



City Council Meeting

Regular Session Minutes
November 14, 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 November 14, 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 Graham, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, 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: None

Staff Present: Curt Wenson, City Administrator
Shawna Funderburk, Chief Strategic Operations Officer
Vicki McClure, Finance Director
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
Jim Martin, Police Chief
Donna Kay Taylor, Assistant Parks and Recreation Director
Katherine Sharp, Planning and Development Director
John Findlay, City Engineer
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. REGULAR SESSION MINUTES OF SEPTEMBER 26, 2022

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

V. CITIZENS' PARTICIPATION

David Langston, 1920 Carter Ct, spoke in remembrance of Veteran's Day.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR IMPROVEMENTS TO A RESIDENTIAL STRUCTURE AT 102 N MORSE AVE, DOUGHERTY HISTORIC DISTRICT (HDRC CASE 22-013D) A 353 TAX ABATEMENT PROJECT

The homeowner is planning to take advantage of the City's Chapter 353 Tax Abatement program for exterior improvements at 102 N. Morse Ave, Dougherty Historic District.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3283

B. RESOLUTION APPROVING TASK ORDER #7 WITH HDR ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$99,210.00

The proposed Whitehorse residential development requires full street improvements to Birmingham Road from Ruth Ewing Road to Lauren Street. Since there is an existing at-grade railroad crossing at Birmingham Road approximately 400 feet south of Holt Drive, the City is requiring re-alignment of approximately 2,250 feet of Birmingham Road to allow for a future flyover bridge over the existing railroad approximately 420 feet northeast of the existing crossing. The proposed realignment and flyover bridge allows for the removal of the existing at-grade street crossing providing positive benefits to the City of Liberty, Canadian Pacific Railroad, and the developer.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3284

VIII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 50+/- ACRES AT NORTH of I-35/US 69 INTERSECTION FROM R-1A, SUBURBAN RESIDENTIAL DISTRICT TO C-2, GENERAL BUSINESS DISTRICT FOR NORTH LIBERTY COMMERCIAL (P&Z CASE 22-49 R&PDP) (TO BE FURTHER CONTINUED TO NOVEMBER 28, 2022)

This is a proposal for a commercial development with approximately 223,000 square feet of space in 9 buildings. There are 9 lots proposed on 50.47+/- acres. The applicant is requesting to rezone the property from R-1A, "Suburban Residential" to C-2, "General Business". The buildings are proposed to be utilized for automotive sales and accompanying uses. The project is located between I-35 and US 69 Hwy. The intersection of Edgar Petty Road and US 69 Hwy was approved to be relocated to the north away from the I-35/US 69 intersection with the approval of the industrial project adjacent to the north of this proposal.

Action: Council Member Phillips move to further continue the Public Hearing to November 28, 2022. Council Member Pozel seconded the motion.

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None

- B. RESOLUTION APPROVING A PRELIMINARY PLAT FOR NORTH LIBERTY COMMERCIAL, 50.47 ACRES BETWEEN INTERSTATE 35 AND US 69 HWY, A SUBDIVISION OF LAND IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 22-50PP) **(NOT A PUBLIC HEARING)** - POSTPONED FROM OCTOBER 24, 2022 (TO BE FURTHER POSTPONED TO NOVEMBER 28, 2022)

This is a proposal for a commercial center with approximately 223,000 square feet of space in 9 buildings. There are 9 lots proposed on 50.47+/- acres. The buildings are proposed to be utilized for automotive sales and accompanying uses. A preliminary plat is required for the general subdivision of land to ensure the layout of a proposed subdivision conforms to the comprehensive plan and the UDO. Staff finds this application meets the standards of review for a Preliminary Plat in Section 30-28.10 of the UDO.

Action: Council Member Phillips moved to further postpone consideration of the Resolution to November 28, 2022. Council Member Hagan seconded the motion.

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF OCTOBER 14, 2022 TO NOVEMBER 4, 2022

Mayor Pro Tem Kevin Graham took over as Chair of the meeting.

Document No. 9489 was read.

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

Roll Call

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11657.

Mayor Brenton resumed as chair of the meeting.

B. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 1,075 ACRES 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 TO PD FLEX (P&Z CASE 22-54RMP) (SECOND READING)

The applicant, GaleHart Communities, is proposing to rezone to PD-FLEX to allow a large scale, mixed-use development on 1,075 acres. This includes 385 acres voluntarily annexed into the City at the northern city boundary. The project is generally located to the east and west of N Church Road bound by I-35, 104th Street, and portions of the project area extending to 116th Street.

The purpose of the planned development flex district is to facilitate the development of master planned, mixed use developments containing a minimum of five hundred acres. The PD-FLEX district allows a mix of land uses, densities, setbacks, and building heights for a defined area and allows for flexibility of change over an extended period of time. This zoning district is intended to encourage innovative and creative design and to facilitate a mix of uses in the development of a balanced community over an extended period of time or build out. The PD- FLEX land use designation shall require approval of a master plan in order to provide general development goals for the property. The PD-FLEX zoning district shall clearly define the purpose and intent of the property and its development limitations or allowances while being sufficiently flexible to meet the demands of increased population and evolutionary changes in such fields as architecture, transportation, and redevelopment. The PD-FLEX district must conform to the requirements of the UDO in requiring adequate standards necessary to protect the public health, safety and general welfare.

Document No. 9483 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11658.

C. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 20.77 ACRES AT THE NW CORNER OF RUTH EWING ROAD AND BIRMINGHAM ROAD FROM R-1A, "SUBURBAN RESIDENTIAL DISTRICT" TO R-1C, "STANDARD SINGLE FAMILY RESIDENTIAL" FOR WHITEHORSE (P&Z CASE 22-42R&PP) (SECOND READING)

This is a request to rezone 20.52 acres of R-1A, "Suburban Residential District" to R-1C, "Standard Single Family" and a preliminary plat for a 153-acre single-family residential development with 326 lots.

This application also includes three variance requests:

- **Sec. 30-35.2.** - Street capacity requirements; required improvements. Which requires the developer to improve all collector or arterial streets that abut the proposed development along the entire limits of the development site to city improvement standards.
- **Sec. 30-36.1.** - Sanitary sewer facilities; required connection. States that all development shall be required to provide a direct gravity flow sewer connection to the public sewer system.
- **Sec. 30-93.3.** - Design specifications, streets and alleys. States that five-foot wide sidewalks are required on both sides of the street.

Document No. 9484 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11659.

D. ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH STAR DEVELOPMENT FOR THE WHITEHORSE RESIDENTIAL SUBDIVISION, LIBERTY, MISSOURI (SECOND READING)

The developer is interested in developing the 153-acre site into a single-family residential

subdivision. Soon after the conversation with the developer about Whitehorse, staff was made aware of a railroad merger which would add additional trains onto the existing line at the location of the proposed Whitehorse development. City staff and the developer discussed the potential for a bridge at Birmingham which would remove the need for the existing at-grade crossing. The developer redesigned the portion of the subdivision nearest the railroad crossing to allow a bridge over the crossing. To achieve the required grades needed for the bridge height, Birmingham would need to be realigned further east. In lieu of making road improvements along the area of Birmingham that will not be used when the bridge is constructed, the developer is contributing \$100,000 to the design of the bridge, and right-of-way for the roadway re-alignment. This design will allow City staff to apply for future Federal Railroad Administration (FRA) funding to provide help with the cost of the grade-separation. The City is moving forward to procure a consultant to assist in the bridge design and grant application with support from the Canadian Pacific Railway. Grant funding will be applied for in 2023. Future roadway and bridge construction could start as early as summer of 2024 if funding and grant applications are successful.

Document No. 9486 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11660.

E. **ORDINANCE APPROVING AN AGREEMENT AND EXPENDITURE WITH BART'S ELECTRIC FOR AN EMERGENCY REPAIR IN THE AMOUNT OF \$27,910.00 FOR THE CONVERSION OF THE LIBERTY COMMUNITY CENTER NATATORIUM LIGHTS TO LED FIXTURES**

The Liberty Community Center opened in February 1992. When the building was opened, the space which is currently the Community Services staff offices, for a short time was an arts and crafts room, and then the space was converted to facility storage. In the mid-2000's, when office space was needed in City Hall, the Community Services division was relocated to the Liberty Community Center.

During the summer, supervisors began reviewing options to provide additional office space within the Liberty Community Center. It was determined the best course of action would be to relocate and reallocate Community Services staff office space. During the relocation and reallocation discussions, it was brought to the attention of supervisors that the humming noise from the ballasts of the natatorium pool lights could negatively impact the health of the staff member scheduled to move. The ballasts for the natatorium lights are located in the ceiling of the Community Services office space.

Staff consulted Bart's Electric for a proposal to eliminate the humming noise. Bart's Electric has provided electrical service to the Liberty Community Center for several years and is very familiar with the facility.

Document No. 9493 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11661.

F. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH BRADY INDUSTRIES FOR CITYWIDE CUSTODIAL SUPPLIES IN AN AMOUNT NOT TO EXCEED \$52,000.00.

The City of Liberty utilizes an independent contractor for purchase and delivery of custodial supplies. A “basket of goods” analysis was used to develop the bid document which included all supplies purchased by facility departments over the course of one year where the total annual cost exceeded \$500. Twenty products met the criteria. Bids were sent to seven vendors. Two vendors declined, one vendor did not qualify as they submitted a proposal for trash can liners only, and four vendors responded to the bid.

After a detailed analysis was used to compare the amount of product per case from each vendor it was determined that Brady Industries submitted the lowest priced proposal.

Document No. 9494 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 Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11662.

G. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH HEARTLAND MECHANICAL FOR CITYWIDE HVAC PREVENTIVE MAINTENANCE AND REPAIR SERVICES IN THE AMOUNT OF \$125,000.00.

The City of Liberty utilizes independent contractors to manage preventive maintenance activities and repair services for the HVAC systems serving public facilities. Because the services requested are specialized, services are divided into two separate groups – those for primary facilities and those for secondary facilities. The services requested for each group are of a slightly different scope or scale and are based on the mechanical requirements of the equipment.

Heartland Mechanical has served as the City of Liberty's HVAC service provider for the past five years with very satisfactory results.

Document No. 9495 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 Hagan moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11663.

H. ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH CLAY COUNTY SENIOR SERVICES TO PROVIDE GRANT FUNDING FOR SENIOR CENTER AND SENIOR TRANSPORTATION ADMINISTRATION IN THE AMOUNT OF \$122,000.00

Since 2010, the City of Liberty has been awarded operating contracts from Clay County to support senior services, including transportation services and senior center administration.

The grant is reimbursed quarterly upon receipt of required documentation submitted by Liberty Parks and Recreation Department staff and approval by the Executive Director of Clay County Senior Services.

Document No. 9496 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 Watt moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11664.

I. ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH CLAY COUNTY SENIOR SERVICES TO PROVIDE GRANT FUNDING FOR SENIOR MEMBERSHIPS TO THE LIBERTY COMMUNITY CENTER IN THE AMOUNT OF \$60,000.00

Beginning in 2008, the Parks and Recreation Department began receiving \$8,000 in grant funding for Liberty Community Center physical activity classes. The City continued to apply for and receive \$8,000 grants annually through 2013. Amounts provided in subsequent years were increased.

In 2023, Liberty Community Center senior annual (paid in full) rates will be \$350 and the monthly (bank draft) rate will be \$32.50/month. With the CCSS grant funding applied, the senior annual (paid in full) rate will be \$230/year and the senior monthly (bank draft) rate will be \$22.50/month.

Document No. 9497 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 Graham moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11665.

J. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH LIBERTY SPORTS OFFICIALS IN THE AMOUNT OF \$265,000 FOR 2023 YOUTH AND ADULT SPORTS OFFICIATING SERVICES

The Parks and Recreation Department utilizes independent contractors to manage officiating services for all sports leagues. Services covered by this contract include all Liberty Parks and Recreation Department sports programs (youth recreational and competitive baseball, youth recreational and competitive softball, youth recreational and competitive basketball, youth recreational soccer, youth recreational and competitive flag football, youth recreational volleyball, adult softball, adult volleyball, and adult basketball). Due to officiating staff shortages, the pricing for 2023 shows an increase in some of the sports categories for an estimated increase of \$15,000, up from \$250,000 in 2021 and 2022. The division's operating budget includes funding for this set of officiating services in the amount of \$265,000, which is recouped through participant registrations.

Only Liberty Sports Officials expressed an interest in bidding for officiating services. Liberty Parks and Recreation Department has utilized Liberty Sports Officials for 19 years with positive success.

Document No. 9498 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11666.

K. ORDINANCE APPROVING A CONTRACT AND EXPENDITURE WITH APEX CONCRETE COATINGS IN THE AMOUNT OF \$40,403.88 FOR THE LIBERTY COMMUNITY CENTER LOCKER ROOM FLOOR RENOVATIONS

The Liberty Community Center opened in February of 1992. The current flooring in the men's and women's locker rooms is tile and original to the facility. Over the past several years, the tiles in the shower and restroom areas in both locker rooms have become more difficult to keep clean. Additionally, the tile along the cove base has been breaking in numerous areas.

The project began September 6 and was scheduled to be completed by September 18. When demolition of the tile began, Apex observed that the surface below the tile was unusable. The sub-surface had been saturated for quite some time and was turning into

sand as the tile was being removed. A usable surface was discovered approximately 4 inches below the tile. A total of 40,000 pounds of concrete and tile was removed from the men's and women's locker rooms. Upon completion of the demolition portion of the project, APEX prepared the floor for the concrete coating, which included building ADA-compliant ramps in areas going to the lockers and pool deck.

Due to the unexpected demo and prep work needed for completion of the project, the final cost was \$40,403.88.

Document No. 9499 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 Phillips seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11667.

L. ANNEXATION RELATED AGREEMENTS (NORTHPOINT DEVELOPMENT)

As part of the Northpoint Development Project, the developers proposed a voluntary annexation of certain properties into the City of Liberty. Those properties were located in the Kearney Fire and Rescue Protection District. Annexation of those properties involved detaching the area from the Kearney Fire and Rescue Protection District and annexing them into the City of Liberty. Thereby making them part of the service area for the Liberty Fire Department.

Such detachment involves payments to the governmental entity losing territory by the governmental entity acquiring the territory. These costs are appropriately part of the development cost and assumed by the Northpoint Development. Northpoint Development will provide payment to the City of Liberty. The City of Liberty will make payment to Kearney Fire and Rescue Protection District.

1. ORDINANCE APPROVING A RELEASE AND INDEMNIFICATION AGREEMENT BETWEEN THE CITY OF LIBERTY AND NORTHPOINT DEVELOPMENT, LLC FOR REIMBURSEMENT AND INDEMNIFICATION FOR THE FUNDS PAID TO THE KEARNEY FIRE AND RESCUE PROTECTION DISTRICT

Document No. 9500 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Jenness 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11668.

2. ORDINANCE APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LIBERTY, MISSOURI AND THE KEARNEY FIRE AND RESCUE PROTECTION DISTRICT TO CONFIRM THE ANNEXATION AND PAYMENT OF DETACHMENT FUNDS IN AN AMOUNT NOT TO EXCEED \$5,000.00

Document No. 9501 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11669.

- M. ORDINANCE ACCEPTING A SPECIAL WARRANTY DEED FROM HALLMARK CARDS INCORPORATED FOR LAND PURCHASED FOR FIRE STATION #3

The Fire Department budgeted in 2022 for the remodel/expansion of Fire Station #3 in order to add living quarters for more crew members at this station. The station is located on a small lot that does not allow for expansion. City staff reached out to Hallmark Cards, which owns the land around Fire Station #3. Hallmark agreed to sell the City 5+ acres of land around Fire Station #3 for \$20,000.00. This action will accept a Special Warranty Deed from Hallmark for the land purchase.

Document No. 9502 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 Watt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11670.

N. 2022 STREET RESTORATION PROJECT

This action is to reconcile the final contract amount for City of Liberty project 22-002, 2022 Street Maintenance Pavement Restoration. Final reconciliation involves the reconciliation of all contract line items and negotiated cost adjustments resulting from material price increases.

Amendment decreases the contract amount by \$98,067.48 and provides a final quantity reconciliation which includes a material pricing adjustment. Allows final payment and release of retainage.

1. ORDINANCE APPROVING A FINAL CONTRACT AMENDMENT FOR CITY OF LIBERTY PROJECT 22-002, 2022 STREET MAINTENANCE PAVEMENT RESTORATION BY DECREASING THE CONTRACT BY \$98,067.48 FROM \$1,732,320.50 TO A NOT TO EXCEED AMOUNT OF \$1,634,253.02.

Document No. 9503 was read.

Action: Council Member Jenness 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11671.

2. RESOLUTION ACCEPTING CITY OF LIBERTY PROJECT 22-002, 2022 STREET MAINTENANCE PAVEMENT RESTORATION

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3285

O. ORDINANCE APPROVING AN AGREEMENT FOR CITY OF LIBERTY PROJECT 22-003, M-291/BLUE JAY TRAFFIC SIGNAL AND STEWART/M-291 INTERSECTION IMPROVEMENTS (FEDERAL AID PROJECT STBG-3392(407)) WITH TRANSYSTEMS CORPORATION IN AN AMOUNT NOT TO EXCEED \$225,000.00

The Missouri Highway 291 corridor is a major commercial corridor directly adjacent to the Liberty Triangle commercial center. The corridor provides major arterial traffic flow for motorists and freight through the City of Liberty.

Traffic studies and historical data have both demonstrated that the intersection of M-291 & Stewart Rd. is dangerous. The annual average number of traffic accidents at the intersection is 10, with approximately half of these resulting in injury. To reduce the likelihood of accidents, the City has proposed either closing or improving the intersection.

Traffic studies have determined, that altering the intersection of M-291 & Stewart Rd. will divert significant traffic through the intersection of M-291 & Blue Jay Dr., thus warranting signalization.

City staff reviewed and assessed each RFQ submittal. Assessments were done in accordance with MoDOT Engineering Policy Guide (EPG). A short list was developed consisting of CMT, Kimley-Horn and TranSystems. TranSystems was selected.

Document No. 9504 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 Hagan moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11672.

P. ORDINANCE ACCEPTING (2) PUBLIC STORMWATER DETENTION FACILITIES EASEMENTS FROM THE CAROLYN L. WALKER TRUST NO. 1 DATED JUNE 1, 1991 (CHARLIES CARWASH)

To facilitate the improvements at Charlies Carwash, Lot 1, Wilshire Plaza - Sixth Plat, storm water quality facilities were constructed on the property. Per the City of Liberty's storm water discharge permit from the Missouri Department of Natural Resources, an agreement between the City and post-development landowner(s) is required to designate the responsible party(ies) and the type/frequency of maintenance activities for continued performance of storm water detention and storm water quality facilities. As a condition of the covenant, public storm facilities easements are required.

The easements allow for access to stormwater detention and BMP facilities to allow for emergency maintenance by the City in case of property owner negligence. The storm facilities easement documents are attached and executed by the current property owner, the Carolyn L. Walker Trust No. 1 dated June 1, 1991. City Council acceptance is required prior to recording the easements.

Document No. 9505 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 Graham moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11673.

Q. ORDINANCE APPROVING A WAYFINDING SIGNAGE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE CITY WAYFINDING SIGNAGE PROJECT

MoDOT requires the execution of a wayfinding signage agreement to allow for the installation of City wayfinding signs in their right of way.

In order for the City wayfinding signs to be installed along Highway 291, the Missouri Department of Transportation (MoDOT) requires that a Wayfinding Signing Agreement be approved and executed between the City of Liberty and the Missouri State Highways and Commission. The agreement grants permission for the City to install and maintain the 11 wayfinding signs within the State right of way. Entering into the agreement is at no cost to the City.

Document No. 9506 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 Graham seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11674.

R. ORDINANCE APPROVING A SIDEWALK AGREEMENT AND LICENSE WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE COMMERCE BANK DEVELOPMENT PROJECT

The Commerce Bank development located at 1 Liberty Bell Circle (NE corner of Highway 291 and Kansas Street) is required to construct public sidewalk along the property frontage of Highway 291.

In order for the sidewalk to be constructed, the Missouri Department of Transportation (MoDOT) requires that a Sidewalk Agreement and License be approved and executed between the City of Liberty and the Missouri State Highways and Transportation Commission. The agreement grants permission to install and maintain public sidewalk within the State right of way. The developer's contractor has completed a MoDOT right of way permit for construction, but the State will not issue the permit until the Agreement is approved and executed.

Entering into this agreement is at no cost to the City.

Document No. 9507 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 Watt moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11675.

X. OTHER BUSINESS

A. FAIRVIEW CEMETERY/BLOCK 174

Gieselle Fest, 1407 Lynette, asked Council to stop the lawsuit and 'let's work together'.

Sharon Fiene, 457 E. Franklin, stated the plot is not abandoned and people are buried there. Stop the lawsuit.

Dwayne Holtzclaw, 113 Kevin Street, Excelsior Springs, Missouri, stated he has family buried in Block 174, it's private property.

B. SALES AND USE TAX UPDATE

BJ Staab, Parks and Recreation Director, was pleased to present that all of the projects funded by the Use Tax passed in April of 2018 have been completed. Those projects included the creation of a new animal shelter, improving old and tired parks and to maintain and improve City services. Although faced with the challenges of the COVID pandemic, staff were able to persevere and complete the projects as promised. Some highlights of the projects include:

Parks

- Creation of the Jefferson Cates Creek Playground
- City Park renovations and a new sprayground
- New Parks Signs/Historical Markers
- New Pickle Ball Courts
- Pet Bag Stations
- Clay Ridge Sidewalk/Pedestrian Link
- \$65k Northwyck Bridge (Eagle Scout Project)

Liberty Community Center

- Aqua Zip install for the outdoor pool
- Family locker room with direct access to the pool
- Additional 3,200 sq. ft. of indoor/outdoor member space

Partnerships

- Eagle Scouts
- Kiwanis
- Mason's
- LPR Foundation

Because of utilizing staff as the general contractor for some of the construction, they were able to save \$320,000.00 which could be used towards other amenities. Mr. Staab went on to thank the working group comprised of staff, Park Board and City Council. He also stated that staff will continue to build on suggestions and thanked the community for their positive comments and feedback.

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

The meeting adjourned at 8:18 p.m.

Mayor

Attest:

Deputy City Clerk