



City Council Meeting

Special Session Minutes

May 20, 2024

I. CALL TO ORDER

A special session meeting of the City Council of the City of Liberty, Missouri was held in the Council Chambers, on May 20, 2024 with Mayor Greg Canuteson presiding. Mayor Canuteson called the meeting to order at 7:00 p.m.

Council Members Present: Shelton Ponder, Ward I
Kelley Wrenn Pozel and Adam Travis, Ward II
Kevin Graham, Ward III
Gene Gentrup and Michael Hagan, Ward IV

Council Members Absent: Harold Phillips, Ward I
Jeff Watt, Ward III

Staff Present: Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Vicki McClure, Finance Director
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
Jim Martin, Police Chief
John Mills, Fire Chief
Chris Young, Assistant Fire Chief
Katherine Sharp, Planning and Development Director
John Findlay, City Engineer
Sarah Ranes, Deputy City Clerk

Public Present: Kellie Houx, Liberty Tribune
27 members of the public

II. PROCLAMATIONS

A. EMERGENCY MEDICAL SERVICES WEEK PROCLAMATION

Mayor Canuteson proclaimed May 19 – 25, 2024 as Emergency Medical Services Week.

B. NATIONAL GUN VIOLENCE AWARENESS DAY PROCLAMATION

Council Member Pozel proclaimed June 7, 2024 as National Gun Violence Awareness Day.

III. APPROVE MINUTES AND SUMMARIES

A. REGULAR SESSION MINUTES OF APRIL 8, 2024

Council Member Graham moved to approve the minutes as distributed. Council Member Travis seconded the motion, which carried 6-0-2. Council Members Ponder and Hagan abstained due to absence.

IV. CONSENT AGENDA

A. REGULAR SESSION MINUTES OF APRIL 22, 2024

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

B. BOARDS AND COMMISSIONS APPOINTMENT

1. LIBERTY HOUSING AUTHORITY

a. APPOINT TONY MEYERS TO A TERM EXPIRING 7/1/2026.

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

V. PUBLIC HEARINGS

A. RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A 2.91-ACRE RECREATIONAL VEHICLE STORAGE FACILITY AT 1300 H HIGHWAY, IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-10SUP)

The applicant is requesting the approval of a Special Use Permit for an outdoor recreational vehicle (RV) and vehicular storage facility in the M-1, Light Industrial District (Section 30-68 of the Unified Development Ordinance. The proposed storage area, which will be set back from the south property line along H Highway by approximately 245 feet, will encompass 2.91 acres of land. The existing concrete access drive onto H Highway will be rehabilitated; though the storage area will not be paved, it will utilize gravel contained within a perimeter curb and gutter. All vehicles stored on-site will be parked beneath open-air canopy structures. The storage area will be enclosed within a six-foot perimeter privacy fence and the south edge of the facility, facing H Highway, will be landscaped to provide additional screening as viewed from public right-of-way.

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

Andy Green with Crockett Engineering Consultants – 1000 W Nifong Blvd., Columbia, MO 65203, Mr. Green stated he is here seeking approval for a Special Use Permit and Preliminary Development Plan for the proposed storage facility located at 1300 H Highway, Liberty, MO. Mr. Green states the property is zoned M-1 so it's already in industrial zoning. Mr. Green states the open aired canopy storage area will be located approximately 250 feet away from the road to provide a buffer from the road. Mr. Green stated this received unanimous approval at the Planning and Zoning Meeting.

Mr. Green stated stormwater will be maintained by concrete curbing around the perimeter to capture all of the stormwater coming from the storage area and that stormwater will be piped to a stormwater BMP on site and pre versus post runoff will be handled in that basin.

Scott Wilhelm – 1500 E. County Road H, Mr. Wilhelm stated he has some concerns about fencing requirements, the proposed use being consistent with the City's Comprehensive Plan, operating hours of the facility, stormwater and lighting that he wanted to bring forward before the City Council voted on this. After reading the Planning and Zoning minutes of May 14, 2024, Mr. Wilhelm states there are good comments from the residents and various Commissioners especially a comment from the Chairman encouraging the developer to work with the residents as they move through this process. Mr. Wilhelm is concerned that this application will be approved and there will be no more reviewing or follow up from staff or the City Council. Mr. Wilhelm states he is not sure why the Special Use Permit has to be approved prior to more detail being added to the final plans. Mr. Wilhelm believes there are things that can be done to protect those living in this area as well as meeting the needs of the developer.

Allison Shadrach – 1405 E. County Road H, Ms. Shadrach stated she has a lot of the same concerns as the previous resident and she feels she has brought some solutions to the table. Ms. Shadrach stated this property is zoned commercial and everyone is incentivized in developing Liberty and generating revenue. Ms. Shadrach states her biggest concern is the stormwater management solution that is in place. Ms. Shadrach states the engineer presented a stormwater management pond for the water runoff but didn't offer how that water will be monitored for contaminants. Ms. Shadrach is concerned for the safety of her children and farm animals when that runoff misses the stormwater management pond and comes across the road into her yard and down into Rush Creek untreated. Ms. Shadrach states maybe a wall in lieu of a perimeter fence just on the southside to catch what is coming downhill might be of help. Ms. Shadrach also asks that the permit be approved based on a certain type of privacy fence and landscaping that is more aesthetically appealing. Lastly, Ms. Shadrach requests dark sky compliant lighting to maintain the rural night-time light levels currently experienced. Ms. Shadrach states this is not a business, this is a home they have invested in for the long-term.

Tom Burks – 1410 E. County Road H, Mr. Burks stated he is concerned with the lighting. Mr. Burk stated his house is literally at the top right corner of the property and if this facility gets built with the lighting the way it is, Mr. Burks stated he might as well be living in the parking lot. Mr. Burks stated he runs his business out of his property so he is very business friendly but he is concerned the front part of the property is going to be empty and they will push everything to the back of this property which is closest to his house. Another problem Mr. Burk is concerned about is the fencing going around the whole facility on the backside of the property leaving the front side of the property open for individuals to pull in and park and hide. Mr. Burk has been robbed twice since living at his property and he would like to see a perimeter fence all the way around this facility not just for the storage units. Mr. Burk just asks for a little bit of neighborhood courtesy before the City Council approves this application.

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

Action: Council Member Hagan moved to postpone consideration of the Resolution to June 10, 2024. Council Member Travis seconded the motion and it carried unanimously.

B. RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW AN ATTACHED SINGLE FAMILY IN THE RNC DISTRICT AT 440 N. PRAIRIE STREET IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-12SUP)

This application is for a Special Use Permit to allow 3 attached single-family buildings in the RNC as allowed in the Unified Development Ordinance, Sec. 30-25.5.(1) – “Special use permit, uses to be considered”. Each building is proposed as a two-story, two-family home that will have 3 bedrooms, 2+ baths per unit.

Katherine Sharp, Director of Planning and Zoning stated the applicant, Greg Stervinou from Construction Company, Inc. located at 10207 NE 100th Street, Kansas City, MO 64157 was in the audience for any questions.

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

Theresa Byrd – 431 E. Franklin Street, Ms. Byrd stated she owns the property located at 442 N. Gallatin Street which butts up to Prairie Street. Ms. Byrd thanked the City Council and the Contractor for the information that was sent out regarding this application but she does have some concerns. Ms. Byrd said she would like to make sure the residences will be for purchase and not for rent. Ms. Byrd also stated the sewer system in that particular location is compromised and Ms. Byrd would like to know if there are any plans to improve the sewer system? Lastly, Ms. Byrd stated there are no sidewalks on that side of Prairie Street, nor on the other side of Prairie Street, and Ms. Byrd wants to know if walkability will be provided?

Greg Stervinou – Construction Company, Inc., 10207 NE 100th Street, Kansas City, MO 64157, Mr. Stervinou stated the property will be for sale but he can’t guarantee the new owner won’t rent the property out. Mr. Stervinou stated the tree on the property line to the north that has the nest with the presence of a red-tailed hawk may not have to be take down.

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

Andy Noll, Director of Utilities, Mr. Noll stated he is not aware of any issues with the sanitary sewer in that area and he would be happy to speak to anyone who has concerns. Mr. Noll stated if there are any issues, typically maintenance root cutting would solve those issues. Mr. Noll stated he isn’t concerned with the new development of six to eight houses being added to the current sanitary sewer system.

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

Vote: Motion passed 6-0-0

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

No: None
Abstain: None
Inscribed in Resolution No. 3386.

C. ORDINANCE ACCEPTING AND APPROVING A FINAL PLAT FOR PRAIRIE ESTATE IN THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI WITH PUBLIC HEARING FOR ASSOCIATED VARIANCES (P&Z CASE 24-11FP)

This is a proposal for a Final Plat of Prairie Estate, a six-lot subdivision. This plat contains 6 lots on .46+-acres. This is a plat to accommodate 3 new residential structures.

The applicant is requesting variances to the Unified Development Ordinance, Section 30-50.2, "District RNC, height and area regulations" for setbacks, lot size and required lot depth. This variance is being requested based on the two-family structure being split along the dividing wall. Additionally, the lots on Grover will be 84'6" which 5'6" less than the required 90 feet deep.

Katherine Sharp, Director of Planning and Zoning stated the applicant, Greg Stervinou from Construction Company, Inc. located at 10207 NE 100th Street, Kansas City, MO 64157 was in the audience for any questions.

Mayor Canuteson 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. 9764 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11929.

VI. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF MAY 3, 2024 TO MAY 10, 2024

Document No. 9765 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Travis seconded the motion.

Roll Call

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11930.

B. ORDINANCE ACCEPTING AND APPROVING A FINAL PLAT FOR JOESBAR ESTATES IN THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-14FP)

This is a proposal for a Final Plat for Joesbar Estates at 1101 Richfield Rd. This plat contains 1 lot on 7.23 acres. The platting of this lot has been proposed in preparation for the construction of a single-family home. Platting is required prior to any development with exception to single-family lots exceeding 15 acres.

Document No. 9766 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11931.

C. RESOLUTION ACCEPTING CITY OF LIBERTY PROJECT 24-001, 2024 CLAYVIEW DR. EMERGENCY STORM PIPE REPAIR AS CONSTRUCTED BY HOLHOUSE CONSTRUCTION L.L.C.

Ordinance 11877 was passed by City Council on January 22, 2024. Ordinance 11877 approved a contract with Holhouse Construction L.L.C. for the emergency excavation, removal and replacement of an existing CMP with a new 84" diameter Reinforced Concrete Pipe (RCP) under Clayview Dr.

All contract work has been completed by Holhouse Construction L.L.C. in accordance with City standards, specifications and contract requirements. A Resolution accepting the project is required to allow final payment, including retainage, to Holhouse Construction L.L.C. This Resolution accepts City Project 24-001, 2024 Clayview Dr. Emergency Storm Pipe Repair thereby authorizing release of final payment, including any retention, to Holhouse Construction L.L.C.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3387.

VII. OTHER BUSINESS

VIII. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

IX. ADJOURNMENT

The meeting adjourned at 7:48 p.m.

Mayor

Attest:

Deputy City Clerk