



City Council Meeting

Regular Session Minutes

July 11, 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 July 11, 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 Lyndell Brenton, 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 (via conference call)
and Gene Gentrup, Ward IV

Council Members Absent: None

Staff Present: Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Shawwna Funderburk, Chief Strategic Operations Officer
Vicki McClure, Finance Director
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
Andy Hedrick, Interim Police Chief
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Ashley Comer, Accounting Manager
Beth Vanderhoorn, Administration Specialist

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. Mayor Brenton read the Liberty Farmers' Market Proclamation and presented it to Erin Erdman, Historic Downtown Liberty, Inc.'s Farmers' Market Manager.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Authorization to apply for multiple Missouri Department of Natural Resources Financial Assistance Center's State ARPA grants.

The Missouri Department of Natural Resources has grants available for lead service line inventory projects, drinking water projects, wastewater projects and stormwater projects. The City is eligible to be awarded one project for each category of project. All awards are competitive and no award is guaranteed. Project preference will be based upon project need, affordability, and financial and engineering capability of the applicant. The maximum award for the drinking water, wastewater and stormwater projects is \$5 million; the maximum award for the lead service line inventory is \$200,000. All of the categories will require matching funds to be provided by the applicant with a minimum expectation of 20 percent, with 50 percent being more likely to receive project awards.

The Utilities Department plans to submit projects for the lead service line, drinking water and the wastewater categories. The Public Works Department plans to submit a project for the stormwater category. Applications are due July 14, 2022 with project award notification in late October 2022. Projects will have to be bid and a contract awarded by December 31, 2024 and the project completed by December 31, 2026.

1. Resolution authorizing the filing of an Application with the Missouri Department of Natural Resources, Financial Assistance Center's State ARPA Grant Programs for Subaward of Federal Financial Assistance provided to the State of Missouri by the U.S. Department of the Treasury ("Treasury") Pursuant to Section 602(B) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act, (Pub. L. No. 117-2 (March 11, 2021), 135 Stat. 4, 223-26. (Lead Service Line)

Action: Council Member Gentrup moved to approve the resolution.
Council Member Phillips 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. 3254

2. Resolution authorizing the filing of an Application with the Missouri Department of Natural Resources, Financial Assistance Center's State ARPA Grant Programs for Subaward of Federal Financial Assistance provided to the State of Missouri by the U.S. Department of the Treasury ("Treasury") Pursuant to Section 602(B) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act, (Pub. L. No. 117-2 (March 11, 2021), 135 Stat. 4, 223-26.(Drinking Water Project)

Action: Council Member Gentrup moved to approve the resolution.
Council Member Phillips 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. 3255

3. Resolution authorizing the filing of an Application with the Missouri Department of Natural Resources, Financial Assistance Center's State ARPA Grant Programs for Subaward of Federal Financial Assistance provided to the State of Missouri by the U.S. Department of the Treasury ("Treasury") Pursuant to Section 602(B) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act, (Pub. L. No. 117-2 (March 11, 2021), 135 Stat. 4, 223-26.(Wastewater Project)

Action: Council Member Gentrup moved to approve the resolution. Council Member Phillips 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. 3256

4. Resolution authorizing the filing of an Application with the Missouri Department of Natural Resources, Financial Assistance Center's State ARPA Grant Programs for Subaward of Federal Financial Assistance provided to the State of Missouri by the U.S. Department of the Treasury ("Treasury") Pursuant to Section 602(B) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act, (Pub. L. No. 117-2 (March 11, 2021), 135 Stat. 4, 223-26.(Stormwater Project)

Action: Council Member Gentrup moved to approve the resolution. Council Member Phillips 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. 3257

- B. Resolution authorizing the Filing of a Grant Application with the Missouri Department of Natural Resources for the Reimbursement of Cost for Use of Recycled Materials for the Playground located on Lake Road in Bennett Park

The Parks & Recreation Department is partnering with the LPR Foundation who will be providing a portion of the funding to update one of the playgrounds in Bennett Park. In order to make the playground more inclusive, and free funds from the labor and

supplies used to re-mulch playgrounds each year, a recycled pour-in-place surface is recommended. The Missouri Department of Natural Resources has an open grant opportunity to apply for a reimbursement grant for scrap tire playground surfaces.

Action: Council Member Gentrup moved to approve the resolution. Council Member Phillips 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. 3258

C. Boards and Commissions - Reappointments and Appointments

Citizen Sales Tax Oversight Committee

Reappoint Adam Travis & Carol Kingery to terms expiring 5/15/2025

Historic District Review Commission

Reappoint Brett Rinker & Matt Grundy to terms expiring 7/1/2027

Appoint Linda Armstrong to a term expiring 7/1/2024

Liberty Arts Commission

Reappoint Greg Duncan to a term expiring 5/15/2025

Liberty Community Christmas Tree

Reappoint Amy Abbiatti to a term expiring 5/1/2025

Liberty Parks & Recreation Foundation

Reappoint Bob Saunders & Jodi Caps to a term expiring 1/1/2025

Parks & Recreation Board

Reappoint Anissa Wolfe & Patrick Flora to terms expiring 6/1/2025

Council Member Gentrup moved to approve the reappointments and appointment.

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 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) (**Continued from June 2722**)

The proposed rezone will allow the applicant to build 40 units; 7 duplexes, 2 triplexes, and 5 fourplex units and a clubhouse in an age restricted development. The proposed rezoning application meets the criteria required for a rezoning and a preliminary development plan of the UDO and conforms to the City of Liberty Comprehensive Plan.

Document No. 9442 was read.

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

Spencer Thomson, Patriot Properties, 351 W. Washington St., Kearney, stated that a neighborhood meeting was held. Seventeen households attended and generally were supportive; however, there were concerns related to traffic, stormwater etc. Since the meeting he has addressed concerns related to the retaining walls. He stated the project is limited to 2 people per household, 55 years and older with no children. These households generally have one car so traffic will not be greatly impacted. In addition, the entrance is being located at the furthest possible point away from the existing intersection. The stormwater will be captured and detained within the project, improving existing run-off. As many trees and natural barriers as possible will be maintained. The project, both inside and outside, will be professionally owned and managed by one owner and platted as such. A deed restriction will be provided in the land records, maintaining it as a 55+ age development.

Koloma Woods, 61 Fulkerson Circle, is concerned about the additional traffic congestion this could bring.

Larry Stafford, 68 Fulkerson Circle, stated there are only 22 houses in Fulkerson Circle, it's very quiet. He is concerned about stormwater run-off, traffic congestion, wildlife and mature trees.

James Skaggs, 1107 Owen Dr., is concerned about stormwater run-off as there are existing culvert issues now.

Kathleen Johnson, 824 Park Lane, is concerned about traffic as the area is already congested, as well as run-off.

Shirley Hendersen, 1114 W. Liberty Drive, lives across from the proposed entrance/exit to the development and is concerned about traffic. It is a major school bus route and used by Fire and Police. There is currently a concession to allow Fulkerson residents to exit, will these duplexes get one as well?

Donald Happy, 906 Kingston Court, is concerned about traffic, especially during the busy times of the day and cars blocking the intersection. This development will bring additional traffic.

David Durlington, 805 Lindenwood Lane, wants to know what's going on between the development and Westboro backyards?

Lisa Crawford, 1124 W Liberty Drive, stated traffic has gotten worse as Liberty grows. The entrance/exit will be directly across from her home, and she will never be able to get out. This project could also make stormwater issues worse and her property value go down.

Michel Brown, 813 Lindenwood Lane, is concerned about drainage, traffic congestion, and long term viability/maintenance of the property.

Volora/Joseph Fry, 40 Fulkerson Circle, are concerned about traffic, entrance and drainage. They have seen the Blue Springs property developed by the applicant and are comfortable that the applicant has listed to concerns. The developer is local and the development would be the least painful of changes.

Larry Stafford, 68 Fulkerson Circle, is concerned about heavy equipment, construction and noise.

Andrea Lee, 1200 Wellington Way, is opposed to the project. The property is zoned single family and that would be best for the area. She is concerned about density and traffic congestion and water run-off. Many surrounding neighborhoods would be negatively impacted. Walking to shopping by the seniors is unrealistic.

Bob Clements, 45 Fulkerson, is concerned about property valuations. Will this project negatively impact my home's value? Traffic is a concern, and they should have to put a stop light in. He is concerned that 15 years down the road, after the property is depreciated and sold, it will fall into disrepair. Something will go there, but protect the current homeowners.

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 July 25, 2022 Regular Session meeting.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging Vendor Payments for the period of June 17 to July 1, 2022

Document No. 9443 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Philliops seconded the motion.

Roll Call

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Hagan (due to participating via phone)

Approved by the Chair and inscribed in Ordinance No. 11629.

B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 19.8+/- Acres at the NE Corner of South Liberty Parkway & Plummer Road From R-1A, "Suburban Residential" District to PD "Planned Development" District for Providence Apartments (P&Z Case No. 22-17R&PDP)(second reading)

This is an application for Providence Apartments, a 478- unit apartment complex on approximately 20 acres. The applicant proposes that the site be high density residential to allow for apartments. The application does meet the standards of review for a

rezoning and preliminary development plan. Staff outlined concessions the applicant was willing to make in order to address the concerns of surrounding property owners (including tree/greenspace buffer, a fence to restrict intermingling of tenants with neighborhood residents, and dedication of right-of-way should the signal be replaced with a round-about in the future). Mayor and Council Members with the exception of Council Members Jenness and Hagan, noted they have had ex parte communications with the applicant and surrounding property owners related to this matter.

Action: Council Member Phillips moved to remand/postpone consideration of the Ordinance to the July 25, 2022 Regular Session whereby such concessions could be incorporated into the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 6-2-0

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

No: Council Members Jenness and Graham

Abstain: None

- 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) **(Continued from June 27/22)**

Action: Council Member Graham moved to postpone consideration of the Resolution to the July 25, 2022 Regular Session. Council Member Phillips seconded the motion, which carried unanimously.

- D. Ordinance approving an Agreement with JCI Industries, Inc. for the Purchase of a Channel Grinder and Installation at Rush Creek Liftstation in an amount not to exceed \$72,000.00

The original channel grinder at the Rush Creek lift station, which was installed in 2008, is broken. It is more feasible to install a new one than repair the original. As part of the waste water treatment process, the channel grinder sits in the influent channel, and grinds up bigger solids so they can be pumped out.

The expenditure request includes a 5% contingency to cover any increase in cost between approval time and time of purchase in addition to other unforeseen issues that may arise.

Document No. 9444 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 Graham 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. 11616.

- E. Ordinance approving an Agreement with JCI Industries, Inc. for the Purchase and Installation of a Positive Displacement Scum Pump at the Liberty Wastewater Treatment Facility in an amount not to exceed \$47,000.00

The WWTF treats a variety of pollutants in the system in order to discharge clean water to the receiving stream for downstream users. Pollutants of concern are Fats, Oils, and Grease (FOG). Any FOG not utilized in the treatment system is removed via a skimmer arm from the surface water of our secondary clarifiers to a scum pit. From the scum pit, the FOG is pumped to the aerobic digesters where it is fully broken down. When FOG is not in suspension within water it accumulates into a viscous substance that is challenging to pump via centrifugal pumps, which is the type of pump that the WWTF currently has in place for the scum pit system. A positive displacement pump is better suited to pump such a viscous material.

Document No. 9445 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. 11617.

- F. Concrete Flatwork Replacement Project

1. Ordinance amending Ordinance No. 11554 Approving a Contract with Terry Snelling Construction, Inc. for the 2022 Concrete Flatwork Replacement Project

This action is to reconcile the contract amount for the 2022 Concrete Flatwork Replacement project to authorize up to \$403,364.50. The original \$267,920.95 contract with Terry Snelling Construction, Inc. was approved by City Council on February 28, 2022 (Ordinance No. 11554). Change Order No. 1 authorizing the contract to an amount of \$400,000.00 was approved by City Council on June 13, 2022 (Ordinance No. 11607).

The contract amount for the base bid was determined from estimates of repair areas to concrete curbs, sidewalks, and ADA ramps at various locations throughout the City in preparation for resurfacing of streets in 2022. Change Order No. 1 identified additional areas in need of repair during the course of the project.

This action will authorize additional funding of \$3,364.50 and increase the current contract amount of \$400,000.00 to \$403,364.50. This action reconciles the contract amount based upon final installed quantities.

Document No. 9446 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 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. 11618.

2. Resolution approving the 2022 Concrete Flatwork Replacement Project

Action: Council Member Graham moved to approve the resolution. 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

Inscribed in Resolution No. 3259

G. Ordinance amending Ordinance No. 11112 Approving an Engineering Services Contract with Burns & McDonnell Engineering Company, Inc for the 2019 Water Treatment Plant Lime Feed System Upgrade, Project #UT-003-19 increasing the amount by \$87,800.00, from \$116,200.00 to a not to exceed amount of \$204,000.00

The construction of an additional lime silo will provide needed resilience in the drinking water treatment process. The current storage capacity of lime is approximately 10 days and the water treatment process is dependent upon timely deliveries of lime from the supplier that is located in St. Genevieve, MO, approximately 300 miles away. A truck driver shortage was experienced during the Covid-19 pandemic and resulted in

delayed deliveries which led to low levels of lime for the treatment process. The driver shortage highlighted the vulnerability that the water treatment plant had to the timely transportation of lime and how deliveries could be impacted by weather, floods, traffic, mechanical failure and other issues. An additional lime silo would increase the on-site storage capacity to approximately 30 days and that would allow a significant buffer to address any supply or transportation issues.

The additional lime silo would be constructed immediately adjacent to the current lime silo and lime processing equipment. The current silo houses the lime and lime processing equipment. The additional lime silo would serve as lime storage only and would have more storage capacity without being taller than the current lime silo.

Document No. 9447 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 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. 11619

X. OTHER BUSINESS

A. Fairview Cemetery / Block 174

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, MO, don't touch grave marker, it is private property.

Sharon Fiene, 457 E. Franklin, asked 'are you watching?' because history will be watching you. Reconsider the lawsuit.

Gieselle Fest, 1407 Lynette, stop the lawsuit. Let them rest in peace.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:21 p.m.

Mayor

Attest:

Deputy City Clerk