



City Council Meeting

Regular Session Minutes

July 22, 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 July 22, 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 Graham, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: Shelton Ponder, 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
Nathan Mulch, Police Captain
John Mills, Fire Chief
Chris Young, Assistant Fire Chief
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Sarah Ranes, Deputy City Clerk

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

IV. PROCLAMATIONS

V. APPROVE MINUTES AND SUMMARIES

A. REGULAR SESSION MINUTES OF JUNE 10, 2024

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 5-0-3. Council Members Pozel, Travis and Graham abstained due to absence.

B. REGULAR SESSION MINUTES OF JUNE 24, 2024

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 7-0-1. Council Member Travis abstained due to absence.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. MOTION TO APPROVE THE PURCHASE OF A WALKER N16 WORM TOWER FROM FLUID EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$53,791.00

The purchase of the Walker N16 Worm Tower will allow the water treatment plant staff to plan for the replacement of a worn existing gearbox on one of the primary basins at the water treatment plant. There is a delivery timeline of 10 to 12 weeks for the equipment. Once delivered, staff will seek bids for the removal of the existing gearbox and replacement with the new gearbox at a time that is preferred by water production staff so as not to interfere with high water demand times of the year.

The cost of the Walker N16 Worm Tower, seal and retainer is \$53,791.00 and provided by the sole source provider, Fluid Equipment. Fluid Equipment is the local representative of Walker Equipment and has protected territory from the manufacturer and, therefore, is the sole provider of this brand of equipment. Staff does not want to modify the existing basin to accept other drives and also wants to maintain consistency of equipment between both primary settling basins to minimize inventory requirements.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None

B. RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS FOR 425 E. FRANKLIN STREET FOR FRONT PORCH ALTERATIONS, A 353 TAX ABATEMENT PROJECT

The owners are planning to take advantage of the City's Chapter 353 tax abatement program for exterior improvements at 425 E. Franklin, Jewell Historic District. An application for a COA was approved by HDRC at their regular meeting on June 18, 2024, and by LMRC on June 17, 2024.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None

Abstain: None
Inscribed in Resolution No. 3399.

C. RESOLUTION APPROVING A TEMPORARY EVENT LIQUOR LICENSE FOR THE LIBERTY COMMUNITY CHORUS ANNUAL GALA EVENT AT ST. JAMES CHURCH, 309 S. STEWART ROAD, LIBERTY, MO ON AUGUST 3, 2024

The Liberty Community Chorus has applied for a temporary liquor license to serve alcohol at the Annual Gala event to be held on August 3, 2024, at St. James Church. Because the public will have access to the event, State statute and City ordinance require a license. The necessary certificate of liability insurance and authorization letter have been provided by the applicant. The application and necessary certificate of liability insurance has been reviewed by the appropriate staff and approval is recommended.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3400.

D. RESOLUTION APPROVING A LIBERTY COMMUNITY CENTER ALCOHOLIC BEVERAGES SERVICE APPLICATION FOR A SMALL/PRIVATE EVENT TO BE HELD ON AUGUST 25, 2024

Jodelyn Benedicto Patterson is hosting a small/private event to be held at the Liberty Community Center on August 25, 2024, from 1:00 p.m. to 4:00 p.m. The applicant has completed an LCC Alcoholic Beverages Service Application, requesting authorization to serve alcohol at the event. This is a small event, so a catering permit is not required. In accordance with the statute, written notice was provided to the Liberty School District (only property owner within 100 feet of the proposed location) on June 26, 2024, notifying them of the application and the meeting date that Council will consider the application. The staff have confirmed School District receipt of the notice and there are no other district events in the Community Center that day.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3401.

VIII. PUBLIC HEARINGS

A. A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LIBERTY BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 15 ACRES ON THE NORTHERN PORTION OF 2135 MANOR WAY FROM MULTI-FAMILY RESIDENTIAL TO SINGLE-FAMILY RESIDENTIAL IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-20A)

This is an application to amend the Future Land Use map, a component of the City's Comprehensive Plan, Leading Liberty Forward. A city's comprehensive plan is a document which, amongst other things, establishes policy for making land use decisions. Unlike a zoning map, the Future Land Use (FLU) map establishes a vision for community growth and development, and is a reference for local officials to coordinate plans and prioritize areas for growth and investment. All rezoning applications are evaluated based on conformance to the FLU map, and amending the map is a common precursor to a rezoning proposal. If approved, this application will facilitate an application to rezone the property to R-1C, Standard Single-Family Residential District, to allow smaller single-family residential lots than would be permitted within the property's current zoning designations, R-1A, Suburban Residential District.

The current land use designation for this property is Multi-Family Residential. As stated in Leading Liberty Forward, this designation, "...represents a neighborhood or style of housing that is made up of attached housing, including townhomes, row homes, duplexes, triplexes, quadplexes, and apartments. In many cases, several multifamily buildings are located on a single site. Multi-Family Residential should be concentrated along multi-modal transportation corridors and nodes, in and around the downtown area, and where there is a cluster of destinations, including retail, dining, entertainment, employment, recreation, and parks. This use serves as a buffer between major transportation corridors, industry, commercial uses, and less intense residential use."

The applicant requests that the property's Future Land Use designation be changed to Single-Family Residential. As stated in Leading Liberty Forward, this designation, "...represents the traditional residential style, detached residential use on a lot, typically in a subdivision. This land use does not include attached units... This use is found in both a single-family neighborhood and an infill residential style that can be used to fill in gaps around higher density areas of a community (such as the downtown) while serving as a transitional residential use from Rural Residential to Multi-Family Residential and/or Mixed Use."

A rezoning application and subsequent applications, including preliminary and final plat applications, will follow the approval of this request. This application is only to amend the FLU designation and therefore only requires the analysis of the proposed use on the property, and not conformance to specific design criteria.

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

Katherine Sharp, Director of Planning and Zoning stated the applicant, Ron Cowger from AGC Engineers located at 405 S. Leonard Street, Suite D, Liberty, MO 64068 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. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3402.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF JUNE 14, 2024 TO JULY 12, 2024

Document No. 9781 was read.

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

Roll Call

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11946.

B. 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) (CONTINUED FROM JUNE 24 AS NO MEETING WAS HELD ON JULY 8)

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), for which a project description has been provided as part of Exhibit B. 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 as depicted in Exhibit C. 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, of the same or similar design as shown in Exhibit D. 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.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3403.

C. **ORDINANCE APPROVING A CONTRACT WITH HDR ENGINEERING, INC FOR THE DESIGN OF A 24-INCH RESILIENT WATER MAIN AND METER VAULT IN AN AMOUNT NOT TO EXCEED \$130,000.00**

The water treatment plant pumps drinking water from onsite storage to the distribution network via a single 24-inch discharge pipe approximately 200-feet long before connecting to the distribution network. This section of pipe is a single point of failure for the distribution of drinking water to the community. The proposed project will design a redundant 24-inch discharge line from the high service pump building to the distribution network and design a redundant metering station that measures the amount of water being discharged into the distribution network. This design will also separate the existing high service pump discharge lines that are currently combined just outside the building but before the existing metering station. The result of the project is a redundant 24-inch discharge line so that a break on one of the discharge lines does not critically restrict the operation of the water distribution network.

This project is a step towards providing a redundant and resilient drinking water distribution network. The first step was the design and installation of a 16-inch distribution main from Ruth Ewing Road to South Liberty Parkway. Once this project is complete, an analysis of the condition of the existing 24-inch discharge line and 24-inch distribution main will be completed and will be the foundation for future repair and replacement work.

Document No. 9782 was read.

Action: Council Member Phillips 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 Phillips seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11947.

D. ORDINANCE APPROVING A CONTRACT WITH HDR ENGINEERING, INC. FOR THE WELLFIELD EVALUATION UPDATE IN AN AMOUNT NOT TO EXCEED \$29,380.00.

HDR Engineering Inc. completed a well field drought study in November 2013 with several recommendations. Many of the recommendations have been completed and staff seeks an update to the study. Specifically, staff wishes to maximize the well field output with the current number of wells and needs to know the details on how to accomplish this with wells 9, 10, and 11 that were previously identified. Staff also needs details on how to convert non-functioning well #5 into a monitoring well that can be used to monitor the level of ground water in the well field. Additionally, staff wants an evaluation of the current well treatment cycles to determine if any improvements can be implemented.

Document No. 9783 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 Graham moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11948.

E. ORDINANCE APPROVING A PURCHASE ORDER WITH KNAPHEIDE TRUCK EQUIPMENT CENTER FOR THE PURCHASE AND INSTALLATION OF A TRUCK BED AND SNOW PLOW EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$174,222.00

The annual Capital Budget for critical equipment is necessary for the maintenance of the public infrastructure and has allocated funds for the purchase of equipment. The new dump truck chassis was purchased separately in January 2024. The final outfitting of the equipment includes the purchase and installation of Knapheide Equipment. The purchase includes a dump bed, material spreader, and a snow plow. In order to standardize the equipment for parts and training of staff, only one bid for the equipment was obtained. Knapheide Equipment is also part of the Source-Well Government Bid Program which allows for a single source purchase.

Document No. 9784 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 Hagan moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11949.

F. RESOLUTION AMENDING RESOLUTION NO. 3389 APPROVING A TEMPORARY EVENT LIQUOR LICENSE FOR THE LIBERTY AREA CHAMBER OF COMMERCE LIBERTY FEST EVENT AT CAPITOL FEDERAL SPORTS COMPLEX, 2200 OLD STATE HIGHWAY 210 ON JULY 3, 2024 BY CHANGING THE EVENT DATE TO JULY 26, 2024

City Council previously approved Resolution No. 3389 on June 10, 2024. Due to a change in the event date from July 3 to July 26, the Resolution is being amended.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3404.

G. RESOLUTION ACCEPTING THE STORM SEWER IMPROVEMENTS FOR THE LIBERTY PUBLIC SCHOOLS DISTRIBUTION CENTER PROJECT

The Liberty Public Schools Distribution Center is located at 1138 Southview Drive. The developer constructed a storm sewer realignment to facilitate the construction of a distribution center. The public improvements were constructed by Newkirk Novak Construction Partners, Inc. in accordance with City plans and specifications.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Pozel, Travis, Graham, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3405.

X. OTHER BUSINESS

XI. CITIZENS' PARTICIPATION

Mary Hayward – Liberty, MO. Ms. Hayward stated on July 4, 2024 her home was threatened by 64 plus cakes of aerial fireworks plus multiple shot aerial bombs were shot off directly over their home with burning debris falling on their property. Ms. Hayward stated the burning debris resulted in multiple burn marks to their solar panels, hot tub cover and BBQ grill cover as well as the concrete. Ms. Hayward stated the fireworks were let off 50 feet from their home in a cul-de-sac not a 3-acre lot as the city ordinance states. Ms. Hayward stated the police were called and upon arrival and witnessing the scene, unfortunately, the police could issue a citation as they didn't witness the individual/individuals actually doing the shooting before they can act. Ms. Hayward said it took two-three hours to cleanup. Ms. Hayward asks the City Council to revisit the city ordinance in regards to fireworks especially section 22-20 to make it easier for the Police Department to work with fireworks complaints. Ms. Hayward went on to say how respectful, helpful and kind the officers were to them.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, MO. Mr. Holtzclaw stated this is 94th City Council meeting. Mr. Holtzclaw asks the city to stop the revestment lawsuit. Mr. Holtzclaw states he descends from Liberty's first-born child and he has over 200 years of family history in Liberty. Mr. Holtzclaw asks the city to please stop the revestment lawsuit.

Gieselle Fest – 1407 Lynette Street. Ms. Fest thanked the City Council for the opportunity to speak. Ms. Fest respectfully asks the City Council to withdraw the lawsuit on Block 174. Ms. Fest is still left with the question, Why? Ms. Fest asks why are our tax dollars being spent for this lawsuit? Ms. Fest states Block 174 is deeded, private property of poor Clay Countians and all they want to do is be left in peace.

Max Garrison – 138 N. Missouri Street. Ms. Garrison publicly thanked staff for time spent with Robert Weagley and herself regarding a possible expansion on the City's Non-Discrimination Statement in which they moved forward on and wrote. Ms. Garrison thanked the City Council for approving the Non-Discrimination Statement as it makes a strong statement to our community that everyone is welcome in Liberty. In line with that, Ms. Garrison states the Confederate Monument in Fairview Cemetery sends an opposite message of the Non-Discrimination Statement. Ms. Garrison said we should not have a public monument that honors a time when African-Americans were treated as property. Ms. Garrison said she will continue to support the revestment and relocation of the Block 174 monument as it is offensive and disrespectful to our black community and what it represents is in no way welcoming.

Milton Horne – 720 W. Mississippi Street. Mr. Horne stated he has been a Liberty resident for over 38 years. Mr. Horne stated he wants to join in with other voices within the City encouraging the removal of the Confederate Monument in Fairview Cemetery.

Andy Pratt – 224 Lakeside Drive. Mr. Pratt states he has been a Liberty resident for over 22 years. Mr. Pratt states the Confederate Monument in Fairview Cemetery should be removed as it reflects attitudes of racial subordination and segregation. These attitudes renounced by the vast majority of Liberty citizens continue to cause pain and division within our community. Mr. Pratt states that we have a moral responsibility to remove the monument and he supports the actions of the Mayor and City Council in using all legal recourse to do so.

Ken Personett – 1215 Linden Road. Mr. Personett thanked the Mayor and City Council for allowing him to share his opinion tonight. Mr. Personett said he has been formally recognized by the City Council as well as the Missouri Preservation Society for his restoration efforts to preserve historic properties. Mr. Personett stated there is one thing in Liberty that he would not like to preserve and that is the Confederate Statute in our cemetery that misrepresents history, glorifies people who perpetuated slavery, attempted succession from the United States and ultimately lost the Civil War. Mr. Personett said he fully supports the City efforts in getting this statute removed.

David Sallee - 9521 N. Laurel, Kansas City. Mr. Sallee stated we have been told different things by the people who support the Confederate Monument for example that the 1904 monument is an innocent grave marker. Mr. Sallee said you cannot see a single name of a person buried there, memorialized on the monument until 2020. Mr. Sallee stated that of the 42,000 sunrises and sunsets, you could see a Confederate battle flag, a reference to Nathan Bedford Forrest, reference to the Daughter's of Confederacy and a statute of a Confederate soldier. Mr. Sallee reminded us that the Confederate Monument was erected by the Confederate Monument Committee of Liberty not the families of those buried there. Mr. Sallee said he supports the City Council's steadfast commitment to determining the ownership of Block 174.

Gerasim Mayden – 9411 N. Laurel Avenue, Kansas City. Mr. Mayden stated the Constitution of the United States made slavery a law and a war was not fought to eliminate slavery. Mr. Mayden stated the war was over state rights and tariffs. Mr. Mayden said there is nothing on that statute that supports white supremacy and it doesn't support the leader of the Ku Klux Klan and it simply states that these men fought under a general and that is all.

XII. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XIII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIV. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Mayor

Attest:

Deputy City Clerk