

City Council Meeting

Regular Session Minutes
October 10, 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 October 10, 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 Duncan, 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
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
Jim Martin, Police Chief
Katherine Sharp, Planning and Development Director
Wade Thomas, Technology and Logistics Director
Sherri McIntyre, Public Works Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION –

A. 2022 CIVIC LEADERSHIP AWARD

Gordon Hadden was presented with the City of Liberty 2022 Civic Leadership Award. Mayor Brenton stated that Gordon has been actively involved as a volunteer servant leader for the past six decades. Gordon is well known and respected for stepping-up, serving selflessly and getting things done. His influence can be witnessed in a variety of areas including public education, historic preservation, and many other activities to

improve our community

Mayor Brenton and Amy Gray, representing Historic Downtown Liberty Inc., also announced that Gordon Hadden was the recipient of the Vicki Vance Legacy Award, an annual award recognizing an individual or group whose influence, volunteer involvement, ideals, and activities have left a lasting, positive impression on the downtown Liberty area and raised the standard of excellence for future generations!

B. NATIONAL CYBER SECURITY AWARENESS MONTH PROCLAMATION

Mayor Brenton read the Proclamation and presented it to Wade Thomas, Director of IT Services.

C. FIRE PREVENTION WEEK PROCLAMATION

Mayor Brenton read the Proclamation and presented it to Dustin Paddack, Fire Marshal.

Sharon Feine, 457 E. Franklin, stated that she read on Facebook a person serving on the Parks and Recreation Foundation put inappropriate materials into Little Libraries; and, if so, they should be removed from the Foundation.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. BLANKET PURCHASE ORDER FOR ROAD SALT FROM INDEPENDENT SALT COMPANY IN AN AMOUNT NOT TO EXCEED \$81,000

Road salt is used for the treatment of roadways during snow and ice events in the winter driving season. Due to the anticipated demand for road salt over the winter months, it is necessary to arrange for the purchase of the required material at this time. Authorization of this blanket purchase order will ensure delivery of materials as necessary to replenish the inventory of road salt utilized during the upcoming winter season. This purchase will be treated as a balance sheet inventory item. When quantities are consumed, the commodity will be charged to the expense budget and the inventory balance reduced. The 2023 budget proposal will include adequate funds to cover the expenses realized in 2023.

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

Vote: Motion passed 7-0-0

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

B. BOARDS AND COMMISSIONS APPOINTMENT

1. Liberty Community Christmas Tree Commission - Appoint Hank Pittman to a term expiring 5/1/2025
2. Liberty Municipal Redevelopment Corporation - Appoint Carly Riley

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

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of September 16 – 30, 2022

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

Document No. 9474 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11649.

Mayor Brenton resumed as chair of the meeting.

- B. ORDINANCE APPROVING THE MONTAGE TAX INCREMENT FINANCING PLAN, ESTABLISHING A REDEVELOPMENT AREA, DESIGNATING GALEHART COMMUNITIES, LLC AS THE DEVELOPER OF PROJECTS 1, 2, 3, 4 AND 5 AND AUTHORIZING THE MAYOR TO EXECUTE A TAX INCREMENT FINANCING CONTRACT WITH GALEHART COMMUNITIES, LLC FOR IMPLEMENTATION OF THE MONTAGE TAX INCREMENT FINANCING PLAN (Second Reading)

The site is anticipated to be constructed in 5 phases, with construction costs being incurred over a period of 16 years. The projects will be activated individually at varying times in order to align with the start of development of the respective phases of development located within that Project Area. This phased proposal will have a total TIF term of 32 years. The development will bring necessary water, sewer and storm sewer infrastructure to this area. The development anticipates the planning, development, and construction of all associated street networks, utilities to include sewer, gas, water, etc. Total Development Cost: \$304,689,954 before Debt Service & Financing Cost, Eligible Reimbursable TIF Expenses: \$126,126,930, Eligible Reimbursable CID Expenses: \$13,869,772.

The Project contemplates formation of a Community Improvement District (CID), anticipated to issue bonds to finance all or a portion of the Reimbursable Project Costs. It would levy a 1% sales and use tax; 50% captured by TIF. Non-captured portion pledged to payment of bonds (boundaries to include the Redevelopment Area and the

property to be annexed).

Document No. 9467 was read.

Action: Council Member Hagan moved to approve the ordinance. 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. 11650.

INTRODUCTION OF PROJECT ACTIVATION ORDINANCES:

ORDINANCE APPROVING AND DESIGNATING REDEVELOPMENT PROJECT AREA 1 OF THE MONTAGE TAX INCREMENT FINANCING PLAN AS A REDEVELOPMENT PROJECT; AND ADOPTING TAX INCREMENT FINANCING THEREIN.

Document No. 9475 was read.

Action: Council Member Hagan moved to table 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

ORDINANCE APPROVING AND DESIGNATING REDEVELOPMENT PROJECT AREA 2 OF THE MONTAGE TAX INCREMENT FINANCING PLAN AS A REDEVELOPMENT PROJECT; AND ADOPTING TAX INCREMENT FINANCING THEREIN.

Document No. 9476 was read.

Action: Council Member Watt moved to table 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

ORDINANCE APPROVING AND DESIGNATING REDEVELOPMENT PROJECT AREA 3 OF THE MONTAGE TAX INCREMENT FINANCING PLAN AS A REDEVELOPMENT PROJECT; AND ADOPTING TAX INCREMENT FINANCING THEREIN.

Document No. 9477 was read.

Action: Council Member Hagan moved to table 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

ORDINANCE APPROVING AND DESIGNATING REDEVELOPMENT PROJECT AREA 4 OF THE MONTAGE TAX INCREMENT FINANCING PLAN AS A REDEVELOPMENT PROJECT; AND ADOPTING TAX INCREMENT FINANCING THEREIN.

Document No. 9478 was read.

Action: Council Member Gentrup moved to table 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

ORDINANCE APPROVING AND DESIGNATING REDEVELOPMENT PROJECT AREA 5 OF THE MONTAGE TAX INCREMENT FINANCING PLAN AS A REDEVELOPMENT PROJECT; AND ADOPTING TAX INCREMENT FINANCING THEREIN.

Document No. 9479 was read.

Action: Council Member Hagan moved to table ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None

C. ORDINANCE APPROVING A COMMUNITY INVESTMENT AND SETTLEMENT AGREEMENT WITH CANADIAN PACIFIC RAILWAY COMPANY IN THE AMOUNT OF \$250,000.00

Canadian Pacific Railway has a proposed merger with Kansas City Southern Railway and will increase train traffic in the City. There is currently an at-grade crossing at Old Birmingham Roadway, just south of Holt Drive. The merger is proposing a 376 percent increase in train traffic through the intersection, going from less than 4 trains per day to about 18 trains a day.

The Mayor, on behalf of the City, submitted a letter of concern to the Surface of Transportation Board dated December 31, 2021, regarding concerns created by the increase in train traffic and mitigation concerns. Several items such as a new crossing with grade separation, installation of barriers, lowering the speed of trains and implementing reasonable hours of operation between 9 p.m. and 7 a.m. were asked to mitigate the effects that safety, environmental and quality of life impacts the proposed acquisition would have on Liberty.

The amount of \$250,000.00 was based on the estimated cost of upgrading the existing at-grade crossing on Old Birmingham to a "Quiet-Zone" designation. A quiet-zone is such that the horns would not have to be sounded in advance of the at-grade intersection because there is a higher level of barriers that prevent vehicles from crossing the tracks as trains approach. The Community Investment in the railway is a voluntary contribution to the City of Liberty. The City would be agreeing to not seek any further mitigation conditions as part of the STB Docket No. FD 36500.

Document No. 9480 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the October 24, 2022 Regular Session Meeting.

D. ORDINANCE APPROVING A RIGHT-OF-WAY USE AGREEMENT WITH MISSOURI NETWORK ALLIANCE, LLC, dba BLUEBIRD NETWORK

Missouri Network Alliance LLC., under the name of Bluebird Network fiber network, uses the City rights-of-way (ROW) to build their system. Under City Code section 25-27, a franchise or ROW use agreement with the city is required. The agreement will be for a ROW use agreement only.

The agreement being proposed under the current business model doesn't require a franchise fee, nor does their current proposal generate any fees within the City at this time. Thus, the only oversight will be the standard city ROW management fees. Those requirements require full repair to all yards, curbs, sidewalks, streets, and other utility impacts.

The proposed network facilities proposed by Bluebird include the installation of fiber along Leonard Street from MO-291 to Mill Street, along Mill Street east to H Highway, from H Highway to B Highway, and along B Highway to MO-69 Highway.

Document No. 9481 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 Graham 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. 11651.

X. OTHER BUSINESS

A. MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT UPDATE

The City of Liberty is now under a new State Municipal Separate Storm Sewer System (MS4) permit #MOR04C027. This permit is a compliance requirement of the City of Liberty under the national Clean Water Act - National Pollution Discharge Elimination System (NPDES) program administered by the EPA. The City's Permit allows discharges into tributaries of Little Shoal Creek, Rush Creek, Town Branch and Fishing River. The permit was issued on November 1, 2021 and expires September 30, 2026.

This first year of the current permit has seen City Staff begin to adapt to the new permitting requirements and attempt to create a more independent system. Staff is currently working on preparing the annual report for submission to MDNR, this is due by February 25th, 2023.

Some of the highlights of the City's current stormwater program activities for this last year include:

1. Public Education, Outreach and Participation
 - a. MARC water quality information is available and linked on the City stormwater quality webpages.
 - b. Quarterly Social media posts.
 - c. Household Hazardous Waste collected from Liberty Citizens –
 - d. City Staff presentation at Farmers Market.
 - e. Upcoming City Participation in County Ploggathon
 - f. Volunteer Stream Clean Up
 - g. Volunteer Storm Drain Marking
 - h. Stormwater Management Plan is anticipated to be revamped in 2023
2. Illicit Discharge and Construction Stormwater Runoff Control
 - a. Dry weather field inspections are conducted at City storm sewer outfalls checking for any illicit discharges.
 - b. One (1) confirmed illicit discharge was reported by citizens and investigated by City staff, which resulted in enforcement actions and was successfully rectified.
 - c. Construction sites are continuously monitored by City staff. Weekly erosion control reports are typically submitted to City staff for construction sites from open land disturbance permits.

- d. Post-construction storm water BMPs are periodically inspected by City staff.
- 3. Pollution Prevention and Good housekeeping in Municipal Operations
 - a. Continuous training of City employees in Parks, Public Works, and Utilities departments on stormwater quality protection and maintaining good housekeeping policies and standard operating procedures.
 - b. Updated Storm Water Pollution Prevention Plans were provided to City Maintenance Facilities.

It is important to note that adherence to the Permit is an unfunded requirement under the Clean Water Act NPDES program. A significant amount of staff time and resources are dedicated toward these compliance efforts.

B. FAIRVIEW CEMETERY / BLOCK 174

David Langston, 1920 Carter Ct., stated the grave marker is historic and should be preserved.

Dwayne Holtzclaw, 113 Kevin St, Excelsior Springs, stated the revestment process is modern day grave robbing and asked Council to stop it.

Gieselle Fest, 1407 Lynette, asked that the revestment be stopped.

Sharon Feine, 457 E. Franklin, spoke about the history of Lincoln and asked that the lawsuit be stopped.

- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 7:57 p.m.

Mayor

Attest:

Deputy City Clerk