



City Council Meeting

Regular Session Minutes
June 28, 2021

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 June 28, 2021 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 Greg Duncan, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: 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: Harold Phillips and Paul Jenness, Ward I

Staff Present: Sara Cooke, Assistant City Administrator/Communications
Vicki McClure, Interim Finance Director
Shawwna Funderburk, Chief Strategic Operations Officer
Andy Noll, Utilities Director
Sherri McIntyre, Public Works Director
Amy Blake, Human Resources Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. Liberty Summer Band – David Fulk, Concert Host, stated that the summer band wanted to express appreciation to the City and Parks and Recreation Dept. for 45 years of support. Under the direction of Shane Fuller, there are 80 members this year and there have been 1,000 concert attendees so far this season. He noted we are thankful for the summer band and what arts bring to the cultural life of Liberty. A few members of the band then played Stars & Stripes Forever in honor of their 50th Anniversary.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of April 26, 2021

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

B. Regular Session Minutes of May 10, 2021

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

C. Regular Session Minutes of May 24, 2021

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

D. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. for the Dog Days of Summer Beer Crawl on Main, Kansas, Franklin and Water Streets on Saturday, August 21, 2021 [AR 087-21]

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

Vote: Motion passed 6-0-0

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 3182.

E. Resolution accepting the Water Main Improvements for the McBee's Coffee 'N Car Wash Water Main Extension Project [AR 086-21]

The developer constructed a 230 LF public water main extension to facilitate the commercial development. The public improvement was constructed in accordance with City plans and specifications.

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

Vote: Motion passed 6-0-0

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 3183.

F. Motion to approve the following individuals for appointment as Mayor Pro Tem for the following terms:

1. Harold Phillips to the term of May 1, 2021 to July 31, 2021
2. Greg Duncan to the term of August 1, 2021 to October 31, 2021
3. Paul Jenness to the term of November 1, 2021 to January 31, 2022
4. Jeff Watt to the term of February 1, 2022 to April 30, 2022
5. Michael Hagan to the term of May 1, 2022 to July 31, 2022
6. Gene Gentrup to the term of August 1, 2022 to October 31, 2022
7. Kevin Graham to the term of November 1, 2022 to January 31, 2023
8. Kelley Pozel to the term of February 1, 2023 to April 30, 2023

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

VIII. PUBLIC HEARINGS

- A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 94+/- acres at the NW Corner of South Liberty Parkway and Birmingham Road from R-1A, "Suburban Residential District" to R-1C, "Standard Single Family Residential" for Tapp Farm [P&Z Case 21-26R&PP]

Document No. 9246 was read.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Art Akin, AGC Engineers, spoke on behalf of Star Development. He stated that they will conduct a tree count on the site and anticipate that a greater number of trees will be preserved versus being removed.

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

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

Vote: Motion passed 6-0-0

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11431.

- B. Resolution amending the Future Land Use Map of the Comprehensive General Plan of the City of Liberty by Changing the Land Use Designation of approximately 16+/- acres located SW Corner of S. Withers Road and Old Withers Road from Mixed Use and Floodplain to Low Density Residential [P&Z Case 21-27A]

Mayor Brenton stated the applicant requested postponement of this item until the July 12th meeting.

Action: Council Member Hagan moved to postpone the Public Hearing and consideration of the resolution to July 12, 2021. Council Member Gentrup seconded the motion.

- C. Ordinance approving a Master Plan for an Industrial Development Project and Declaring the Official Intent of the City of Liberty, Missouri to Issue Taxable Industrial Development Revenue Bonds in an Aggregate Principal Amount not to exceed \$154,500,000. [AR 090-21]

The project consists of three industrial buildings totaling 1,656,000 sq. ft. of build to suite/speculative industrial buildings. This is a Chapter 100 industrial project. The tax abatement associated with this project is two-phased. Building A is for 15 years with a tiered abatement schedule that starts in years 1-10 at 90% abatement and ends in years 11-15 with 45% abatement. Building B and C will have 90% abatement for years 1-10 which is the life of the abatement.

Document No. 9247 was read.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Rita D'Agostino, OPUS Development, stated they are thrilled about being in Liberty and bringing this development to the City Council. In regards to questions about anticipated truck traffic, she noted that the traffic study conducted didn't recommend any changes. They are adding a provision in the leases about adherence to Liberty's Truck Ordinance and no turning left onto Lightburne. They also propose additional signage on their property with positive messaging to encourage compliance.

Erin Brower, Hallmark Community Affairs Division, stated they appreciate Council's consideration of the expansion project, which will support their business transformation to modernize the greeting card experience. The company chose Liberty vs. elsewhere as they feel Hallmark and the City have grown together over the last 50 years.

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

Action: Council Member Hagan 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 Pozel seconded the motion.

Roll Call

Vote: Motion passed 6-0-0

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11432.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of June 4 – June 18, 2021

Document No. 9248 was read.

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

Roll Call

Vote: Motion passed 6-0-0

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11433.

B. Resolution approving an Amended Preliminary Development Plan for Liberty Commerce Center, 341 acres at the SE Corner of Hughes Road and Campbell Road, South of South Liberty Parkway, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 21-28PDP-A]

The proposed amendment to this Preliminary Development Plan is for the combination of two lots into one lot (Lot #7) for one building (Building #7) and the change in design of S. Withers Road. The previous plan showed S. Withers Rd. ending at the southern property line. S. Withers Rd. is now designed to end in a cul-de-sac near the center of the property.

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

Vote: Motion passed 6-0-0

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 3184.

C. Resolution approving an Amended Preliminary Plat for Liberty Commerce Center, 341 Acres at the SE Corner of Hughes Road and Campbell Road, South of South Liberty Parkway, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 21-29PP]

This is a proposal for an industrial center with approximately \$3.6 million square feet of space in 7 buildings. There are 7 lots proposed on 341 +/- acres. The industrial buildings are proposed to be utilized for manufacturing, warehousing and distribution purposes.

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

Vote: Motion passed 6-0-0

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 3185.

D. Ordinance approving a Contract with Ensz & Jester, P.C. to provide Employment Liability Attorney Coverage for the City of Liberty [AR 088-21]

Ensz & Jester has been the City of Liberty's employment liability attorneys through MPR for the last 15 years. As the City moves to a new carrier for general liability, staff recommends continuing this established business relationship with Ensz & Jester as the City's employment liability attorneys.

Document No. 9249 was read.

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

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11434.

E. Ordinance authorizing the City of Liberty to Execute a Confidentiality and Nondisclosure Agreement and Granting Further Authority [AR 089-21]

This agreement will provide staff with the authorization to conduct an audit of various Wireless providers to ensure the City is receiving the proper amount of fee revenues allowed by City Ordinance and prevailing State/Federal laws. Cell Phone Franchise Fee revenues continue to decline. In 2020, the City received \$742,466.00 in revenues. In 2020, the City received \$238,150.00. Each year since 2010, there has been a continual reduction in revenues received.

Document No. 9250 was read.

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

Vote: Motion passed 6-0-0

Yes: Council Members Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11435.

X. OTHER BUSINESS

- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Mayor

Attest:

Deputy City Clerk