



City Council Meeting

Regular Session Minutes
March 27, 2023

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 March 27, 2023 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
Sara Cooke, Assistant City Administrator
Shawna Funderburk, Chief Strategic Operations Officer
Vicki McClure, Finance Director
Ashley Comer, Assistant Finance Director
Amy Blake, Human Resources Director
Tara Schmitter, Human Resources Payroll Manager
BJ Staab, Parks and Recreation Director
Jim Martin, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning and Development Director
Mike Peterman, Planning and Development City Planner
Sherri McIntyre, Public Works Director
Sarah Ranes, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Mayor Brenton welcomed Boy Scout Troop #393 who were present to earn their Citizen's Merit Badge.

David Langston, 1920 Carter Court, informed Council that Gieselle had been attacked by a dog while out campaigning. Mr. Langston went on to say that he feels Liberty is a dangerous place to live because of this.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. RESOLUTION ESTABLISHING A POLICY FOR THE USE OF THE ONE-TIME USE TAX REVENUES RECEIVED

This policy allows for the Staff and the members of the Budget Committee to review the revenues received from the One-Time Use Tax Revenues and assign them to projects/purchases that have been compiled into a working list by each department.

These revenues would be transferred by "assigning" them to selected items from the working list. The City is required to "assign" these funds to specific projects to allow the funds to be transferred from the General Fund and into Fund 11 Limited Liability Capital Fund, per auditing standards.

These funds will not be considered "committed" until there is a Purchase Order that has been recommended by the Budget Committee and then taken to Council for final approval.

If these purchases or projects are not completed in the current budget year, these funds can be reassigned to other projects as part of the annual budget process.

Council Member Phillips moved to approve the resolution. 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

Inscribed in Resolution No. 3313

B. MOTION TO APPROVE BENEFIT EXPENDITURES IN THE AMOUNT OF \$5,740,000 THROUGH MIDWEST PUBLIC RISK (MPR) WHICH PROVIDES EMPLOYEE MEDICAL, DENTAL AND VISION COVERAGE TO THE CITY OF LIBERTY

As part of the 2023 budget process, Council approved a 10% increase for health benefit renewal costs. Actual increases have come in favorable when compared to those projections, with a 0% increase. For the 2023-2024 renewal process, the high deductible plan will continue to be the base plan and the HMO will be the buy-up plan. The HSA payment process will continue with 50% preloaded in July 2023 and 50% in January 2024. This benefit structure is designed and recommended by City Management.

The City chose to remain with all other ancillary coverages as each carrier provided a 0% increase. The City of Liberty chose to maintain medical (new carrier through MPR-United Medical Resources -UMR-), dental (Delta) and vision (VSP) coverage with Midwest Public Risk (MPR).

There were no increases in these plan premiums, despite the change of a medical carrier.

Council Member Phillips moved to approve the expenditure. Council Member Hagan seconded the motion, which carried unanimously.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

C. MOTION TO APPROVE THE PURCHASE OF A MODEL PRO 6W6 DELUXE ANIMAL TRANSPORT UNIT W / REAR STORAGE FROM BOWIE INTERNATIONAL, LLC (CUSTOM FIBERGLASS COACHES) FOR AN AMOUNT NOT TO EXCEED \$21,245.000

Animal Control staff is awaiting the delivery of two new Ford F250 trucks. The new Ford F250 trucks will require animal transport units to be added for transport of animals within our Animal Control Division's care. Staff recommends the purchase of one animal transport unit from Custom Fiberglass Coaches at this time for the first Ford F250 currently being built. At a future date, staff will bring forward the request to purchase a second animal transport unit from Custom Fiberglass Coaches once we are notified the second Ford F250 truck is being built. Quotes were received from Deerskin Manufacturing, Inc.; Diamond Truck Body Mfg. Company, Inc.; SWAB Wagon Company; and Custom Fiberglass Coaches.

Custom Fiberglass Coaches have the best features, cost and delivery. Custom Fiberglass Coaches provided an estimate for their PRO 6W6 model that included six animal compartments of the preferred size with a pass-through door on the front compartments, roof rack, LED lights, back up alarm and floor drainage trough. Additional options were added to include air conditioning and heating system with digital temperature monitoring in the cab, pull out ramp for front passenger compartment, blind spot mirror, catch pole holder with locking access door and relocating rear vision camera from tailgate to body. The quote totaled \$21,245.00. Custom Fiberglass Coaches is in Lake City, IA with an original estimated build time of 10 months that has been increased to 12 to 13 months from order.

In summary, Custom Fiberglass Coaches was selected due to cost, offering a fiberglass body versus an aluminum body, a customizable pro-series line and a location in Iowa for collection or servicing of the unit. Each compartment is keyed, fully enclosed and may be sanitized, eliminating the potential spread of illness or disease.

Council Member Phillips moved to approve the purchase. Council Member Hagan seconded the motion, which carried unanimously.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

D. BOARDS AND COMMISSIONS APPOINTMENTS AND REAPPOINTMENTS

1. Board of Zoning Adjustments
 - a. Appoint Paul Victor as an Alternate for a term expiring 4/1/2027
2. Board of Appeals
 - a. Appoint Aimee Gray as an Alternate for a term expiring 12/30/2024
 - b. Appoint Ken Personett as an Alternate for a term expiring 12/30/2024
 - c. Appoint Larry Gregory as an Alternate for a term expiring 12/30/2023
3. Parks & Recreation Foundation
 - a. Appoint Kate Brown for a term expiring 1/1/2026
4. Historic District Review Commission
 - a. Appoint Paemon Lee Honest Aramjoo to a term expiring 7/1/2025
5. Board of Zoning Adjustments
 - a. Reappoint Paul Fessler for a term expiring 4/1/2028
 - b. Reappoint Dave Heston for a term expiring 4/1/2028
 - c. Reappoint Larry Gregory for a term expiring 4/1/2028
6. Parks & Recreation Foundation
 - a. Reappoint Matt Sameck for a term expiring 1/1/2026

Council Member Phillips moved to approve the appointments. Council Member Hagan seconded the motion, which carried unanimously.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

VIII. PUBLIC HEARINGS

A. ORDINANCE APPROVING A PLAN FOR AN INDUSTRIAL DEVELOPMENT PROJECT FOR THE PROMINENCE HOLDINGS PROJECT; AUTHORIZING THE CITY OF LIBERTY, MISSOURI TO ISSUE A SERIES OF TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$79,050,000; AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH

The project has been approved by the City Council regarding the rezoning and preliminary plat. The City Council, the Planning Commission and City Staff all recommended approval of this project. The project is expected to cost approximately \$79,050,000.00. The investments are anticipated to be made as shown in the attached Cost-Benefit Analysis, although the actual years of investment may vary based on project implementation. The sources of funds to be expended on the Project will be the proceeds of the Bonds in a principal amount not to exceed \$79,050,000.00, to be issued by the City and purchased by the Company and, if needed, other available funds of the Company. The Bonds will be payable solely from the revenues derived by the City from the lease or other disposition of the Project. The Bonds will not be an indebtedness or general obligation, debt or liability of the City or the State of Missouri. Taxes on the existing site without the project total \$2,308.00. Projected taxes (PILOT) on abatement total \$6,137,753.00 over the life of the abatement. Projected abatement totals \$6,140,454.00 over 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 ordinance.

John Davis, 2089 Red Oak Lane, stated he was there on behalf of his partners and Prominence Holdings, LLC. Mr. Davis indicated the requested Chapter 100 Bonds are to facilitate the advancement of multi-family projects.

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

Document No. 9577 was read.

Action: Council Member Philiips 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 Duncan moved to approve the ordinance. Council Member Gentrup 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. 11743.

B. ORDINANCE APPROVING A PLAN FOR AN INDUSTRIAL DEVELOPMENT PROJECT FOR THE GFI CAPITAL PROJECT; AUTHORIZING THE CITY OF LIBERTY, MISSOURI TO ISSUE A SERIES OF TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$73,400,000.00; AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH

The Project is expected to cost approximately \$73,400,000.00. The investments are anticipated to be made in 2023, 2024 and 2025, as shown in the Cost-Benefit Analysis, although the actual years of investment may vary based on Project implementation. The sources of funds to be expended for the Project will be the proceeds of the Bonds in a principal amount not to exceed \$73,400,000.00, to be issued by the City and purchased by the Company and, if needed, other available funds of the Company. The Bonds will be payable solely from the revenues derived by the City from the lease or other disposition of the Project. The Bonds will not be an indebtedness or general obligation, debt or liability of the City or the State of Missouri. Taxes on site without the project total \$1,845.00. Taxes on site with the project abated (PILOTS) total \$4,862,302 over the life of the abatement. Projected abatement totals \$4,864,810 over 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 ordinance.

Curt Petersen, 900 W. 48th Place, Kansas City, Missouri, stated he was there on behalf of GFI Capital. Mr. Petersen indicated that this project has been in the works for a year and half. He commented on how well staff has performed during this process.

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

Document No. 9578 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.

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. 11744.

C. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 24.69 ACRES NORTH OF GARRISON ROAD BETWEEN HUGHES AND SOUTH WITHERS, SOUTH

**OF SOUTH LIBERTY PARKWAY TO M-1 "LIGHT INDUSTRIAL"
DISTRICT FOR 781 LOGISTICS (P&Z CASE 23-07R&PDP)**

This is an application to rezone 24.69 acres to M-1 "Light Industrial" from R-1A "Suburban Residential" to allow the use of the property for the construction of a 264,100 square foot industrial/warehouse building. The proposed zoning is M-1 "Light Industrial" which allows; non-retail business uses, light manufacturing facilities, distribution and warehousing facilities, restaurants and indoor recreational facilities. *UDO Section 30-68.1.*

The applicant is requesting a variance from the Unified Development Ordinance Section 30-98 to remove a portion of the stream and riparian buffer to allow construction of the building on the site.

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

John Davis, 2089 Red Oak Lane, stated he wants to focus on concerns from staff regarding the variance of the stream buffer. They want to make sure they are treating water quality properly. Mr. Davis reported there is no evidence of a cemetery on this property.

Daniel Finn, 1204 Wellington Way, stated he is a Civil Engineer with Phelps Construction. Mr. Finn indicated they are looking to relocate the pond to the NE corner to increase the size substantially to account for the development.

Dwayne Holtzclaw, 113 Kent Street, Excelsior Springs, wanted to inquire about the Hughes Cemetery on this property and if it would be affected by this development? Mr. Holtzclaw stated he is a Hughes decendent.

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

Document No. 9579 was read.

Mayor Brenton stated the ordinance will be considered on second reading at the April 10, 2023 Council Meeting.

**D. RESOLUTION APPROVING A PRELIMINARY PLAT FOR 781 LOGISTICS,
1 LOT ON 24.69 ACRES NORTH OF GARRISON ROAD BETWEEN
HUGHES AND SOUTH WITHERS, SOUTH OF SOUTH LIBERTY
PARKWAY, A SUBDIVISION OF LAND IN LIBERTY, CLAY COUNTY,
MISSOURI (P&Z CASE 23-08PP)**

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 Phillips moved to postpone consideration of the resolution to the April 10, 2022 Council Meeting. 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

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI ADOPTING THE COMPREHENSIVE PLAN FOR THE CITY (P&Z CASE 23-09A)

This is an application to update the Comprehensive Plan for the City of Liberty. The Comprehensive Plan is the City’s official land use policy guide that is used to establish the community’s long-range vision for how it should grow and develop over a 10-20 year time frame. This is critical because the Plan provides direction to developers and property owners, and later to staff, the Planning Commission and City Council as decisions are made regarding land use applications, new policy initiatives, and infrastructure improvements. The current Comprehensive Plan, *Blueprint for Liberty*, was awarded the American Planning Association’s “Outstanding Planning Award” for the best plan in the country in 2000.

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

Jennifer Langston-Justus, 13317 Mount Olivet Rd, Smithville, stated she is a local realtor and Chair of the MO Advocacy Committee for the State of Missouri. She is concerned about the proposed future land use in the comprehensive plan which doesn’t constitute rezoning but it does constitute a perception of the public.

Robert Ellis, 4913 N. Washington St, Gladstone, stated he has owned property in Liberty for over 30 years. In fact, he has even donated property to Liberty Hospital and the City of Liberty to develop roads. He is concerned about his property being named commercial office in the comprehensive plan.

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

Action: Council Member Phillips moved to approve the resolution. 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
Inscribed in Resolution No. 3314.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ACKNOWLEDGMENT OF VENDOR PAYMENTS FOR THE PERIOD OF MARCH 3, 2023 TO MARCH 17, 2023

Mayor Pro Tem Kelley Pozel took over as Chair of the meeting.

Document No. 9580 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. 11745.

Mayor Brenton resumed as chair of the meeting.

B. ORDINANCE APPROVING MISSOURI EMPLOYER'S MUTUAL AS THE CITY OF LIBERTY'S WORKER'S COMPENSATION CARRIER

City staff works with our broker, CBIZ, to seek alternative carriers for the city's worker's compensation coverage every three years. The goal is to continue to find ways to lower premium costs while still providing quality customer service to employees who utilize the worker's compensation benefit.

Many entities throughout Missouri use MEM for this coverage and MEM is highly recommended by our broker.

Document No. 9581 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 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

Approved by the Chair and inscribed in Ordinance No. 11746.

C. ORDINANCE APPROPRIATING \$2,500,000 FOR THE DESIGN AND CONSTRUCTION OF AN EXTENSION OF PUBLIC SANITARY SEWER INTERCEPTOR AND AUTHORIZING A CONTRACT WITH PROMINENCE HOLDINGS, LLC, FOR CONSTRUCTION OF SAID SEWE INTECEPTOR

The project is located on 62 acres at the Northeast corner of South Liberty Parkway and Plummer Road. The proposed sanitary sewer interceptor extension of 4,400 linear feet (a public infrastructure improvement) will create an opportunity for future economic development projects on almost 300 additional acres along South Liberty Parkway. The extension is an investment that will create hundreds of millions of dollars in future residential and commercial development that encompasses a mile-long segment of South Liberty Parkway generally from Plummer Road to South Withers Road. All necessary easements have been secured from multiple property owners to facilitate the construction of the proposed sanitary sewer extension by the developer. The \$2,500,000.00 will be appropriated from the Wastewater Fund with \$1,000,000.00 to be reimbursed to the Wastewater Fund at the completion of the project, by the Economic Development Sales Tax Fund, dependent upon an Economic Development Sales Tax Fund minimum fund balance of \$1,500,000.00.

The Economic Development Sales Tax was approved by the voters on 11/4/2014. The project was presented to the Economic Development Sales Tax Committee for their review and recommendation on 3/23/2023. The intent of the Economic Development Sales Tax was for the development of South Liberty Parkway and for Downtown reconstruction projects.

Document No. 9582 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 Philips 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. 11747.

D. ORDINANCE APPROVING A FIVE-YEAR AGREEMENT FOR ON-CALL PROFESSIONAL ENGINEERING SERVICES FOR PUBLIC WORKS WITH CRAWFORD, MURPHY & TILLY, INC. (CMT)

The City of Liberty Public Works Department has developed an On-Call Engineering Contract with Crawford, Murphy & Tilly Inc. (CMT). The intent of the contract is to allow Public Works staff to seek Professional Engineering Services from CMT on an as needed basis. An On-Call Contract does not obligate the city to select CMT for any work. However, an On-Call Contract makes it much easier for staff to initiate work on small projects and projects that have very short timeframes.

CMT was selected for an On-Call Contract after they participated in a Request for Qualifications (RFQ) process for another City of Liberty Project.

The On-Call Contract can be utilized for projects such as storm water and traffic; storm water engineering including drainage analysis, drainage design and/or review, and storm water quality analysis; water system engineering including distribution design, review and assessment; sanitary sewer engineering including collection system design, review and assessment etc. The contract is valid for five years from the date of City Council acceptance.

Prior to the issuance of work, the On-Call Contract requires that an individual Task Order, defining the Scope of Work and fees associated, be issued. Individual Task Orders are required to be approved by Council as amendments to this On-Call contract.

Document No. 9583 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 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. 11748.

E. ORDINANCE OF THE CITY OF LIBERTY APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE GREAT AMERICANS PROJECT PERTAINING TO THE INSTALLATION AND MAINTENANCE OF SCULPTURES ON CITY OWNED PROPERTY

The Great Americans Project (GAP) has endeavored to and succeeded in raising funds for the purchase of Great Americans sculptures through private donations. Sculptures include George Washington and Susan B. Anthony.

An original MOU outlining the relationship between the City and GAP regarding the placement, care, and maintenance of the sculptures was approved by City Council in 2013 with subsequent amendments for each additional sculpture.

The 2023 MOU includes a section on additional sculptures and clarification and expansion of the Use and Maintenance sections of the agreement. The Additional Sculptures section states that the City Council reserves the right to review

placement locations and associated footprints prior to acceptance of any additional sculptures.

The Use and Maintenance section changes specify:

- The City’s engagement of a qualified sculpture maintenance expert to recommend needed maintenance actions on all GAP sculptures located on City of Liberty property
- The cost and coordination of such maintenance shall be borne by the City of Liberty through the Transient Guest Tax, as long as costs do not exceed \$1,265 per sculpture (with a 3% escalator will be applied each subsequent year).

Per the MOU as drafted, property/liability insurance continues to be the responsibility of the City for the five-year term. Staff does not anticipate an increase in the cost for the sculptures to be added to the City's insurance. The proposed amendment extends the term of the agreement to a new five-year period beginning in 2023.

Document No. 9584 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. 11749.

F. ORDINANCE APPROVING AN ON-CALL PROFESSIONAL ENGINEERING TASK ORDER #8 WITH HDR ENGINEERING, INC. FOR THE SHEPHERD ROAD CONCEPTUAL ROADWAY STUDY FOR AN AMOUNT NOT TO EXCEED \$100,220.00

Shepherd Road, from East Heartland Drive to B Highway, exists along a narrow winding low-water crossing and an at-grade railroad crossing.

There is existing right-of-way dedicated for a new alignment from East Heartland Drive to the rail road property. The project will look at a couple of horizontal and vertical alignments for a new bridge and roadway and evaluate the environmental impacts, and provide an estimate of cost for construction of a new bridge and roadway improvements.

The City selected HDR Engineering as a pre-qualified on-call engineering firm selected from a number of firms through a qualifications process. A five-year on-call professional services agreement with HDR was approved by City Council on February 12, 2018. The City utilizes a "Task Order" process which defines the scope and cost of the on-call professional engineering services requested as individual projects.

The City will utilize on-call engineering consultant, HDR, Inc., to assist in preparing the conceptual alignment and rail road bridge to position the City in identifying and applying for federal grant funding, and future development considerations. This is estimated to be a multiple-year process to produce a preliminary design, apply for grant funding, produce final plans, and construct a flyover bridge and corresponding realignment of Shepherd Road. The current proposal for conceptual work is proposed at \$100,220.00.

Document No. 9585 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. 11750.

G. ORDINANCE AMENDING ORDINANCE NO. 11521, ADOPTION OF THE 2022 BUDGET FOR THE CITY OF LIBERTY, MISSOURI

The General Fund fund balance has continued to increase due to financial stewardship and financial prudence. The city's Cemetery Sexton has completed a review of all headstones within both cemeteries and requested additional funds for repair. Since the fund balance is above the Budget Committee's desired target, staff would like to transfer an amount not to exceed \$25,000 from the General Fund to the Cemetery Maintenance Fund.

In April 2022, the City hired Curt Heisinger to stabilize and repair approximately 150 headstones throughout Fairview and New Hope Cemeteries. As Mr. Heisinger was the only contractor to submit a bid in 2022 and completed high quality work. The City would like to extend his contract at the same rates for 2023.

Document No. 9586 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 Gentrup moved to approve the ordinance. Council Member Philips 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. 11751.

H. **ORDINANCE APPROVING A CONTRACT WITH CURT HEISINGER FOR THE STABILIZATION OF HEADSTONES IN CITY CEMETERIES FOR AN AMOUNT NOT TO EXCEED \$25,000.00**

The City has had a dedicated volunteer base for years that has worked to stabilize and reset stones throughout the city-owned cemeteries. Hiring Mr. Heisinger continues these efforts and provides the expertise needed to stabilize and repair stones that are beyond the City's volunteer capacity.

Document No. 9587 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. 11752.

I. **ORDINANCE APPROVING AN AGREEMENT WITH MCCONNELL AND ASSOCIATES, CORP FOR THE DESIGN AND CONSTRUCTION OF FOUR (4) NEW PICKLEBALL COURTS INCLUDING ASSOCIATED COURT EQUIPMENT AND FENCING, NEW PARKING SPACES AND PEDESTRIAN SIDEWALKS IN AN AMOUNT NOT TO EXCEED \$364,333.00**

In 2019, four pickleball courts were constructed at Westboro/Canterbury Park. Since that time, the community demand for pickleball has increased significantly including public leisure play, organized leagues, instructional opportunities and competitive tournaments. The call for additional parking and surface access sidewalks and crosswalks is additionally the most requested component of this facility.

The requests for additional programming at the existing facility, such as tournaments and instructional classes, would overwhelm the carrying capacity of the facility and create space issues for the general public. Additional courts would allow more open play space for non-participants and provide important program opportunities.

Staff reviewed the needs and have proposed expansion of four additional courts to provide a total of eight courts. City Planning & Development staff reviewed the proposed layout of the additional courts and parking spaces and noted no concerns. There was a recommendation to consider providing pedestrian crosswalks across South Withers Road located just north of Progress Street.

Park's staff is proposing to utilize a cooperative bidding service for the construction of four new pickleball courts. McConnell and Associates has a cooperative pricing agreement through The Interlocal Purchasing System (TIPS) and has successfully constructed pickleball courts for the City of Blue Springs, Missouri. The City of Liberty has an established relationship with McConnell and Associates as the company that installed nets and surface paint on the existing courts. Reference calls were favorable and McConnell and Associates met all requirements for this project. McConnell and Associates has provided a proposal for full construction of four additional courts for a cost not to exceed \$364,333.00.

Document No. 9588 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 Gentrup 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. 11753.

J. ORDINANCE APPROVING AN AGREEMENT WITH THE STATE OF MISSOURI DEPARTMENT OF PUBLIC SAFETY FOR THE 2023

AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) FIRE PROTECTION GRANT (FPG)

In late 2022, The State of Missouri Department of Public Safety opened up an opportunity for Fire Departments in the State to apply for up to \$20,000 in matching funds with the State's 2023 American Rescue Plan Act (ARPA) Grants. These funds could be for any needs within the Fire Department. With the \$20,000 match, staff identified Bunker Gear as a necessity. With the Fire Department adding new personnel in the last two years, staff felt that Bunker Gear is where this money could benefit the Fire Department the most.

The Fire Department budgeted \$50,000 in 2023 to replace 13 sets of gear. With this additional \$20,000, staff will be able to ensure the Fire Department keeps up with the required replacement cycle the Fire Department has in place; and to help address protection needs for the new Fire Department staff added in the last two years.

Document No. 9589 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Hagan moved to approve the ordinance. Council Member 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

Approved by the Chair and inscribed in Ordinance No. 11754.

X. OTHER BUSINESS

A. FAIRVIEW CEMETERY/BLOCK 174 – Update

Mayor Brenton stated there was a pre-trial conference on the revestment held on Friday, March 17, 2023. The Presiding Judge in this case took up the Motion for Summary Judgement. After argument he took it under advisement. He raised some legal questions he wants the attorneys to address. Legal briefs to his questions are due to the Judge on April 7, 2023. The Judge also removed the case from the trial docket for a couple of reasons. First, he has a major multi week trial he is starting and says we will be blocked. And second, he wants the briefs on the issues he raised before he pulls in a jury panel. There will be a status conference with the Judge, Defendant and Plaintiffs on April 26, 2023 at which time, the Judge will provide further instruction.

David Sallee, 9531 N. Laurel, Kansas City, Missouri, educated the public on Nathan Beford Forrest who was a slave trader before the Civil War. He was a Confederate Commander at Fort Pillow when his unit massacred over 100 black soldiers of the U.S. Army. Mr. Sallee stated that it was the 1900 era racism that built these monuments but it is the 2023 racism that keeps them standing.

Dwayne Holtzclaw, 113 Kent St, Excelsior Springs, Missouri, stated the monument is a monument to the dead. Thanked the Council for his restitution check. He asked Council to please stop the revestment lawsuit.

Gieselle Fest, 1407 Lynette, respectfully asks Council to stop the lawsuit and to stop wasting tax dollars.

Marty Jacobs, 1541 Canterbury Lane, stated that a better community comes when people are educated.

Theresa Byrd, 431 E. Franklin Street, thanked the Mayor and Council.

David Langston, 1920 Carter Court, stated he lived in the south as a child and he picked cotton. He was raised to respect everyone.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Mayor

Attest:

Deputy City Clerk