



City Council Meeting

Regular Session Minutes
November 28, 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 November 28, 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 Phillips, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Greg Duncan, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Kelley Wrenn Pozel, Ward II

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
28 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. REGULAR SESSION MINUTES OF OCTOBER 10, 2022

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 6-0-1. Council Member Jenness abstained due to absence.

B. REGULAR SESSION MINUTES OF OCTOBER 24, 2022

Council Member Graham moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 6-0-1. Council Member Jenness abstained due to absence.

V. CITIZENS' PARTICIPATION

Mayor Brenton thanked Janet Pittman for her 14 years of service as Deputy City Clerk to the City of Liberty and the City Council.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. RESOLUTION ACCEPTING THE SANITARY, WATER, STREET AND STORM IMPROVEMENTS FOR THE HOMESTEAD OF LIBERTY, 3RD PLAT PROJECT

Homestead of Liberty, 3rd Plat is located west of S. Withers Road and south of Red Orchard Drive. The developer constructed public sanitary sewer, water main, street and storm sewer improvements to facilitate the residential development. The public improvements were constructed by Holthouse Construction, LLC and Metro Asphalt, Inc. in accordance with City plans and specifications.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3286

B. RESOLUTION ACCEPTING THE SANITARY, WATER, AND STORM SEWER IMPROVEMENTS FOR THE WELLINGTON PROJECT

The Wellington senior living project is located east of S. Withers Road between Progress Drive and Kent Street. The developer constructed public sanitary sewer, water main, sidewalks, and storm sewer improvements to facilitate the senior living facility development. The public improvements were constructed by O'Reilly Build, LLC in accordance with City plans and specifications.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3287

C. PURCHASE OF MOBILE BARRICADES AND STORAGE CONTAINER FROM ROAD SAFE MOBILE VEHICLE BARRIERS IN AN AMOUNT NOT TO EXCEED \$58,752.00

The Liberty Police Department is tasked with the safety of our citizens at large gatherings and festivals. During the 2022 Juneteenth celebration in Liberty, another police agency was involved in a pursuit of a vehicle that headed toward the historic downtown Liberty Square. The only option officers had was to move police vehicles to block Kansas Street or risk the vehicle driving recklessly into the crowds. Terrorism and accidental vehicle entry into crowds of people are of the highest concern during threat assessments for large gatherings of people.

Road Safe MVB 3X Mobile Vehicles Barriers are compact when stored, but when deployed properly, they can stop heavy trucks up to 7.5 tons. These barricades are easily moved out of the way for emergency vehicle access by one person. The barricades could also be shared with partner agencies. The cost includes a storage container and 30 barricades, allowing for four 12' sections to be deployed.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

D. BOARD AND COMMISSION APPOINTMENT

1. Liberty Housing Authority

Appoint Yvette Madden to a term expiring July 1, 2025

Council Member Hagan moved to approve the appointment. Council Member Watt seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

A. 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)

The proposed rezoning is C-2, "General Business", which allows; commercial, retail and office services. UDO Section 30-63.1. The applicant's proposal includes approximately 223,000 square feet of commercial space. The preliminary development plan includes 9 automotive sales type buildings ranging in size from 20,000 sq. ft. to 25,000 sq. ft. The proposed use is in conformance with the General Business zoning requirements.

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 and asked if anyone wished to speak either in favor or in opposition of the ordinance.

Grant Polley, Northpoint Development, 3315 N. Oak Trafficway, Kansas City, Missouri, stated the project use meets the MoDOT study case. This site is the front door to the Industrial Park, and the developer will self-impose a restriction that the project will include national new car dealerships only.

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

Document No. 9508 was read.

Mayor Brenton stated the ordinance will be considered on second reading at the December 12, 2022 Council Meeting.

- B. 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) – Postponed from November 14, 2022

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 Graham moved to postpone consideration of the resolution to the December 12, 2022 Council Meeting. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

- C. RESOLUTION APPROVING A SPECIAL USE PERMIT ON THE SOUTH SIDE OF 291 BETWEEN KENT AND BROWN ON SUTTON PLACE TO ALLOW AN ELECTRIC SUBSTATION FOR A PUBLIC UTILITY, IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 22-56SUP)

The applicant is requesting approval of a Special Use Permit for the construction of a new electrical substation measuring 25 feet in height, not including the poles that connect to the transmission lines. The substation will be constructed to transform the utility-supplied voltage (69,000 volts or 69 kV) to a site distribution voltage of 15 kV. This is the standard voltage use to supply a facility such as the Ford Stamping Plant.

Staff finds that 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.

Jessica Keck, Evergy, 918 S. Kansas Ave, Topeka, Kansas, stated the old substation will need to run while the new location is being built, and the existing site isn't large enough to accommodate the new substation. There will be landscaping around the masonry wall that will surround the substation. Once decommissioned, the old substation site will be cleaned to the Missouri Department of Natural Resources specifications. The new substation is being built with future growth in mind and system reliability should improve as it will have better connectivity with the Evergy network.

Jeremy Adams, Liberty Car Care, 928 Sutton Place, stated that the masonry wall will be 8 ft. from his building. He is concerned about the wall height's impact on his business, and the potential of car break-ins and fire risk. He is also wondering if there are any environmental, health and safety concerns having a substation located next to his business. Will his business be affected during construction, and will it affect site drainage on his lot?

Jason Wicklund, Wicklund Car Star, 941 Sutton Place, noted that their business relies on visibility from 291 Hwy. The businesses surrounding the site are all auto related and already at an increased risk of fire, will the substation increase that risk? Will cameras be installed to monitor the area? He also expressed concern that there may be a disruption to their business during the switch over, and for the animals at the neighboring vet clinic that may be bothered if there are any high frequency noises.

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

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3288.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of November 4 – November 18, 2022

Mayor Pro Tem Kevin Graham took over as Chair of the meeting.

Document No. 9509 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, Jenness, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11676.

Mayor Brenton resumed as chair of the meeting.

B. ORDINANCE ACCEPTING A COVENANT TO MAINTAIN STORM WATER MANAGEMENT SYSTEM FOR CHARLIE’S CAR WASH

To facilitate the addition to Charlie's Car Wash, located at 220 N. Church Road, Liberty, MO, storm water quality facilities will be constructed on the property. Per the City of Liberty's storm water discharge permit from the Missouri Department of Natural Resources, an agreement between the City and post-development landowner(s) is required to designate the responsible party(ies) and the type/frequency of maintenance activities for continued performance of storm water detention and storm water quality facilities. In response to the requirement, the Covenant to Maintain Storm Water Management System associated with the Charlie's Car Wash development has been executed by the property owner. This covenant is the City's standard requirement where storm water detention and storm water quality facilities are required. City Council acceptance is required prior to recording the covenant document.

Document No. 9510 was read.

Action: Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Phillips seconded the motion.

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11677.

C. ORDINANCE AMENDING ORDINANCE NO. 11494, APPROVING A LEASE AGREEMENT WITH UTILITY, INC. FOR THE LEASE, MAINTENANCE, AND INSTALL OF POLICE VEHICLE/BODY CAMERAS, INCREASING THE AMOUNT BY \$43,316.00 FROM \$300,000.00 FOR AN AMOUNT NOT TO EXCEED \$343,316.00

The Police department is adding one patrol vehicle requiring an additional dash camera. Additionally, dash cameras will be added to the SRO vehicle and SWAT van.

Patrol staffing will be increased by four personnel in 2023, requiring four additional body cameras.

Document No. 9511 was read.

Action: Council Member Jenness moved to waive the rules and consider the ordinance on first reading. Council Member Graham 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 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11678.

D. **ORDINANCE APPROVING AN AGREEMENT AND THE CITY OF LIBERTY'S PARTICIPATION AND MEMBERSHIP IN THE MISSOURI FIREFIGHTERS CRITICAL ILLNESS TRUST AND POOL IN AN AMOUNT NOT TO EXCEED \$7,198.00**

In 2021, the State of Missouri provided \$5,000,000 to help start the Firefighters Critical Illness pool, which was created to aid the State's fire professionals and agencies to contain the human and financial burdens created by serious health issues by providing cancer benefits to the State's firefighters. The support from the State makes it more affordable for departments to join this program.

Document No. 9512 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Graham seconded the motion.

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11679.

X. **OTHER BUSINESS**

A. **LIBERTY AFRICAN AMERICAN LEGACY MONUMENT**

Shelton Ponder, Co-Chair of the Liberty African American Legacy Monument, presented the final report on the project. He thanked the City Council for their support of the project and allowing the implementation of the monument.

B. FAIRVIEW CEMETERY / BLOCK 174

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, stated he has family buried in private Block 174. He is against the revestment lawsuit, please stop it.

Sharon Feine, 457 E Franklin, noted the City has already purchase diversity training books, and asked if reparations is the next cliff they are going to jump off of?

Gieselle Fest, 1407 Lynette, stated that now with the African American Legacy monument there are two monuments in the cemetery. History is complicated, and we need to learn from it, stop the revestment lawsuit.

David Sallee, 9531 S. Lural, Kansas City, stated that Block 174 and the Legacy memorial are not equivalent. The 20' monument on Block 174 celebrates the Confederacy, and it's support of enslaving those that are buried in unmarked graves honored by the Legacy monument.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Mayor

Attest:

Deputy City Clerk