



City Council Meeting

Regular Split Session Minutes
April 10, 2023

I. 1ST SESSION

II. 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 April 10, 2023 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

III. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Lyndell Brenton, who then led the pledge of allegiance.

IV. 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, 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
- Amy Blake, Human Resources Director
- Tara Schmitter, Assistant Human Resources Director
- BJ Staab, Parks and Recreation Director
- Jim Martin, Police Chief
- John Mills, Fire Chief
- Brandon Smith, Economic & Business Dev. Manager
- Katherine Sharp, Planning and Development Director
- Wade Thomas, Technology and Logistics Director
- Sherri McIntyre, Public Works Director
- Sarah Ranes, Deputy City Clerk
- Janet Pittman, Licensing Department

Public Present:

- Kellie Houx, Courier Tribune
- 52 members of the public

V. APPROVE MINUTES AND SUMMARIES

A. REGULAR SESSION MINUTES OF FEBRUARY 13, 2023

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 7-0-1. Council Member Jenness abstained due to absence.

B. STUDY SESSION SUMMARY OF MARCH 6, 2023

Council Member Phillips moved to approve the summary as distributed. Council Member Graham seconded the motion, which carried 7-0-1. Council Member Pozel abstained due to absence.

C. SPECIAL SESSION MINUTES OF MARCH 6, 2023

Council Member Graham moved to approve the minutes as distributed. Council Member Jenness seconded the motion, which carried 7-0-1. Council Member Pozel abstained due to absence.

D. EXECUTIVE SESSION MINUTES OF MARCH 6, 2023

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 7-0-1. Council Member Pozel abstained due to absence.

VI. PROCLAMATIONS

A. NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK PROCLAMATION

Mayor Brenton read the Proclamation and presented it to Communications Supervisor Jerry Clark, Training Officer Chondra Bethards and Trainee's Cynthia Sitton and Barbra Holtz.

B. NATIONAL ANIMAL CONTROL OFFICER APPRECIATION WEEK PROCLAMATION

Mayor Brenton read the Proclamation and presented it to Animal Control Supervisor Samantha Lehman.

VII. MEETING SCHEDULE

VIII. CONSENT AGENDA

A. STUDY SESSION SUMMARY OF FEBRUARY 21, 2023

Council Member moved Hagan to approve the summary as distributed.
Council Member Gentrup seconded the motion, which carried unanimously.

B. REGULAR SESSION MINUTES OF FEBRUARY 27, 2023

Council Member Hagan moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried unanimously.

C. SPECIAL SESSION MINUTES OF MARCH 13, 2023

Council Member Hagan moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried unanimously.

D. EXECUTIVE SESSION MINUTES OF MARCH 13, 2023

Council Member Hagan moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried unanimously.

E. REGULAR SESSION MINUTES OF MARCH 13, 2023

Council Member Hagan moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried unanimously.

F. REGULAR SESSION MINUTES OF MARCH 27, 2023

Council Member Hagan moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried unanimously.

G. BOARDS AND COMMISSIONS APPOINTMENTS

1. Board of Zoning Adjustments
 - a. Appoint Rae McClelland as an Alternate to a term expiring 4/1/2027
2. Board of Appeals
 - a. Appoint Rae McClelland to a term expiring 12/30/2027
3. Citizens Sales Tax Oversight Committee
 - a. Appoint Matthew Smith to a term expiring 5/15/2026
4. Economic Development Tax Board
 - a. Appoint Ron Mullennix to a term expiring 4/1/2025

5. Enhanced Enterprise Zone Board
 - a. Appoint Wes Blanton to a term expiring 8/1/2024
 - b. Appoint Ron Mullennix to a term expiring 8/1/2028
6. Liberty Municipal Redevelopment Corporation Board
 - a. Appoint Michele Bouchard to a term with no expiration
7. Liberty Preservation and Development
 - a. Appoint Meredith Klamm to a term expiring 9/1/2025
 - b. Appoint Heather Jones to a term expiring 9/1/2026
8. Public Safety Sales Tax Committee
 - a. Appoint Jim Murray to a term expiring 8/31/2026
9. Tourism Committee
 - a. Appoint Bobbie Ford as the Attraction Representative to a term expiring 5/1/2025

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

IX. PUBLIC HEARINGS

X. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. RESOLUTION OF APPRECIATION - LYNDELL BRENTON

Mayor Pro Tem Pozel took over as Chair of the meeting who then read the Resolution and presented to Mayor Brenton.

Mayor Brenton resumed as chair of the meeting.

B. RESOLUTION OF APPRECIATION - PAUL JENNESS

Mayor Brenton read the Resolution and presented it to Council Member Jenness.

C. RESOLUTION OF APPRECIATION - GREG DUNCAN

Mayor Brenton read the Resolution and presented it to Council Member Duncan.

D. ACKNOWLEDGMENT OF VENDOR PAYMENTS FOR THE PERIOD OF MARCH 17, 2023 TO MARCH 31, 2023

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

Document No. 9590 was read.

Action: Council Member Graham moved to approve the vendor payments. Council Member Gentrup seconded the motion.

Roll Call

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. 11755.

Mayor Brenton resumed as chair of the meeting.

- E. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 24.69 ACRES NORTH OF GARRISON ROAD BETWEEN HUGHES AND SOUTH WITHERS, SOUTH OF SOUTH LIBERTY PARKWAY TO M-1 "LIGHT INDUSTRIAL" DISTRICT FOR 781 LOGISTICS (P&Z CASE 23-07R&PDP) **(2ND READING)**

This is an application to rezone 24.69 acres to M-1 "Light Industrial" from R-1A "Suburban Residential" to allow the use of the property for the construction of a 264,100 square foot industrial/warehouse building. 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.*

The applicant is requesting a variance from the Unified Development Ordinance Section 30-98 to remove a portion of the stream and riparian buffer to allow construction of the building on the site.

Document No. 9579 was read.

Action: Council Member Jenness moved to approve the ordinance. 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

Approved by the Chair and inscribed in Ordinance No. 11756.

F. RESOLUTION APPROVING A PRELIMINARY PLAT FOR 781 LOGISTICS, 1 LOT ON 24.69 ACRES NORTH OF GARRISON ROAD BETWEEN HUGHES AND SOUTH WITHERS, SOUTH OF SOUTH LIBERTY PARKWAY, A SUBDIVISION OF LAND IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 23-08PP) **(POSTPONED FROM MARCH 27TH)**

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’s analysis of a preliminary plat application is guided by Section 30-28.10 and this application does conform to that section.

The application meets all requirements for providing adequate public facilities as the site will have access to the City’s sewer and water systems.

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. 3318.

XI. OTHER BUSINESS

A. MOTION TO CERTIFY MUNICIPAL ELECTION RESULTS OF APRIL 4, 2023

The Election Board has provided the results of the April 4, 2023 election as shown on the attached document. The elected officials are:

	<u>Votes</u>
Greg Canuteson, Mayor	3,201
Shelton Ponder, Council Member Ward I	563
Adam Travis, Council Member Ward II	790
Kevin Graham, Council Member Ward III	831
Michael Hagan, Council Member Ward IV	424
David Fulk, City Clerk	3,096

	<u>Votes</u>
Harvey Seely, Constable	3,120
Terry Mills, Auditor	3,005
Claire Hansel, Treasurer	2,936

Question on the Ballot:

Shall the City of Liberty, Missouri impose an additional sales tax at a rate of 3% on all retail sales of adult use marijuana sold within the City for public safety?

	<u>Votes</u>
Yes	3,215
No	896

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. OATH ADMINISTERED TO ELECTED OFFICIALS

GREG CANUTESON, MAYOR
 SHELTON PONDER, COUNCIL MEMBER, WARD ONE
 ADAM TRAVIS, COUNCIL MEMBER, WARD TWO
 KEVIN GRAHAM, COUNCIL MEMBER, WARD THREE
 MICHAEL HAGAN, COUNCIL MEMBER, WARD FOUR
 DAVID FULK, CITY CLERK
 HARVEY SEELY, CONSTABLE
 TERRY MILLS, CITY AUDITOR
 CLAIRE HANSEL, CITY TREASURER

Deputy City Clerk Sarah Raney administered the official Oath of Offices.

XII. ADJOURNMENT OF 1ST SESSION

The meeting adjourned at 8:24 p.m.

Mayor

Attest:

Deputy City Clerk

XIII. CALL TO ORDER - 2ND SESSION

A regular meeting of the City Council of the City of Liberty, Missouri was held in the Council Chambers at City Hall on April 10, 2023 with Mayor Greg Canuteson presiding. Mayor Canuteson called the meeting to order at 8:30 p.m.

XIV. ROLL CALL

Council Members Present: Harold Phillips and Shelton Ponder, Ward I
Kelley Wrenn Pozel and Adam Travis, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, 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
Amy Blake, Human Resources Director
Tara Schmitter, Human Resources Payroll Manager
BJ Staab, Parks and Recreation Director
Jim Martin, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Sarah Ranes, Deputy City Clerk
Janet Pittman, Licensing Division

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

XV. PUBLIC HEARINGS

XVI. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. AN ORDINANCE AMENDING ORDINANCE NO. 11633, APPROVING A CONTRACT WITH THE MID-AMERICA REGIONAL COUNCIL PERTAINING TO SENIOR SERVICES, BY APPROVING AMENDMENT #1, INCREASING THE SET MAXIMUM REIMBURSEMENT RATES FROM A PERIOD OF FEBRUARY 28, 2023 THROUGH JUNE 30, 2023

Annually, the City of Liberty is awarded operating contracts by the Mid-America Regional Council (MARC) to support senior center administration, site person transportation, home delivered meal delivery, home delivered meals administration of a volunteer system, evidence-based DPHP programs, and home delivered meal reassessments. All contracts are for the state fiscal year July 1 through June 30. These are dollar amounts reimbursed (paid) to the City of Liberty from MARC for providing these services. All MARC funding is based on usage and capped at the grant funded amounts.

The original contract with MARC, effective July 1, 2022. This Amendment #1, effective February 28, 2023, increases the maximum amount to be paid for delivery of home-delivered meals from \$5,500 to \$20,840 in a period of February 28, 2023 through June 30, 2023.

This Amendment #1, effective February 28, 2023, increases the maximum amount to be paid for home-delivered meals administration of a volunteer system from \$25,000 to \$50,680 in a period of February 28, 2023 through June 30, 2023.

Document No. 9591 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 Graham moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 8-0-0

Yes: Council Members Phillips, Ponder, Poziel, Hagan, Graham, Watt, Travis and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11757.

B. RESOLUTION APPROVING A TEMPORARY EVENT LIQUOR LICENSE FOR THE SOROPTIMIST INTERNATIONAL OF LIBERTY FOR AN EVENT AT ST. JAMES CATHOLIC CHURCH ON MAY 6, 2023

In 2003, the City Code was amended, adding a temporary liquor license for events of short duration (7 days or less). Patterned after the State's license, this temporary liquor license allows any church, school, civic, service, fraternal, veteran, political or charitable club or organization to sell or serve alcohol, upon approval of the license by City Council.

The Soroptimist International of Liberty have applied for a temporary liquor license to serve alcohol at an event located at St. James Catholic Church. Because the public will have access to the event, State statute and City ordinance require a license. The license covers the event on May 6, 2023. The necessary certificate of liability insurance and authorization letter has been provided by the applicant.

The City Code requires all paid employees of a business with a liquor license to obtain liquor dispensing permits. Unpaid staff are exempt from this requirement. It is the responsibility of the applicant to ensure that all individuals working with alcohol and consuming alcohol at the event meet age and other requirements.

Council approval and a State license must be in place before the City will issue its temporary liquor license.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3319.

C. RESOLUTION AMENDING THE COMPOSITION OF THE BUDGET COMMITTEE

Resolution No. 2412, approved May 18, 2009, established the Council Budget Review Committee for the purpose of ensuring ongoing Council review of City Budgets. The role and responsibility of the Committee is to review periodic staff budgetary analysis and any potential fiscal action plans. It is empowered by Council to provide policy guidance to staff on said analysis and plans and report the same to the full City Council.

The Committee shall consist of two Council Members and the Mayor, or the Mayor's designee; and, said members shall be appointed annually by the Mayor, and whose Committee terms shall run for one year commencing on May 1, and have Committee voting rights.

The Committee meetings shall be open to all non-Committee Council Members and that said Council Members may participate in Committee discussions in order to provide additional input and dialogue, but that non-Committee members will not have the capacity to direct staff on additional analysis unless so authorized by the Council Budget Review Committee.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3320.

D. A RESOLUTION APPROVING A LIBERTY COMMUNITY CENTER ALCOHOLIC BEVERAGES SERVICE APPLICATION TO ANDREW GREEN FOR THE "RICK GREEN MEMORIAL RECEPTION", A SMALL/PRIVATE EVENT TO BE HELD ON APRIL 15, 2023

Section 311.080 of the Missouri Revised Statutes states that "No license shall be granted for the sale of intoxicating liquor, as defined in this chapter, within one hundred feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the board of alderman, city council, or other proper authorities of any incorporated city, town or village. Such consent shall not be granted until at least ten days' written notice has been provided to all owners of property within one hundred feet of the proposed licensed premises."

Andrew Green is hosting the "Rick Green Memorial Reception", a small/private event to be held on April 15, 2023 from 1:00 p.m. to 5:30 p.m. The applicant has completed an LCC Alcoholic Beverages Service Application, requesting authorization to serve alcohol at the event. This is a small event, so a Catering Permit is not required. In accordance with the statute, written notice was provided to the Liberty School District (only property owner within 100 feet of the proposed location) on March 7, 2023 notifying them of the application and meeting date that Council will consider the application. Staff has confirmed School District receipt of the notice (no other district events in the Community Center that day).

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3321.

XVII. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XVIII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIX. ADJOURNMENT OF 2ND SESSION

The meeting adjourned at 8:46 p.m.

Attest:

Mayor

Deputy City Clerk