



City Council Meeting

Regular Session Minutes
July 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 August 22, 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 Council Member Hagan, 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 and
Gene Gentrup (via conference call), Ward IV

Council Members Absent: None

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
BJ Staab, Parks and Recreation Director
Andy Hedrick, Interim 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
25 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

David Langston, 1920 Carter Court, wants the City to have the meeting Minutes more readily available, and that they provide details and not just a summary.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. MOTION TO AUTHORIZE THE PURCHASE OF A 2022 JOHN DEERE 324G SKID STEER LOADER FROM HERITAGE TRACTOR IN AN AMOUNT NOT TO EXCEED \$52,176.00.

With the addition of the artificial turf fields at Capital Federal Sports Complex there is a need for a skid loader to unload the large bulk rubber material for the fields. The wheeled case skid loader previously used at City Park has been reassigned for use at the sports complex leaving Park Maintenance in need of a wheeled skid loader for use on pavement.

Action: Council Member Phillips moved to approve the motion. Council Member Hagan 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

- B. RESOLUTION APPROVING A LIBERTY COMMUNITY CENTER ALCOHOLIC BEVERAGES SERVICE APPLICATION FOR HAILEY SAWYER FOR A SMALL/PRIVATE EVENT TO BE HELD ON OCTOBER 14, 2022

Hailey Sawyer is hosting a small/private rehearsal party to be held in the Blue Room on October 14, 2022 from 6:30 p.m. to 8:00 p.m. This is a small event, so a Catering Permit is not required.

Action: Council Member Phillips moved to approve the motion. Council Member Hagan 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. 3260

VIII. PUBLIC HEARINGS

- A. RESOLUTION APPROVING A SPECIAL USE PERMIT AT 2601 HUGHES ROAD TO ALLOW TEMPORARY BUILDINGS AT WALGREENS FULLFILLMENT CENTER, IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z Case 22-29SUP)

The applicant is proposing to add temporary trailers to serve as a break room and operations center for the employees while construction is completed in the permanent building. This application meets the standards of review for a Special Use Permit in Section 30.25 in the UDO.

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 Phillips moved to add the stipulation to the resolution that the temporary buildings be removed by December 31, 2022. Council Member Hagan 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

Action: Council Member Phillips moved to approve the resolution with the stipulation. Council Member Jenness 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. 3261

B. 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 4.5 ACRES LOCATED ON THE NORTH SIDE OF SOUTH LIBERTY PARKWAY, EAST OF LITTLE SHOAL CREEK FROM BUSINESS PARK TO COMMERCIAL (P&Z Case 22-30A)

The current land use designations on this site are a mix of Floodplain and Business Park/Office. The eastern portion of the site is designated as Business Park/Office and the western portion is designated as Floodplain. The Land Use designation of Floodplain does not follow the actual floodplain in this area, in that it is larger than the actual floodplain. The applicant does not intend to encroach into the stream corridor or floodplain. The applicant requests that the FLU map designation for the entire property be amended to Commercial.

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

Cabilo Grote, 2005 S. Withers, had questions regarding what the 185' buffer meant, and what the timeline of the project would be.

Seeing no one else wishing to speak, the Mayor closed the Public Hearing. In answer to the questions posed, staff stated that 185' refers to property owners within 185' of the proposed area are required to be notified of the Public Hearing. Generally, it takes a project 60 days to go through the City's normal review process.

Action: Council Member Graham 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. 3262

- C. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 11 +/- ACRES AT THE SE CORNER OF SHEPHERD ROAD AND LIGHTBURNE STREET FROM R-1A, "SUBURBAN RESIDENTIAL DISTRICT" TO M-1 "LIGHT INDUSTRIAL DISTRICT" FOR LIBERTY HEARTLAND LOGISTICS CENTER, PHASE 2, AN INDUSTRIAL DEVELOPMENT, WITH AN ASSOCIATED VARIANCE (P&Z Case No. 22-28R&PDP)

This is a proposal for the continuation of the Liberty Heartland Logistics Center industrial center. This application is adding 1 building, with approximately 676,000 square feet of space. The industrial building is proposed to be utilized for manufacturing, warehousing and distribution purposes. They will be located south of Shepard Road and east of Lightburne Rd. The proposed 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. There are 2 proposed access points to the site from Shepherd Road.

The applicant is proposing a variance from the Unified Development Ordinance (UDO) with this application. They are asking to allow the dock doors and loading area to face the public right-of-way. This application meets the standards of review for a rezoning and preliminary plan if the variance is accepted.

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

Mike Stromburg and Joe Downs spoke on behalf of Opus Development, 202 Baltimore Ave., Ste. 120, Kansas City, Missouri. They noted they are working on a couple of other projects within the City and this location, with its access to I-35, will attract tenants. The project will include build to suit as well as spec. Chris Havner, Davidson Architects, stated they anticipate trucks to move north on Lightburne to I-35 from the development.

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

Document No. 9448 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 with variance. Council Member Hagan 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. 11620

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

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

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

Document No. 9449 was read.

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

Roll Call

Vote: Motion passed 7-0-1

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

No: None

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

Approved by the Chair and inscribed in Ordinance No. 11621

Mayor Brenton resumed as chair of the meeting.

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/postponed from July 11/22)**

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 following stipulations will apply: 1. The developers commit to stage the construction of Plummer Road to maintain access to Mercy Lane at all times, recognizing this is Our Lady of Mercy's only point of access. This will be outlined in the Public Improvement Plans, issued through the City Engineering Division. 2. The developers agree to install a fence along the north property line of the multi-family project. The fence will be shown on the Final Development Plans. 3. The developers agree to add additional trees along the north property line. The landscape plan will be shown in the Final Development Plan. 4. The developers agree to dedicate public right-of-way at the northeast corner of the intersection of South Liberty Parkway and Plummer Road, to accommodate the northeast quadrant of a round-a-bout traffic circle, in the event the City would ever seek to replace the traffic signal that is to be installed by the developer with a round-a-bout as the means of traffic control at this intersection. The dedication of right-of-way would occur at the Final Plat phase.

Document No. 9435 was read.

Action: Council Member Jenness moved to approve the ordinance with stipulations. Council Member Watt seconded the motion.

Vote: Motion passed 7-1-0

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

No: Council Member Pozel

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11622.

C. **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) (second reading)**

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 developer amended the plans to address several issues raised by the neighbors during the public hearing on July 11, 2022, including traffic, storm drainage and buffers. A valid protest petition opposing the application was received, requiring six affirmative votes for passage.

Document No. 9442 was read.

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

Vote: Motion passed 7-1-0

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

No: Council Member Pozel

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11623.

D. **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 July 11/22)**

This is a proposal for one lot on 6.68 +/- acres. The project includes 40 units; 7 duplexes, 2 triplexes, and 5 fourplex units and a clubhouse in an age restricted, maintenance provided development. The internal streets will be private. The preliminary plat was updated to reflect the updated preliminary plan. The north/ south drive was eliminated and the sanitary sewer line connection has been moved to the south.

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

Vote: Motion passed 7-1-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup
No: Council Member Pozel
Abstain: None
Inscribed in Resolution No. 3263

E. 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**) (**postponed from June 13**)

City Council approved the original MOU with Bird Scooters on April 26, 2021. As Bird Rides, Inc, is a business operating and utilizing the public right-of-way it is subject to an annual fee of six percent (6%) of gross receipts from sale of scooter usage in the City. This provision has been added to this MOU extension.

Staff found that once the local operator was hired and became familiar with the operation, they responded in a more timely manner to address complaints and areas of concern. The area team managers are to address called in issues within 2 hours.

Document No. 9415 was read.

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

Vote: Motion passed 7-1-0
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Duncan and Gentrup
No: Council Member Watt
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11624.

F. RESOLUTION APPROVING A PRELIMINARY PLAT FOR LIBERTY HEARTLAND LOGISTICS CENTER, PHASE 2, 66 +/- ACRES AT THE SE CORNER OF SHEPHERD AND LIGHTBURNE, A SUBDIVISION OF LAND IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z Case 22-37PP)

This is a proposal for 1 lot on 66+/- acres. The project includes 1 building on 1 lot at the SE corner of Shepherd Road and Lightburne Road. 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. This application meets the standards of review for a Preliminary Plat in Section 30-28.10 of the UDO.

Action: Council Member Phillips moved to approve the resolution. Council Member Hagan 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. 3264

G. RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN FOR REFUGE CHURCH, A NEW 15,513 SQ. FT. CHURCH BUILDING AT SW CORNER OF N. CHURCH RD AND CAMILLE ST. IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z Case 22-33FDP)

This Final Development Plan is to allow the development of a new church building on a vacant lot. The site is currently 6.89 acres and is zoned R-1A. The proposal meets required setbacks and the use of this site for a church is appropriate for this zoning district, as churches can be located in any zoning district. This application meets the standards of review for a final development plan.

Action: Council Member Phillips moved to approve the resolution. Council Member Hagan 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. 3265

X. OTHER BUSINESS

A. FAIRVIEW CEMETERY / BLOCK 174

Gieselle Fest, 1407 Lynnette, asked what spurred Council to take this action? Give a voice to those buried in lot 174.

Sharon Feine, 457 E. Franklin, Liberty, doesn't want to see grave marker removed.

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, advised he owns history of Liberty and Council will never see it again if they don't stop the lawsuit.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Mayor

Attest:

Deputy City Clerk