



## City Council Meeting

Regular Session Minutes  
October 24, 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 24, 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, 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  
Matt Kellogg, Police Captain  
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 SEPTEMBER 12, 2022

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 5-0-2. Council Members Gentrup and Phillips abstained due to absence.

### V. CITIZENS' PARTICIPATION

Sharon Feine, 457 E. Franklin, noted she heard that Liberty is filled with hate. Is it disagreement or hate? She believes that controversial books should not be in the little free libraries.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. RESOLUTION ANNOUNCING DATE FOR MUNICIPAL ELECTION AND DATES FOR FILING BY CANDIDATES FOR MUNICIPAL OFFICE

The dates for filing by candidates for municipal office are set by State statutes and local ordinance. The filing period for the April 4, 2023 municipal election will begin at 8 a.m. on December 6, 2022 and close at 5 p.m. on December 27, 2022. Municipal offices included in this election are: Mayor, Ward I Council Member; Ward II Council Member; Ward III Council Member; Ward IV Council Member; and honorary positions of City Clerk; City Treasurer, City Constable and City Auditor.

**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, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
**No:** None  
**Abstain:** None  
Inscribed in Resolution No. 3279

B. RESOLUTION ANNOUNCING THE ELECTION DATE AND DATES FOR FILING BY CANDIDATES FOR THE BOARD OF DIRECTORS FOR THE BLUE JAY CROSSING COMMUNITY IMPROVEMENT DISTRICT

The Blue Jay Crossing CID Board of Directors terms have expired and it is now time to conduct an election to select successors. State Statutes require that successors to a CID Board must follow certain election procedures as outlined within the Statutes which are similar to Municipal elections. The Directors must be property owners within the District and are elected by the property owners within the District.

The dates for filing by candidates for the CID Board of Directors are set by State Statute and the CID Petition. The filing period for this election will begin at 8:00 a.m. on November 1, 2022 and will close at 5:00 p.m. on November 30, 2022. There are five CID Board positions, each serving a four (4) year term.

**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, Pozel, Hagan, Graham, Watt, Duncan and Gentrup  
**No:** None  
**Abstain:** None

Inscribed in Resolution No. 3280

C. BOARDS AND COMMISSIONS APPOINTMENTS

Liberty Arts Commission - Appoint Karly Schieder to a term expiring 5/15/2024  
Community Christmas Tree Advisory Commission - Appoint Molly Casel to a term expiring 5/1/2024

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

VIII. PUBLIC HEARINGS

A. ORDINANCE PROVIDING THE ANNEXATION OF UNINCORPORATED TERRITORY DESCRIBED AS THE HALLMARK ANNEXATION AREA AND THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF LIBERTY, ALL PURSUANT TO SECTION 71.012 OF THE REVISED STATUTES OF MISSOURI

On September 16, 2022, staff received a request by Stacey Paine, Executive Vice President of Real Estate for Hallmark Cards, the property owner, requesting voluntary annexation of 385 acres from unincorporated Clay County into the City of Liberty. The State of Missouri provides, in effect, three approaches to annexation. For actions that involve the annexation of unincorporated holdings into a municipality, either a voluntary or standard annexation can be pursued. This is a voluntary annexation of one, 131-acre property into the city limits for the purpose of development.

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

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

Document No. 9482 was read.

**Action:** Council Member Watt 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 Phillips moved to approve the 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

Approved by the Chair and inscribed in Ordinance No. 11652.

B. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 1,075 ACRES GENERALLY LOCATED AT N CHURCH ROAD BOUND BY I-35, 104TH STREET, AND PORTIONS EXTENDING TO 116TH

STREET, INCLUDING 378 ACRES TO BE ANNEXED INTO THE CITY OF LIBERTY TO PD FLEX (P&Z CASE 22-54RMP)

Document No. 9483 was read.

The applicant, GaleHart Communities, is proposing to rezone to PD-FLEX to allow a large scale, mixed-use development on 1,075 acres. This includes 385 acres to be voluntarily annexed into the City at the northern city boundary. The project is generally located to the east and west of N Church Road bound by I-35, 104th Street, and portions of the project area extending to 116th Street.

The purpose of the planned development flex district is to facilitate the development of master planned, mixed use developments containing a minimum of five hundred acres. The PD-FLEX district allows a mix of land uses, densities, setbacks, and building heights for a defined area and allows for flexibility of change over an extended period of time. This zoning district is intended to encourage innovative and creative design and to facilitate a mix of uses in the development of a balanced community over an extended period of time or build out. The PD- FLEX land use designation shall require approval of a master plan in order to provide general development goals for the property. The PD-FLEX zoning district shall clearly define the purpose and intent of the property and its development limitations or allowances while being sufficiently flexible to meet the demands of increased population and evolutionary changes in such fields as architecture, transportation, and redevelopment. The PD-FLEX district must conform to the requirements of the UDO in requiring adequate standards necessary to protect the public health, safety and general welfare.

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

David Gale, Galehart Communities, noted the option of a super roundabout and that MODOT requested a south bound ramp onto I-35 from the development.

Michelle Adamson, 10115 N Hedges Ave., Kansas City, MO, represents 25 neighbors located in the Amber Lakes development on the Kansas City side. She requested the developer keep a tree line, which would benefit both areas. She asked what the timeline would be and requested a tree survey on the tree line to determine which trees would be kept or replaced. The neighbors are worried some of the new homes would abutt the current homes.

William Seeker, Westhill area, stated his three acres homestead are not to be included in the rezoning area.

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

The developer anticipates a third quarter 2023 start. They will be sensitive to the trees in that area, noting however there are some invasive species in the tree line. It was confirmed that Mr. Seeker's portion is excluded.

Mayor Brenton stated the Ordinance would be considered on second reading at the November 14<sup>th</sup> Regular Session meeting.

C. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 50+/- ACRES AT NORTH of I-35/US 69 INTERSECTION FROM R-1A, "SUBURBAN RESIDENTIAL DISTRICT" TO C-2, "GENERAL BUSINESS DISTRICT" FOR NORTH LIBERTY COMMERCIAL (P&Z CASE 22-49 R&PDP)

This is a proposal for a commercial development with approximately 223,000 square feet of space in 9 buildings. There are 9 lots proposed on 50.47+/- acres. The applicant is requesting to rezone the property from R-1A, "Suburban Residential" to C-2, "General Business". The buildings are proposed to be utilized for automotive sales and accompanying uses. The project is located between I-35 and US 69 Hwy. The intersection of Edgar Petty Road and US 69 Hwy was approved to be relocated to the north away from the I-35/US 69 intersection with the approval of the industrial project adjacent to the north of this proposal.

Mayor Brenton opened the Public Hearing.

**Action:** Council Member Hagan moved to continue the public hearing and ordinance to November 14, 2022. Council Member Phillips seconded the motion.

**Vote:** Motion passed unanimously.

D. RESOLUTION APPROVING A PRELIMINARY DEVELOPMENT PLAN AT THE NE CORNER OF S. STEWART ROAD AND WILSHIRE BOULEVARD TO ALLOW A 96 ROOM HOTEL ON 2.3 ACRES WITH A VARIANCE TO ALLOW FOUR STORIES IN A C-1 ZONING DISTRICT, IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 22-47 PDP)

The use is proposed as a 60,000 square foot, 96 room, four story hotel. The use as a hotel is appropriate in this zoning district, but the maximum height in the C-1 district is 3 stories. The proposal for a four-story building requires a variance request as part of this application.

The applicant states in the variance request, "We need the 4 stories as it's a prototype. A minimum of 96 rooms is a requirement set by IHG. At 96 rooms it will not fit on the lot as a 3 story building and the brand does not allow new construction of 3 story building."

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 Hagan moved to approve the resolution with variance. Council Member Graham seconded the motion.

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

Abstain: None  
Inscribed in Resolution No. 3281

- E. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 20.77 ACRES AT THE NW CORNER OF RUTH EWING ROAD AND BIRMINGHAM ROAD FROM R-1A, "SUBURBAN RESIDENTIAL DISTRICT" TO R-1C, "STANDARD SINGLE FAMILY RESIDENTIAL" FOR WHITEHORSE (P&Z CASE 22-42R&PP)

This is a request to rezone 20.52 acres of R-1A, "Suburban Residential District" to R-1C, "Standard Single Family" and a preliminary plat for a 153-acre single-family residential development with 326 lots.

This application also includes three variance requests:

- **Sec. 30-35.2.** - Street capacity requirements; required improvements. Which requires the developer to improve all collector or arterial streets that abut the proposed development along the entire limits of the development site to city improvement standards.
- **Sec. 30-36.1.** - Sanitary sewer facilities; required connection. States that all development shall be required to provide a direct gravity flow sewer connection to the public sewer system.
- **Sec. 30-93.3.** - Design specifications, streets and alleys. States that five-foot wide sidewalks are required on both sides of the street.

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

Dewey Murdock, 1840 Birmingham Rd., owns property across from the development. It is a residential/agricultural property. He stated he was not notified and a small notice of the hearing was posted.

Sheena Callahan, 507 Blythe, is interested in details of what will happen to Blythe, and asked if Birmingham will be widened.

Erin Blanch, 504 Melissa, asked what the cost to the community is to build a bridge and if there has been consideration of a roundabout at Melissa for folks that miss the turn.

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

Document No. 9484 was read.

Mayor Brenton stated the ordinance will be considered on second reading at the November 14, 2022 meeting.

- F. RESOLUTION APPROVING A SPECIAL USE PERMIT AT 825 ROUTE B TO ALLOW AN EVENT CENTER USE FOR UP TO 30 PEOPLE IN A RESIDENTIAL ZONING DISTRICT, IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z Case 22-40SUP)

This application is for a Special Use Permit to allow an event center in the R-1A zoning district as allowed in the Unified Development Ordinance, Sec. 30-25.5.(29) –

“Special use permit, uses to be considered”. The proposal is for a small event venue that would allow up to 30 people for gatherings in a portion of the existing home at 825 Route B. The proposed hours are 7:00 a.m. to 11:00 p.m. Sunday through Saturday. Events will be held in a new addition to the home. The new addition is located on the back and side of the home. There will be a patio below the new addition that can host any outdoor events. Any outdoor music will cease by 10 p.m. Guests will have access to two restrooms located in the new addition. Parking in the existing driveway is accessible for 10 cars while still allowing for fire or emergency response access. All catering will be responsibility of the guests. The property owner will remain living in the home and the event use is considered secondary to the residential use on the property. Should the residential use cease, the event use will no longer be permitted.

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

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

**Action:** Council Member Hagan moved to approve the resolution. 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  
Inscribed in Resolution No. 3282

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF SEPTEMBER 30, 2022 TO OCTOBER 14, 2022

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

Document No. 9485 was read.

**Action:** Council Member Hagan 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. 11653.

Mayor Brenton resumed as chair of the meeting.

B. ORDINANCE APPROVING A COMMUNITY INVESTMENT AND SETTLEMENT AGREEMENT WITH CANADIAN PACIFIC RAILWAY COMPANY IN THE AMOUNT

OF \$250,000.00 (second reading)

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 agreement by 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.

**Action:** Council Member Watt moved to replace the word "may" to "shall" in the agreement. 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

**Action:** Council Member Watt moved to include the stipulation that if the City does not receive grant funding for a bridge at Birmingham, Canadian Pacific will provide the funds to complete. Motion failed due to lack of a second.

**Action:** Council Member Hagan moved to approve the ordinance as amended. Council Member Graham seconded the motion.

Vote: Motion passed 6-1-0  
Yes: Council Members Phillips, Pozel, Hagan, Graham, Duncan and Gentrup  
No: Council Member Watt  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11654.

C. RESOLUTION APPROVING A PRELIMINARY PLAT FOR NORTH LIBERTY COMMERCIAL, 50.47 ACRES BETWEEN INTERSTATE 35 AND US 69 HWY, A SUBDIVISION OF LAND IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 22-

50PP)

This is a proposal for a commercial center with approximately 223,000 square feet of space in 9 buildings. There are 9 lots proposed on 50.47+/- acres. The buildings are proposed to be utilized for automotive sales and accompanying uses. The project is located between I-35 and US 69 Hwy. The project is located between I-35 and US 69 Hwy. The intersection of Edgar Petty Road and US 69 Hwy was approved to be relocated to the north away from the I-35/US 69 intersection with the approval of the industrial project adjacent to the north of this proposal. 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. Staff finds this application meets the standards of review for a Preliminary Plat in Section 30-28.10 of the UDO.

**Action:** Council Member Hagan moved to postpone consideration of the resolution to November 14, 2022. 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

D. AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH STAR DEVELOPMENT FOR THE WHITEHORSE RESIDENTIAL SUBDIVISION, LIBERTY, MISSOURI

The developer is interested in developing the 153-acre site into a single-family residential subdivision. Soon after the conversation with the developer about Whitehorse, staff was made aware of a railroad merger which would add additional trains onto the existing line at the location of the proposed Whitehorse development. City staff and the developer discussed the potential for a bridge at Birmingham which would remove the need for the existing at-grade crossing. The developer redesigned the portion of the subdivision nearest the railroad crossing to allow a bridge over the crossing. To achieve the required grades needed for the bridge height, Birmingham would need to be realigned further east. In lieu of making road improvements along the area of Birmingham that will not be used when the bridge is constructed, the developer is contributing \$100,000 to the design of the bridge, and right-of-way for the roadway re-alignment. This design will allow City staff to apply for future Federal Railroad Administration (FRA) funding to provide help with the cost of the grade-separation. The City is moving forward to procure a consultant to assist in the bridge design and grant application with support from the Canadian Pacific Railway. Grant funding will be applied for in 2023. Future roadway and bridge construction could start as early as summer of 2024 if funding and grant applications are successful.

Document No. 9486 was read.

Mayor Brenton stated the ordinance will be considered on second reading at the November 14, 2022 meeting.

E. ORDINANCE GRANTING A UTILITY EASEMENT FOR EVERGY METRO, INC

Everyy is requesting a permanent utility easement for the installation of electric and communication transmission and distribution lines and their appurtenances. The easement is a 10'-0" wide strip either on City property or within City ROW which follows the City Wastewater Treatment Plant's northern property line and then hugs the outside property line of the adjacent Property Reserve Inc. property. The easement is necessary to provide power for the Canadian Pacific Railroad.

Document No. 9487 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 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

Approved by the Chair and inscribed in Ordinance No. 11655.

F. ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF LIBERTY AND FEDERAL SIGNAL TO INSTALL FOUR NEW OUTDOOR WARNING SIRENS AND UPGRADE THE REMAINING EIGHT IN AN AMOUNT NOT TO EXCEED \$173,620.94

The city currently has 12 outdoor warning sirens. In the past few years, several of the sirens have experienced maintenance issues. Upon review, it was found that 4 of the sirens are outdated and will need replacement to ensure reliability and replacement parts when needed. Out of these 4 sirens, one was installed before 1980 and the other 3 were installed before 1990. After reviewing the age of all 12 of the City's sirens, staff created a replacement program to take place over the next few years. Included in this purchase are needed upgrades to all sirens to replace the radios and alerting components. This will allow staff to test the sirens without having to sound the siren to ensure it is working.

The City's twelve (12) sirens are manufactured by Federal Signal Corporation. The sole provider, in the metropolitan area, of the Federal Signal siren is Blue Valley Public Safety, Inc. in Grain Valley, Missouri. Blue Valley Public Safety also currently provides the maintenance of the City's our outdoor warning sirens.

Document No. 9488 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 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  
Approved by the Chair and inscribed in Ordinance No. 11656.

X. OTHER BUSINESS

A. FAIRVIEW CEMETARY/BLOCK 174

Sharon Fiene, 457 E. Franklin, asked Council to stop going in the wrong direction, end the lawsuit.

Gieselle Fest, 1407 Lynette, asked Council to stop the lawsuit. She stated that a trial for the case has been requested.

Dwayne Holtzclaw, 113 Kevin St., read his cousin’s obituary (Captain Theodore Duncan), and asked to stop the revestment.

David Langston, 1920 Carter Court, stated this is private property that has not been abandoned, stop trying to steal it.

Erin Blanch, 504 Melissa St., stated to take away one persons symbol, you may lose yours. Stop the revestment.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:20 p.m.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk