



City Council Meeting

Regular Session Minutes
January 9, 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 January 9, 2023 with Mayor Pro Tem Kevin Graham presiding. Mayor Pro Tem Graham called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Council Member Gene Gentrup, 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: Lyndell Brenton, Mayor

Staff Present: Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Shawwna Funderburk, Chief Strategic Operations Officer
Vicki McClure, Finance Director
Andy Noll, Utilities Director
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
Sherri McIntyre, Public Works Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES - NONE

V. CITIZENS' PARTICIPATION

A. JERRY CLARK - TRI-CIT TELECOMMUNICATOR OF THE YEAR AWARD

Mayor Pro Tem Graham stated that unfortunately, Mr. Clark was unable to attend the meeting and his presentation will be rescheduled to a future meeting.

Gieselle Fest, 1407 Lynette, stated mower notices are flying everywhere, it's not good. Let families grieve in peace.

Dave Langston, 1920 Carter Court, stated he is concerned about cemetery mowing notices and that mowers strike grave stones.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. PURCHASE OF PUBLIC SAFETY RADIO SYSTEM ENCRYPTION UPGRADES FROM MIDWEST MOBILE RADIO IN AN AMOUNT NOT TO EXCEED \$75,805.00

The Police and Fire Departments joined the Metropolitan Area Regional Radio System (MARRS) in 2013 after experiencing a major failure in the 30-year-old VHS radio system. The system allowed communication with every agency in the Mid-America Regional Council (MARC) region. In late 2020/early 2021, MARRS started to explore moving to encryption, which would prevent the channels from being heard over scanners. In late 2021, MARRS decided to move to encryption starting February 7, 2023. Through research, staff determined that if the City's system does not move to encryption, they would not be able to communicate through this system with many of the agencies they work with on a daily basis.

This is a one-time cost for equipment upgrades. In July 2021, with Budget Committee support, the City Council approved the use of one-time funding to cover this upgrade cost. Staff should be able to complete the upgrade in-house after it is purchased. Pricing was attained through Midwest Mobile Radio, which the City currently uses for radio service. The cost for the Police upgrade is \$46,480.70 and the Fire upgrade is \$29,324.30.

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

B. APPROVE PAYMENT IN AN AMOUNT NOT TO EXCEED \$36,939.10 TO HEARTLAND MECHANICAL SERVICES FOR EMERGENCY REPAIR OF THE 3RD FLOOR COMPRESSOR

Heartland Mechanical Services Inc. is the on-call contractor for Liberty building services. The original contract was executed on November 23, 2020 with annual renewal options through 2023.

The air-conditioner compressor for the third floor failed during the heatwave in late July/early August 2022. Heartland was contacted to address the loss of air conditioning and it was determined that a compressor had failed. An emergency part was found in Texas and sent to Liberty and a crane was rented to install the new compressor on the third floor roof. The majority of the work occurred as overtime and on the weekend, to get the new compressor, valves installed and the system returned to operation. The system is continuing to be monitored to evaluate compressor issues with the system.

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

C. PURCHASE AND DELIVERY OF LIBERTY COMMUNITY CENTER FITNESS EQUIPMENT FROM ADVANCED EXERCISE EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$41,331.90

Included as a part of the Liberty Community Center 2023 operations budget is funding for replacement and/or purchase of new fitness equipment. To remain market-relevant, fitness centers replace commercial equipment on a regular cycle. Excluding the years of COVID, the average replacement cycle for cardio equipment for the Liberty Community Center is three to five years. Due to the decision to be fiscally conservative during the pandemic and subsequent recovery, many of the pieces being replaced date back to at least 2015.

The Liberty Community Center has used Life Fitness equipment since 2002. A bid process for equipment was completed in 2014, with the Life Fitness/Hammer Strength brand selected. The area vendor providing this brand of fitness equipment now is Advanced Exercise Equipment, which is also the approved Sourcewell Co-op vendor for fitness equipment.

The total cost of this purchase is \$41,331.90; the list of fitness equipment scheduled for purchase follows:

- Replacement 95X ST Crosstrainer (\$7,634.25)
- Replacement 95C Discovery ST Upright Lifecycle Bike quantity 2 @ \$5,391.75 (\$10,783.50)
- New Cascade Ultra Runner Plus Curved Treadmill (\$4,196.25)
- New Cascade Vertical Climber quantity 2 @ \$2,696.25 (\$5,392.50)
- New SciFit Pro1 Upper body (\$4,761.75)
- Replacement Hammer Strength Smith Machine (\$5,413.65)
- Freight and Delivery (\$3,150.00)

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

D. RESOLUTION APPROVING A TEMPORARY EVENT LIQUOR LICENSE FOR HILLCREST HOPE NIGHT OF HOPE FUNDRAISER EVENT TO BE HELD AT HERITAGE HALL LOCATED AT 117 WEST KANSAS STREET ON SATURDAY, FEBRUARY 25, 2023

In 2003, the City Code was amended, adding a temporary liquor license for events of short duration (7 days or less). Patterned after the state's license, this temporary liquor license allows any church, school, civic, service, fraternal, veteran, political or charitable club or organization to sell or serve alcohol, upon approval of the license by City Council.

Hillcrest Hope has applied for a temporary liquor license to serve alcohol for their 'Night of Hope Fundraiser' event on Saturday, February 25, 2023, to be held at Heritage Hall located at 117 West Kansas Street, Liberty, MO. The owners of Heritage Hall have given their approval for Hillcrest Hope to hold this event on February 25, 2023. Because the public will have access to the event, State statute and City ordinance require a license.

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. 3299

E. STUDY SESSION SUMMARY OF NOVEMBER 7, 2022

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

F. STUDY SESSION SUMMARY OF NOVEMBER 21, 2022

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

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF DECEMBER 9, 2022 TO DECEMBER 30, 2022

Document No. 9533 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Jenness 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. 11700.

B. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 11.38+/- ACRES AT THE NE CORNER OF SOUTH LIBERTY PARKWAY & PLUMMER ROAD FROM R-1A, "SUBURBAN RESIDENTIAL" DISTRICT TO C-2 "GENERAL BUSINESS" DISTRICT FOR PROMINENCE COMMERCIAL (P&Z CASE NO. 22-58R&PDP) (2ND READING)

This is a rezoning application for Prominence Commercial, a commercial development on approximately 11.4 acres for 30,000 square feet of commercial space along South Liberty Parkway. The applicant is proposing 5 commercial lots each with buildings ranging in size from 5,000 to 10,000 sq. ft. This is a preliminary proposal to establish

commercial zoning to market the property to commercial businesses. No specific user has been identified and all of the proposed building elevations are conceptual.

The applicant proposes that the site be used for commercial purposes and is requesting the C-2 "General Business" zoning. The proposed uses include a bank, drive thru restaurant, retail and office buildings.

The preliminary plan proposes 6 commercial lots along South Liberty Parkway. There will not be direct access to South Liberty Parkway from the individual lots. Tract A from the approved Providence apartments will serve as the access point to each lot. In final development plan phase, staff will work with the applicant on final-level details to the site plan.

Document No. 9523 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. 11701.

C. **ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MID-AMERICA REGIONAL COUNCIL SOLID WASTE MANAGEMENT DISTRICT FOR PARTICIPATION IN THE 2023 REGIONAL HOUSEHOLD HAZARDOUS WASTE PROGRAM IN AN AMOUNT NOT TO EXCEED \$33,414.70**

Included in the 2023 solid waste budget are funds for Liberty's participation in the regional Household Hazardous Waste (HHW) program offered by the Mid-America Regional Council (MARC) solid waste management district. Participation in the program allows Liberty residents to use permanent collection facilities located at 4707 Deramus, Kansas City, MO and 2101 S.E. Hamblen Road, Lee's Summit, MO, as well as to participate in mobile collection events throughout the metropolitan area without additional charge.

The City of Liberty has participated in the regional Household Hazardous Waste program since it started in 1997. Annual mobile events were held in Liberty until the COVID pandemic lead to a pause in mobile events. A mobile event was held September 10, 2022 in Liberty, at the Liberty School District Support Service Center with staffing support from Liberty Public Works staff. The event served 383 attendees and generated 36,278 lbs. of material in one morning with 282 attendees being from Liberty. Through the third quarter of 2022, 676 Liberty residents safely disposed of 65,628 lbs. of material at the permanent sites and mobile collection events.

The cost to participate in this program in 2023 is \$33,414.70, which has increased from the 2022 payment of \$32,882.03. Participation cost is dependent on population size, with each community being charged \$1.10 per resident based upon the 2021 census population estimates (Liberty pop 30,377). The 2022 charges were \$1.09 per resident.

Document No. 9534 was read.

Action: Council Member Hagan 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 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. 11702.

D. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH CY YOUNG INDUSTRIES FOR FULL THEATER SEAT RENOVATIONS IN THE LIBERTY PERFORMING ARTS THEATER

The total project is being funded by the Liberty Parks and Recreation Foundation's Annual Campaign. All 678 theater seats in LPAT have been in place since the building opened in 1992 and receive a substantial amount of use due to the theater's highly active calendar. Staff works diligently to preserve the seating with scheduled preventative maintenance, cleaning and service. However, the seats have surpassed an expected lifetime of 15-20 years and are clearly showing their 30 years of use and are beginning to affect customer satisfaction. The underlying hardware, mechanical components and frames are solid and uncompromised. Rather than buy all new seating, it is most economical and sensible that the seats be renovated and reupholstered.

Cy Young Industries of Lenexa, Kan. is the chosen single source vendor due to their experience with similar projects, expertise, seat capacity and their ability to meet the extremely aggressive timeline to perform the work. Other seating manufacturer representatives that serve our area are most interested in removing existing seats and replacing with brand new ones or are not able to meet theater timelines. However, Cy Young Industries is the local provider offering superlative renovation services. The Foundation Board vote was unanimous to allocate the funds and move the project forward. This project was part of the LPR Foundation's 2022 Annual Campaign.

Document No. 9535 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 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. 11703.

E. ORDINANCE ACCEPTING A COVENANT TO MAINTAIN STORM WATER MANAGEMENT SYSTEM AND PUBLIC STORM DETENTION FACILITIES EASEMENT AND (3) SEPARATE PUBLIC SANITARY SEWER EASEMENTS FROM THE UPPER CUT KC, LLC

To facilitate The Upper Cut KC commercial development, N. Church Rd. & S. College St., storm water quality facilities will be 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. In response to the requirement, the Covenant to Maintain Storm Water Management System associated with The Upper Cut KC development has been executed by the property owner. This covenant is the City's standard requirement where storm water detention and storm water quality facilities are required. The Covenant was obtained at no cost to the City. City Council acceptance is required prior to recording the covenant document.

As a condition of the covenant, public storm facilities easements are required. The easements allow for access to stormwater detention and Best Management Practice facilities to allow for emergency maintenance by the City in case of property owner negligence. The storm facilities easement was obtained at no cost to the City. City Council acceptance is required prior to recording the easement.

To facilitate a public sanitary sewer main extension to The Upper Cut KC commercial development, (3) separate public sanitary sewer main easements are needed to allow for its construction and future maintenance. The public main extension is from an off-site existing City of Liberty public sanitary sewer main, south of the proposed Upper Cut commercial development. The connection will provide gravity sanitary sewer service to the proposed Upper Cut KC commercial development. Public sanitary sewer main easements are being dedicated by The Upper Cut, K.C., LLC, James D. Robertson and PG Real Estate Holdings, LLC and Sane Properties, LLC. The easements were obtained at no cost to the City.

Document No. 9536 was read.

Action: Council Member Jenness moved to waive the rules and consider the ordinance on first reading. Council Member Watt 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. 11704.

F. ORDINANCE APPROVING A COOPERATIVE AGREEMENT FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT TRAFFIC CONTROL SYSTEM WITH MID-AMERICA REGIONAL COUNCIL IN AN AMOUNT NOT TO EXCEED \$19,200.00

The City has participated in Operation Green Light since the original feasibility report was completed in June of 2000. Operation Green Light provides signal timing analysis and real time timing adjustments to meet peak demand during normal traffic operations and during traffic incidents along congested routes. It also provides access to the signal timing software and signal video system. The City continues to own and maintain the signal hardware of the system. Operation Green Light operates on six traffic signals in the city. The intersections include four along the Kansas Street Corridor between Conister, Blue Jay, Forrest and Clay View, Conister at Stewart/Victory Drive, and South Withers at Liberty Drive.

The cost of participating in the program is based upon the number of signals that each participating entity has of the total number of signals on the system. The City of Liberty's cost to participate is \$4,800.00 per year. The operational costs are matched by federal funding grants allocated to the program. The cost per signal hasn't increased over the past six years of the program, remaining at \$800.00 per signal over the next 4 years with this agreement.

Document No. 9537 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 Duncan 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. 11705.

G. ORDINANCE OF THE CITY OF LIBERTY, MISSOURI IMPOSING AN ADDITIONAL SALES TAX ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA WITHIN THE CITY IN ACCORDANCE WITH ARTICLE XIV, SECTION 2, SUBSECTION 6 FOR PUBLIC SAFETY PURPOSES

Upon approval by Liberty voters, the City will be authorized to collect an additional 3% sales tax on all adult recreational marijuana sales within the City of Liberty. The City

will also collect the 3.375% sales tax already in place for all retail sales within the City of Liberty, which does not require voter approval.

Several metro area cities are placing the 3% adult recreational marijuana sales tax on the April 4, 2023 municipal ballot which includes Blue Springs, Excelsior Springs, Gladstone, Grain Valley, Grandview, KCMO, Kearney, Independence, Raymore, Raytown, and Sugar Creek.

Very early estimates by the Missouri Municipal League indicate cities with the additional 3% adult use recreational marijuana sales tax in place could see a projected \$150,000 in additional sales taxes, per dispensary per year. The State of Missouri holds the authority to approve any additional future dispensaries statewide. It is unknown if the state will approve any additional dispensaries to locate in Liberty. If the State were to award permits for additional dispensaries in Liberty, revenues would be expected to increase.

Medical Marijuana purchases will not be subject to the 3% additional adult use recreational marijuana sales tax. Only individuals purchasing adult use recreational marijuana will pay the additional 3% sales tax and the 3.375% City sales tax already in place on retail sales.

Each city has the authority to determine how to allocate and expend the 3% additional sales tax revenues. Staff recommends that revenues from the 3% additional sales tax in Liberty be used for public safety purposes. There are no expenditure requirements prescribed by the State of Missouri. A simple majority vote in favor of the 3% additional sales tax is required to put it in place.

Document No. 9538 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Watt moved to approve the ordinance. 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. 11706.

H. ORDINANCE APPROVING A CONTRACT WITH GUILD COMPANIES, LLC FOR PROFESSIONAL SERVICES RELATING TO THE MARKETING OF VISIT LIBERTY IN AN AMOUNT TO EXCEED \$59,100.00

In 2014, the City of Liberty passed the Transient Guest Tax for support of Tourism initiatives in Liberty, including wayfinding signage, support of festivals and events,

support for the Arts, and general marketing and promotion of Liberty's businesses, history and attractions. The Tourism Committee was established in 2018.

Staff worked with Guild Content in 2020 – 2021 to establish Visit Liberty on social media and build up a strong organic following. The primary focus of the advertising campaign was digital and we began to introduce video content to the media mix.

Highlights of 2022 partnership with Guild Content:

- Executed an advertising campaign with the theme “Stories Start Here”
- Led 16,680 website visitors from paid social ads running January – November
- Led 2,650 website visitors from Google Display ads running May – November
- Added in YouTube ads to the media mix, reaching 118,000 total views and 745 visits to the website
- Developed a new “audience persona” based on past ad results for more personal ad creation
- Assisted with content for the Visit Liberty Facebook page – now with 7,912 followers
- Assisted with content for the Visit Liberty Instagram page – now with 1,451 followers
- Drafted 22 blogs for the Visit Liberty website

The Guild Content team's work will be in addition to City staff's ongoing coordination of the Transient Guest Tax and programs supporting the TGT goals as outlined in voter education materials.

This contract will be reviewed and renewed annually for up to five years (2023 is renewal year three) as the needs for Visit Liberty and tourism in Liberty grow.

Document No. 9539 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. 11707.

X. OTHER BUSINESS

A. FAIRVIEW CEMETERY / BLOCK 174

Gieselle Fest, 1407 Lynette, provided an update on the lawsuit deposition.

David Langston, 1920 Carter Court, stated Block 174 is part of our history. Block 174 isn't about slavery, it's about history.

Sharon Fiene, 457 E. Franklin, spoke of Block 174 history. What will we do with these inconvenient truths?

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, MO, threatened City Council and stated "If you touch my family's grave marker, there will be a price to pay."

David Sallee, 9531 N Laurel Ave., Kansas City, MO, stated this monument was erected to remind blacks their place was behind whites.

Shelton Ponder, 440 N. Main, Apt 2-B, stated that to him, the confederate monument soldier says "nigger stay in your place."

Robyn Painter, 12802 Mt. Olivette Rd., asked that the lawsuit be stopped. Embrace the differences and move forward.

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

The meeting adjourned at 7:36 p.m.

Mayor

Attest:

Deputy City Clerk