



City Council Meeting

Regular Session Minutes

August 26, 2024

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 August 26, 2024 with Mayor Greg Canuteson presiding. Mayor Canuteson 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 Shelton Ponder, Ward I
Kelley Wrenn Pozel and Adam Travis, Ward II
Jeff Watt, Ward III
Gene Gentrup, Ward IV

Council Members Absent: Kevin Graham, Ward III
Michael Hagan, Ward IV

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
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Joshua Martinez, Public Works Engineer
Sarah Ranes, Deputy City Clerk

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

IV. PROCLAMATIONS

V. APPROVE MINUTES AND SUMMARIES

A. REGULAR SESSION MINUTES OF JULY 22, 2024

Council Member Phillips moved to approve the minutes as distributed. Council Member Pozel seconded the motion, which carried 5-0-1. Council Member Travis abstained due to absence.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

VIII. PUBLIC HEARINGS

A. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 14.8 ACRES AT 2135 MANOR WAY TO R-1C, "STANDARD SINGLE-FAMILY RESIDENTIAL" DISTRICT FOR LIFE UNLIMITED'S THE TRAILS NEIGHBORHOOD (P&Z CASE 24-22R&PDP)

This is an application to rezone 14.8 +/- acres from R-1A, "Suburban Residential District" (UDO Section 30-46) to R-1C, "Standard Single-Family Residential District" (UDO Sec. 30-49) to allow Life Unlimited to construct a single-family subdivision containing 30 lots, north of their existing facilities at 2135 Manor Way. The proposed rezoning to the R-1C District would allow for detached-single family dwellings on lots with a minimum area of 8,000 square feet, a minimum lot width of 70 feet, and a minimum lot depth of 110 feet (refer to the table below for a comparison of the R-1A and R-1C District minimum lot requirements).

Zoning Lot Requirements	R-1A District (Existing)	R-1C District (Proposed)
Minimum Lot Area	Three acres	8,000 square feet
Minimum Lot Width	200 feet	70 feet
Minimum Lot Depth	110 feet	110 feet

This application contains two variance requests:

1. A variance to reduce the required buffer adjacent to an arterial roadway from 100 feet to 50 feet (UDO Sec. 30-93.6(2)); and
2. A variance to exceed Code's maximum cul-de-sac length of 800 feet by approximately eight feet, for an approximate cul-de-sac length of 808 feet (UDO Sec. 30-93.1(4)).

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. 9794 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Ponder 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 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11959.

B. ORDINANCE AMENDING CHAPTER 30, "UNIFIED DEVELOPMENT ORDINANCE", OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-27A)

In Section 30-80.1 (7) b, the UDO addresses the keeping of hens in residential districts, allowing for the keeping of up to six hens on residential property. These regulations are not applicable to agricultural properties and are intended to regulate the keeping of livestock on residential property less than 2/3 of an acre. Within the Code, certain limitations are detailed, such as the prohibition of roosters. Staff proposes to add "crowing hens" to the list of prohibited types of fowl due to complaints of disruptive crowing in residential neighborhoods.

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. 9795 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11960.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF AUGUST 2, 2024 TO AUGUST 16, 2024

Document No. 9796 was read.

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

Roll Call

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11961.

B. RESOLUTION APPROVING A PRELIMINARY PLAT FOR THE TRAILS NEIGHBORHOOD, APPROXIMATELY 14.8 ACRES AT 2135 MANOR WAY, A SUBDIVISION OF LAND IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-23PP)

This is a preliminary plat application for The Trails Neighborhood, a new single-family subdivision to include 30 buildable lots and six common area Tracts (A through F), which have been proposed to be used for stormwater infrastructure, to maintain existing open space and recreational areas, and to meet certain open space and landscaping requirements as dictated by Code. All common area Tracts and associated open space would be maintained by a Homeowners Associations (HOA).

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Ponder, Pozel, Travis, Watt and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 3407.

C. ORDINANCE AUTHORIZING RE-ESTABLISHMENT OF A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND EMPLOYEES

The State of Missouri allows political subdivisions with annual operating budgets greater than one million dollars to adopt their own financial disclosure regulations. This ordinance must be re-adopted every other year by September 15th in order to remain in effect. The certified ordinance is filed with the Missouri Ethics Commission, the same agency with which annual personal financial disclosure statements are filed.

Since 1991, the City has adopted language as first proposed by the city attorney, with the minimum requirements dictated by 105.485.4 RSMo. The City's ordinance requires the mayor, council members and city administrator to disclose personal and business entity transactions with the City over five hundred dollars. (This does not include salary and reimbursement for expenses incurred while conducting City business.) The city administrator is considered chief administrative and purchasing officer of the City and, as such, provides additional financial information in more detail.

Without its own regulations regarding financial disclosure and conflict of interest, the City follows the state's requirements. Unless the City retains an ordinance, in addition to the mayor, council members and city administrator, all elected officials (including honorary positions), candidates for City elective office, and all other City officials or employees who are authorized to make or vote on adoption of rules and regulations with the force of law (including members of City boards and commissions) would be required to file personal financial disclosure statements. The "long" form, which requests the most information, is completed by all individuals associated with a political subdivision not operating under an established ordinance.

Document No. 9797 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11962.

D. ORDINANCE AMENDING ORDINANCE NO. 11770, AMENDING AN AGREEMENT WITH JCI INDUSTRIES, INC. FOR MBT 1 IMPROVEMENTS INCREASING THE AMOUNT BY \$10,000.00 FROM \$1,090,000.00 FOR AN AMOUNT NOT TO EXCEED \$1,100,000.00

Ross Construction recently discovered that the piping for Digester 1 and 2 was getting clogged within the waste water facility system. Ignoring this issue could cause flow issues, and costly vendor call-outs to flush the line due to clogging.

The change order adds the purchase and installation of two butterfly valves, Vanstone flanges, schedule 80 tee, fire hose connection, and pipe hangers for the purpose of creating a flushing system that will allow staff to perform preventive maintenance. Cost of the change order is \$10,000.00 and work will be completed by Ross Construction, which is the subcontractor for JCI for the MBT 1 Improvement contract.

The system would allow staff to connect one end of a fire hose to a plant water hydrant (which is already isolated from drinking water piping) with the other end connecting to the fire connection on the flush assembly. Staff would turn on the hydrant, open the butterfly valve on the assembly, and flush the line until all debris is removed.

Document No. 9798 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 Ponder seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11963.

E. ORDINANCE AMENDING ORDINANCE NO. 11891 APPROVING CHANGE ORDER NO. 2 WITH SUPERIOR BOWEN ASPHALT COMPANY, LLC FOR CITY OF LIBERTY PROJECT 24-002 2024 STREET MAINTENANCE PAVEMENT RESTORATION BY DECREASING THE AMOUNT BY \$72,750.81 FROM \$1,397,858.60 FOR AN AMOUNT NOT TO EXCEED \$1,325,108.02

The 2024 Street Maintenance Pavement Restoration Project for the amount of \$1,288,692.00 was awarded to Superior Bowen Asphalt Company, LLC, on March 11, 2024 (Ordinance No. 11891).

The project involved the milling and overlaying of City streets with over 10,600 tons of asphaltic concrete material. City streets restored included B Hwy, H Hwy and Lightburne Street.

A contract amendment raising the contract amount to \$1,397,858.60 was approved by the City Council on May 13, 2024 (Ordinance No. 11926). The amendment increased the project scope to include the restoration of 104th Street.

This action decreases the contract amount by \$72,750.58 from \$1,397,858.60 to \$1,325,108.02. This amendment is required to:

- Incorporate additional agreed to line items of work which were not in either the original contract or first amendment; and
- Reconcile all line item costs from estimated quantities to final installed quantities.

Document No. 9799 was read.

Action: Council Member Pozel moved to waive the rules and consider the ordinance on first reading. Council Member Ponder 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 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11964.

F. A RESOLUTION ACCEPTING THE 2024 STREET MAINTENANCE PAVEMENT RESTORATION PROJECT WITH SUPERIOR BOWEN ASPHALT COMPANY, LLC

The 2024 Street Maintenance Pavement Restoration Project was awarded to Superior Bowen Asphalt Company, LLC, on March 11, 2024 (Ordinance No. 11891). The project involved the milling and overlaying of City streets with over 10,600 tons of asphaltic concrete material. City streets restored included B Hwy., H Hwy. and Lightburne Street. A contract amendment was approved by the City Council on May 13, 2024 (Ordinance No. 11926) to increase the project scope to include the restoration of 104th Street.

All contract work has been completed by Superior Bowen in accordance with City standards, specifications and contract requirements. This action accepts the 2024 Street Maintenance Pavement Restoration Project, thus allowing release of retainage which has been held per the project contract.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3408.

X. OTHER BUSINESS

A. STORM WATER MASTER PLAN RATING CRITERIA PRESENTATION

The Current City of Liberty Storm Water Master Plan is dated March 2003. In the two decades since the last plan, the City has experienced rapid industrial, commercial and residential growth. In conjunction with this growth, new design standards, Federal Storm Water Regulations and a 2015 revision to the City of Liberty FEMA flood maps have contributed to the need for a revised and updated Storm Water Master Plan.

On August 28, 2023, the City Council approved a contract with Henningsong, Durham & Richardson, Inc. (HDR) for the creation of a new Storm Water Master Plan.

Since August of 2023, HDR and staff:

- Have hosted a Public Meeting;
- Have assimilated input from a publicly published survey;
- Have investigated and assessed existing storm water infrastructure;
- Have conducted stream channel erosion analysis;
- Assessed flood risk reduction; and
- Have developed a Master Plan Hub

With the above items completed or well underway, the team is now ready to begin putting together a Capital Improvement Project list. Prior to compiling this project list, staff and HDR developed an initial rating criteria. The rating criteria will be used to identify and prioritize Capital Improvement Projects for the Storm Water Master Plan. This presentation's purpose is to present the rating criteria to the City Council for comment and suggestion for the purpose of aligning the criteria with the intent of the City Council.

XI. CITIZENS' PARTICIPATION

David Sallee – 9531 N. Laurel, Kansas City, MO, Mr. Sallee stated he appreciates the City Council's commitment in resolving the ownership issue as it relates to Block 174. Mr. Sallee stated the Confederate Monument was erected to terrorize not memorialize.

David Langston – 1920 Carter Court, Mr. Langston stated the monument is a grave marker for five of his family members. Mr. Langston stated three of the five family members are recognized on the big marker and two family members have individual markers. Mr. Langston stated he doesn't want to give up Block 174 as his family is buried there.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, MO, Mr. Holtzclaw stated he has family members buried in privately owned Block 174 and he has the Deed to Block 174. Mr. Holtzclaw stated his cousin Captain Theodore Duncan is buried within ten inches of the grave marker and he was the first person to die in the war from Clay County. Mr. Holtzclaw stated his family has been here for over 200 years and he descends from Liberty's first-born child. Mr. Holtzclaw stated his uncle John Will Hall was the Mayor of Liberty on January 6, 1900 and he sold privately owned Block 174 so he knows who owns it. Mr. Holtzclaw stated this is his 96th City Council meeting where he has asked the City Council to stop the revestment lawsuit.

Gieselle Fest – 1407 Lynette Street, Ms. Fest respectfully asks the City Council to dismiss the lawsuit pending against privately owned Block 174. Ms. Fest stated the men buried there were poor men of Clay County and they shouldn't bear the sins or burden of a national war. Ms. Fest states the people in Block 174 were not plantation slave owners as implied by some, they were poor people.

Catherine Raine – 449 E. Franklin Street, Ms. Raine thanked the City Council for the opportunity to speak tonight. Ms. Raine stated she is convinced that Liberty must remove the Confederate Memorial from Fairview Cemetery.

Anna Bedinger – 232 W. Franklin Street, Ms. Bedinger stated she is from Liberty, she grew up in Liberty and she lives here and she is in support of the removal or modification of the Confederate Monument in Fairview Cemetery. Ms. Bedinger said she believes it is a Jim Crow statute that has racist intention.

XII. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XIII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIV. ADJOURNMENT

The meeting adjourned at 8:06 p.m.

Mayor

Attest:

Deputy City Clerk