



City Council Meeting
Regular Session Minutes
Monday, June 27, 2022 - 7:00 PM

I. Call to Order

A regular meeting of the City Council Regular Session of the City of Liberty, Missouri was held in the Council Chambers at City Hall on June 27, 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 Paul Jenness, who then led the pledge of allegiance.

III. Roll Call

Council Members
Present:

Harold Phillips and Paul Jenness, Ward I
Greg Duncan and Kelley Pozel, Ward II
Kevin Graham and Jeff Watt, Ward III
Gene Gentrup, Ward IV

Council Members
Absent:

Michael Hagan, Ward IV

Staff Present:

Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Vicki McClure, Finance Director
Shawna Funderburk, Chief Strategic Operations Officer
Andy Noll, Utilities Director
James Simpson, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning Director
Donna Kay Taylor, Assistant Parks and Recreation Director
Janet Pittman, Deputy City Clerk

Public Present:

15 members of the public

IV. Approve Minutes and Summaries

A. Regular Session Minutes of April 25, 2022

Council Member Phillips moved to approve the Minutes. Council Member Pozel seconded the motion, which carried unanimously.

V. Citizens' Participation

Shelton Ponder, 440 N. Main St., thanked all of those involved with the work of raising the African American Legacy monument in Fairview Cemetery.

VI. Meeting Schedule

VII. Consent Agenda

- A. Resolution granting a Certificate of Appropriateness (COA) for exterior improvements to a residential structure at 321 W. Kansas, Dougherty Historic District, A 353 Tax Abatement project.

Utilizing the Chapter 353 tax abatement, the applicant proposed to replace one non-original double hung window on the west elevation, in the breakfast nook with a single hung window. In the addition, install a new casement window with removable interior grilles on the west elevation above the kitchen sink.

ACTION: Motion to approve the Resolution by Jeff Watt,
seconded by Harold Phillips;

Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Inscribed in Resolution No. 3253.

- B. Resolution granting a Certificate of Appropriateness for exterior improvements to a Commercial Structure at 18 N. Main, Liberty Square Historic District, a 353 Tax Abatement Project

Utilizing the Chapter 353 tax abatement, the applicant proposed façade renovations including brick veneer, new windows, storefront cladding and wide stile entrance.

ACTION: Motion to approve the Resolution by Jeff Watt,
seconded by Harold Phillips;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Inscribed in Resolution No. 3247.

C. Resolution accepting a matching grant from the Clay County ARPA Tourism Marketing Matching Grant Program in the amount of \$25,000

These funds are being used to administer a county-wide ARPA Tourism Marketing Matching Grant Program. This grant will help nonprofit organizations, tourism marketing organizations and local city and county governments market themselves to increase traveler spending in the communities of Clay County, Missouri. The City of Liberty and Visit Liberty, MO were awarded a \$25,000 grant. The 1-to-1 match for this grant will be provided by the Transient Guest Tax for a total of \$50,000 in advertising budget, which will be spent as follows:

- YouTube commercial ads
- Programmatic Advertising Campaign - includes a variety of targeting tactics including geofencing and Google search re-targeting (think of the ads that follow you online when you've been to either a physical location or website)
- Connected TV commercial ads - through platforms like Hulu, Roku, Apple TV etc., the exact placements TBD
- Event promotion through Facebook (including City, HDLI and Chamber events)

ACTION: Motion to approve the Resolution by Jeff Watt,
seconded by Harold Phillips;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Inscribed in Resolution No. 3248.

D. Boards and Commissions Appointment

Liberty Housing Authority - Reappoint Brooks Casel to a term expiring 7-1-2026

ACTION: Motion to approve the appointment by Jeff Watt,
seconded by Harold Phillips;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

VIII. Public Hearings

- A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 6.68+/- Acres at the SW Corner of Liberty Dr. & Fulkerson Circle From R-1C, "Standard Single Family" District to PD "Planned Development" District for Fulkerson Cottages (P&Z Case No. 22-19R&PDP) **(Continued from June 13/22 – to be further cont'd to July 11/22)**

ACTION: Motion to continue the public hearing by Harold
Phillips, seconded by Kelley Pozel;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

- B. Ordinance Adopting and Approving the Amended Development Plan for the Downtown Area Redevelopment Project (including Thirty-First Amendment for the 18 N Main Project) submitted by the Liberty Municipal Redevelopment Corporation, Reaffirming the finding that the property within said Amended Development Plan is a Blighted Area in need of development and redevelopment as determined in Ordinance No. 9794 and Ordinance No. 10820, authorizing Certain Tax Abatement within the Redevelopment Area described within the Amended Development Plan; Authorizing execution of a 353 Development Agreement for Implementation of the 18 N Main St Redevelopment Project; and providing for Expiration of Development Rights

Document No. 9434 was read.

The owners of the property desire to utilize the 353 Program to improve and remove blighting factors from the commercial property. State Statute requires that Chapter 353 projects allow for a 100% tax abatement of the improved value plus any increase in value as a result of the project for up to 10 years. Any additional years of abatement (up to 15) allow for 50% of the full value of the improvements. The property owner will pay taxes on the existing land value

for 10 years or until the investment amount is reached.

Council Member, Ward I Phillips moved to waive the rules and consider on first reading. Council Member, Ward II Pozel seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Harold Phillips, seconded by Kelley Pozel;
Motion passed with a vote of 7:0:0
YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No. 11608.

C. Resolution approving a Special Use Permit at 151 N. Stewart Rd to allow a Self-Storage Facility, in Liberty, Clay County, Missouri

The redevelopment plan will remove all existing structures and vehicles. The plan includes an approximately 105,000 square foot multi story climate-controlled building and approximately 28,000 square feet of conventional drive up self- storage in five individual buildings. The Special Use Permit meets the standards of review with the stipulation that the approval of this application be contingent on the approvals and acceptance of all US Army Corps of Engineers requirements and regulations and approval of all the Public Improvements Plans.

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

Daniel Gregory, G3 Development, stated they have owned and operated several storage facilities in the area. Community improvements of the project include cleaning up a blighted property as well as improving sight lines.

Richard Gercken, 137 N. Stewart Road, stated he is the owner of the property located to the south. He is in support of the redevelopment by the applicant.

Mark Miller, 313 N. Stewart Road, is worried about property surrounding the area. There needs to be a better presentation of Liberty in that area, and how that property will be developed. He added that a storage unit would be better than what's there now.

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

ACTION: Motion to approve the Resolution with the stipulation by

Harold Phillips, seconded by Kelley Pozel;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Inscribed in Resolution No. 3249.

- D. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 19.8+/- Acres at the NE Corner of South Liberty Parkway & Plummer Road From R-1A, "Suburban Residential" District to PD "Planned Development" District for Providence Apartments

Document No. 9435 was read.

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

John Davis, Forsight Real Estate Services, stated the site will include land reserved for future commercial development along South Liberty Parkway. They have already made some modifications to the plan as a result of meeting with the neighbors and hearing their concerns regarding traffic noise and congestion.

Mike Yates, co-applicant (778 N. Donnelly Avenue, Kansas City), stated the project, geared towards young professionals and those looking for transitional housing, will be comprised of 1 and 2 bedroom units and will include a unique use of green space.

Julie Edlund, representative of Life Unlimited/Immacolata Manor, stated they have unanswered questions that pertain to a potential warehouse being built on another portion of the land. They have 60-80 vulnerable folks near that area and they have concerns about Plummer Road during construction because that is the only access for Our Lady of Mercy.

Brad Hover, President of Our Lady of Mercy, stated their goal is to provide for a safe environment for their residents, some of which walk on Mercy Road. A mega apartment complex of a transitional population is concerning, and if this is built a safety perimeter around our area will need to be constructed to protect our residents.

Pat Miller, General Counsel for the Catholic Diocese, stated he is surprised the surrounding property owners would see a multi-family development as a threat that they need to build a wall from. He understands it's beautiful, wide open

space, but the church is looking to sell the property and there is a need for housing.

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

Mayor Brenton stated the Ordinance would be considered on second reading at the July 11, 2022 Regular Session meeting.

IX. Ordinances, Contracts and Resolutions

- A. Ordinance acknowledging Vendor Payments for the period of June 3 to June 17, 2022

Document No. 9436 was read.

ROLL CALL VOTE

ACTION: Motion to approve the Ordinance by Gene Gentrup, seconded by Harold Phillips;

Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No. 11609.

- B. Ordinance to Change the Tax Rate Ceiling for the City of Liberty, Missouri (second reading)

Document No. 9429 was read.

By resetting the levy, it is estimated that the City will generate roughly \$1.2M in additional revenue. The purpose of resetting the levy is to add additional revenue to the general fund (estimated \$1.0M) and parks fund (estimated \$0.20M). Within the general fund, committed revenue will be allocated to the public safety sales tax which will provide market competitive salaries and additional positions to the Fire (9) and Police (4) Departments.

The City has taken voluntary reductions in the levy each year since 2010.

Since the ad valorem levy rate can only be reset in even numbered years, the City has decided to complete that process in 2022. The average homeowner's annual impact will be a \$70.00 increase to their tax bill.

ROLL CALL VOTE

ACTION: Motion to approve the Ordinance by Paul

Jenness, seconded by Kevin Graham;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No. 11610.

- C. Resolution approving a Preliminary Plat for Fulkerson Cottages, One Lot on 6.68+/- Acres at SW Corner of Liberty Dr. & Fulkerson Circle, A Subdivision of Land in Liberty, Clay County, Missouri (P&Z Case 22-20PP) **(Continued from June 13/22 - to be further cont'd to July 11/22)**

ACTION: Motion to continue the Resolution by Kevin Graham
seconded by Harold Phillips;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

- D. Ordinance accepting and approving a Final Plat for Chief's Addition, in the City of Liberty, Clay County, Missouri

Document No. 9437 was read.

The applicant proposes to replat part of Tract C, currently know as Tract C-2B after multiple replats and lot splits. The proposal is to replat the lot to remove a 100 foot platted building setback on the north side of the lot adjacent to 291 Hwy. The lot dimensions are not changing. A replat is required to change or remove any building lines or setbacks that are part of the existing plat. This does not affect any setbacks required by use or zoning district. The application does conform to UDO criteria.

Council Member, Ward I Phillips moved to waive the rules and consider on first reading. Council Member, Ward II Pozel seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Harold
Phillips, seconded by Kelley Pozel;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None
Approved by the Chair and Inscribed in Ordinance No.11611.

- E. Final Development Plan for Vintage Estates, Twenty-five Age Restricted Homes on 1 Lot, On 16+/- Acres at the SW Corner of Old Withers and South Withers Road in Liberty, Clay County, Missouri

This Final Development Plan is to allow Harvest Investments to build 25 individual homes and a clubhouse in an age restricted, gated, Cooperative development. The proposal also includes the extension of Buckingham Drive to S. Withers Road and the removal of Old Withers Road. The application meets the standards of review for a final development plan.

ACTION: Motion to approve the Resolution by Harold Phillips, seconded by Kelley Pozel;
Motion passed with a vote of 7:0:0
YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None
Inscribed in Resolution No. 3250.

- F. Ordinance accepting and approving a Final Plat for Vintage Estates, in the City of Liberty, Clay County, Missouri

Document No. 9438 was read.

This is final plat for 1 lot for Vintage Estates. The proposal is to build 25 individual homes and a clubhouse in an age restricted, gated, Cooperative development. The proposal also includes the extension of Buckingham Drive to S. Withers Road and the removal of Old Withers Road. The application meets the UDO standards of review for a Final Plat.

Council Member, Ward I Phillips moved to waive the rules and consider on first reading. Council Member, Ward II Jenness seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Paul Jenness, seconded by Kelley Pozel;
Motion passed with a vote of 7:0:0
YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None
Approved by the Chair and Inscribed in Ordinance No. 11612.

- G. Resolution approving a Preliminary Development Plan for Oak Wood North on North Church Road, a Subdivision of Land in Liberty, Clay County, Missouri

This application is a preliminary plan for the development of a vacant parcel of land on N. Church Road. The proposal includes 3 commercial/office buildings similar to the new construction just to the south in Oakwood Business Park.

The new development is proposed adjacent to N. Church Road. There is a stream with a stream buffer that runs north-south through the middle of this property, the development does not propose to cross or infringe on this existing stream buffer. There is an existing telecommunication tower on its own lot to the south west of the proposed development. This application meets the standards of review for a preliminary plan

ACTION: Motion to approve the Resolution by Paul Jenness, seconded by Kevin Graham;
Motion passed with a vote of 7:0:0
YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None
Inscribed in Resolution No. 3251.

- H. Resolution approving a Preliminary Plat for Oak Wood North, 3 Lots On 24 +/- Acres on North Church Road, a Subdivision of Land in Liberty, Clay County, Missouri

This is a proposal for three lots on 24 +/- acres. The project includes 3 buildings on 3 lots on N. Church Road for a commercial/office project. The internal street will be private. The application meets the UDO standards of review for a Preliminary Plat.

ACTION: Motion to approve the Resolution by Jeff Watt, seconded by Harold Phillips;
Motion passed with a vote of 7:0:0
YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup
NO: None
ABSTAIN: None
Inscribed in Resolution No. 3252.

- I. Ordinance approving an Agreement with the Mid-America Regional Council for Regional Preventative Maintenance Program

Document No. 9439 was read.

The region received federal funds through MARC and the funds were determined to be used on a preventative maintenance project including Mill & Overlay or Micro Surfacing of selected non-federal aid highway roads. Funds are being allocated to municipalities based on population from the last census, with the project being managed by MARC. The City of Liberty is estimated to receive \$168,340.00 with no match required. The City shall be required to fund any overages past the allotted amount and any work not covered within the agreement such as ADA sidewalk or other concrete work. The Project will be designed, bid and inspected by MARC through this agreement. Public Works is recommended North, East and West Heartland Drive as the programmed roads.

Council Member, Ward I Phillips moved to waive the rules and consider on first reading. Council Member, Ward II Pozel seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Harold Phillips, seconded by Kelley Pozel;
Motion passed with a vote of 7:0:0

YES: Harold Phillips, Harold Phillips, Kelley Pozel, Kelley Pozel, Kevin Graham, Kevin Graham, Paul Jenness, Paul Jenness, Greg Duncan, Greg Duncan, Jeff Watt, Jeff Watt, Gene Gentrup, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11613.

- J. Ordinance amending Ordinance No. 11468, approving a Contract Amendment with Blue Moon Hauling, LLC for the Preston Street and Skyline Drive Storm Sewer Improvements Project, increasing it by \$9,684.45 to a not to exceed amount of \$287,340.45.

Document No. 9440 was read.

The City of Liberty was experiencing significant deterioration of pavement, concrete curb, and concrete sidewalk at the intersection of Preston Street and N. Skyline Drive. Extensive pavement and concrete sidewalk and curb failures at or near the intersection of Preston St. and Skyline Dr. were indicative of stormwater drainage issues. The Preston Street cul-de-sac is situated at a higher elevation and on a steep slope just east of the intersection with Skyline. Also, there was an existing public storm sewer pipe that is routed across 572 Skyline very close to the existing house structure posing future constructability maintenance issues or potential foundation issues. This change order is the

result of a necessary repair of an unknown sanitary sewer service line damaged during construction and an unused bid item for driveway approach replacement. While the original contract was established at the awarded bid amount the City had budgeted additional funding for contingencies to address unforeseen circumstances.

ACTION: Council Member, Ward I Phillips moved to waive the rules and consider on first reading. Council Member, Ward II Pozel seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Paul Jenness, seconded by Kevin Graham;

Motion passed with a vote of 6:0:1

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul Jenness, Greg Duncan, Gene Gentrup

NO: None

ABSTAIN: Jeff Watt, due to potential conflict of interest.

Approved by the Chair and Inscribed in Ordinance No.11614.

- K. Ordinance amending Chapter 20, "Motor Vehicles & Traffic", or the Code of the City of Liberty, Clay County, Missouri

Document No. 9441 was read.

Amendments to traffic regulations are required to update the City Code for any new or modified traffic signage. The changes to traffic signs may be driven by a citizen request, staff, or temporary situations requiring traffic modifications.

The codification of the traffic regulation and the addition of appropriate signage allow for the enforcement of the regulations. Traffic regulation changes are generally initiated for a 90-day evaluation period monitored by both Public Works and the Police Department. If the changes are determined by both departments to be warranted they are then taken to the Council for approval of a permanent regulation change. This change would include a yield sign at the intersection of Sumac Circle and Sumac Drive.

Council Member, Ward III Watt moved to waive the rules and consider on first reading. None seconded the motion, which carried unanimously.

ACTION: Motion to approve the Ordinance by Gene Gentrup, seconded by Harold Phillips;

Motion passed with a vote of 7:0:0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None
Approved by the Chair and Inscribed in Ordinance No. 11615.

X. Other Business

A. Fairview Cemetery - Block 174

Gieselle Fest, 1407 Lynette, thanked Council for funds provided for headstone repair, and asked that they withdraw the lawsuit.

Dwayne Holtzclaw, 113 Kevin Street, Excelsior Springs, asked that Council stop the revestment process.

David Langston, 1920 Carter Court, stated there could be Indians buried there, stop the lawsuit.

XI. Miscellaneous Matters from City Administrator

XII. Miscellaneous Matters from Mayor and City Council

XIII. Adjournment

The meeting adjourned at 9:00 p.m.

Mayor

Attest:

Deputy City Clerk