



City Council Meeting

Regular Session Minutes
August 22, 2022

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 22, 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 Council Member Phillips, who then led the pledge of allegiance.

III. ROLL CALL

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

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
DK Taylor, Assistant 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
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. SPECIAL SESSION MINUTES OF JUNE 27, 2022

Council Member Phillips moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried 5-0-2. Council Members Watt and Hagan abstained due to absence.

B. EXECUTIVE SESSION MINUTES OF JUNE 27, 2022

Council Member Phillips moved to approve the minutes as distributed. Council Member Pozel seconded the motion, which carried 6-0-1. Council Member Hagan abstained due to absence.

C. REGULAR SESSION MINUTES OF JUNE 27, 2022

Council Member Watt moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried 6-0-1. Council Member Hagan abstained due to absence.

D. STUDY SESSION SUMMARY OF JULY 18, 2022

Council Member Hagan moved to approve the summary as distributed. Council Member Graham seconded the motion, which carried 6-0-1. Council Member Watt abstained due to absence.

V. CITIZENS' PARTICIPATION

James Wrolstad, 1100 N. Ridgeway, says that cars speeding down his road is making the area unsafe. He's also concerned a pharmacy on Kansas St. has been broken into four times recently.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. MOTION TO AUTHORIZE THE PURCHASE OF SPARE PARTS FOR THE WASTEWATER TREATMENT PLANT CENTRIFUGE FROM FLOTTWEG IN AN AMOUNT NOT TO EXCEED \$155,000.

The Wastewater Treatment Plant manages the balance of solids. The centrifuge, which operates daily, is used to get solids out of the plant and it has no back up or redundant equipment. The purchase of spare parts would reduce the downtime for maintenance or in the event of a failure.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

B. REGULAR SESSION MINUTES OF JULY 11, 2022

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

C. REGULAR SESSION MINUTES OF JULY 25, 2022

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

VIII. PUBLIC HEARINGS

A. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING .51 +/- ACRES AT THE NW CORNER OF N. CHURCH ROAD AND COLLEGE STREET FROM M-1 "LIGHT INDUSTRIAL DISTRICT" TO C-2 "GENERAL BUSINESS DISTRICT" FOR THE UPPER CUT, A COMMERCIAL BUTCHER SHOP (P&Z Case No. 22-35R&PDP)

This is a proposal for the construction of one new 5,000 sq. ft. commercial building on half an acre along N. Church Road. The proposed new building will be utilized for a butcher shop. The application meets the standards of review for a rezoning and preliminary plan.

Mayor Brenton 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. 9454 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11630.

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 1,075 ACRES LOCATED ON GENERALLY LOCATED AT N CHURCH ROAD BOUND BY I-35, 104TH STREET, AND PORTIONS EXTENDING TO 116TH STREET, INCLUDING 378 ACRES TO BE ANNEXED INTO THE CITY OF LIBERTY (P&Z Case 22-01A)

Low Density Residential is proposed west of N Church, south of 104th Street, east of Liberty North High School, and along NE 112th Street. There is also an area of Traditional Residential south of the existing high school that is also proposed at a low density of 0-6 dwelling units per acre. The area adjacent to I-35 is proposed as

Business Use. This area anticipates commercial, tech, and office uses. This allows visibility from the highway for these businesses, and allows this area to serve as a buffer from the highway for the residential uses to the north and west. High Density Residential is anticipated to the northwest of the 1-35 business corridor. Commercial uses are also shown along N. Church Road. Parks and conservation areas are identified throughout the plan. Land has also been dedicated for a fire station and a new school. Upon approval, these future land use recommendations will be incorporated into the City's overall Future Land Use Map.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3269.

C. AN ORDINANCE APPROVING A PLAN FOR AN INDUSTRIAL DEVELOPMENT PROJECT

The Garrison Industrial Project consists of one industrial building totaling 170,700 square foot of build to suit / speculative industrial building to be used for distribution, warehousing and/or manufacturing purposes. The Project will be constructed on approximately 12.75 acres of land located southeast of the intersection of Garrison Road and Highway 69. This is a Chapter 100 industrial project. The tax abatement associated with this project is 10 years with an abatement schedule that is 10 years at 90% abatement which is the life of the abatement.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution/ordinance. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

Document No. 9455 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 Graham moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11631.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF JULY 29 - AUGUST 12, 2022

Mayor Pro Tem Council Member Gentrup took over as Chair of the meeting.

Document No. 9456 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Approved by the Chair and inscribed in Ordinance No. 11632.

Mayor Brenton resumed as chair of the meeting.

B. ORDINANCE APPROVING A CONTRACT WITH MID-AMERICA REGIONAL COUNCIL PERTAINING TO SENIOR SERVICES

Each year the City of Liberty is awarded operating contracts by the Mid-America Regional Council (MARC) to support the Community Services division, which includes transportation, senior center administration, Meals on Wheels subsidized meals, Meals on Wheels assessments/reassessments, and evidenced-based health and wellness programming. All contracts are for the state fiscal year July 1 through June 30.

Document No. 9457 was read.

Action: Council Member Phillips 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 Graham seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11633.

C. ORDINANCE APPROVING A CONTRACT WITH HAVENS CONSTRUCTION COMPANY INC. FOR CITY PROJECT 22-010, TRACER PORT REPAIRS (KANSAS & 291) IN AN AMOUNT NOT TO EXCEED \$41,500.00

Multiple locations within the Kansas St. and Rt. 291 corridor were identified as having improperly installed tracer ports/wire and valve encasements. The items in need of replacement components were installed as part of a previous project conducted by the City of Liberty and MoDOT along the Kansas St., I-35 and Rt. 291 corridor. The tracer ports/wire and valve encasements are required to be replaced and reinstalled per City of Liberty specifications, due to ambiguities in the project plans.

Document No. 9458 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11634.

D. ORDINANCE APPROVING A CONTRACT WITH MTS CONTRACTING IN AN AMOUNT NOT TO EXCEED \$303,809.98 FOR LIBERTY COMMUNITY CENTER BUILDING EXTERIOR IMPROVEMENTS

The Liberty Community Center opened in February of 1992. Over the past few years, many areas of the building exterior have been identified by staff and building contractors as in need of repair. Specific areas include the gymnasium and natatorium where water is seeping through the brick and is noticeable in the interior of the building. The masonry, after needed tuck point work, will be 100% re-caulked, cleaned and clear water repellent installed. The EIFS will be spot repaired where needed then 100% cleaned, re-caulked and Tremco 3-coat system installed.

Document No. 9459 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11635.

E. APPROVAL OF A GUARANTEED PRICE AGREEMENT WITH TRIPP CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$28,950.00 FOR LIBERTY COMMUNITY CENTER HOT TUB REPAIRS

Since December 2021, the hot tub has experienced four closures due to major leaks. After each repair, new leaks have developed requiring a closure of a minimum seven days for repairs and drying time. Repairs have been attributed to deteriorating flexible lines which carry water and air to the therapy jets losing their elasticity and becoming brittle. Each repair creates additional areas of future concern once the hot tub is turned back on and pressure is applied to the lines. Additionally, high water temperature and higher chlorine levels in hot tubs required to meet Clay County Public Health Department regulations accelerate normal conditions of wear and tear.

Document No. 9460 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Gentrup 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 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11636.

F. ORDINANCE APPROVING A CONTRACT WITH SAK CONSTRUCTION, LLC FOR CITY PROJECT 22-011, 999 WYCKWOOD RCP LINING IN AN AMOUNT NOT TO EXCEED \$84,000.00

The City of Liberty is experiencing significant soil settling and soil infiltration related to the deterioration of an existing City storm sewer pipe between the houses located at 999 and 995 Wyckwood Drive. The existing 48" Reinforced Concrete Pie (RCP) storm sewer requires either repair or replacement.

Document No. 9461 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11637.

G. LIBERTY HEARTLAND LOGISTICS CENTER

The Project consists of three industrial buildings totaling 1,659,000 square foot of build to suit / 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% tax abatement for years 1-10, which is the life of the abatement.

The bonds will be purchased by the company and funded by the company via a bond trustee, as they spend funds on the project. The City will take title to the real estate in order for the property to be tax exempt from taxes. The company in turn will make lease payments equal to the debt service payments on the bonds. The City is merely acting as a conduit for the financing. The City will have no financial liability with respect to the bonds, since the bonds are payable only from the company's lease payments. Tenants secured by Liberty Heartland Logistics Center will enter into a sub-lease agreement.

1. ORDINANCE AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$46,000,000 FOR LIBERTY HEARTLAND LOGISTICS CENTER - BUILDING B; AUTHORIZING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH

Document No. 9462 was read.

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

Roll Call

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11638.

- 2. ORDINANCE AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$25,000,000 FOR LIBERTY HEARTLAND LOGISTICS CENTER - BUILDING C; AUTHORIZING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH

Document No. 9463 was read.

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

Roll Call

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11639.

X. OTHER BUSINESS

A. CITY HALL ATRIUM PROJECT – ROOF

The Historic District Review Commission reviewed the flat and angled roof designs per City Council’s request. They felt the flat roof design fit better with the surrounding historic buildings. A flat roof design was also the option preferred by staff, in the hopes it would minimize future maintenance/leaking concerns. Council concurred, and direct staff to proceed with the flat roof design.

B. FAIRVIEW CEMETERY / BLOCK 174

David Langston, 1920 Carter Court, stop the lawsuit.

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, MO, stop the lawsuit or you’re the anti-Christ.

Gieselle Fest, 1407 Lynette, preserve the past and let the dead rest in peace.

Sharon Feine, 457 E. Franklin, facts matter and reconsider your position on the lawsuit.

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

The meeting adjourned at 8:05 p.m.

Mayor

Attest:

Deputy City Clerk