscellaneous Matters from Mayor and City Council

XIII. Adjournment

The meeting adjourned at 8:15 p.m.

Mayor

Attest:

Deputy City Clerk