

# City Council Meeting

## Regular Session Minutes

December 11, 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 December 11, 2023 with Mayor Greg Canuteson presiding. Mayor Canuteson called the meeting to order at 7:00 p.m.

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Jeff Watt, who then led the pledge of allegiance.

### III. ROLL CALL

Council Members Present: Harold Phillips and Shelton Ponder, Ward I  
Kelley Wrenn Pozel and Adam Travis, Ward II  
Kevin Graham and Jeff Watt, Ward III  
Michael Hagan, Ward IV

Council Members Absent: Gene Gentrup, Ward IV

Staff Present: Curt Wenson, City Administrator  
Sara Cooke, Assistant City Administrator  
Vicki McClure, Finance Director  
Ashley Comer, Assistant Finance Director  
BJ Staab, Parks and Recreation Director  
Jimmy Gibbs, Assistant Parks and Recreation Director  
Erika Brant, Parks and Recreation Community Engagement Mgr.  
Jim Martin, Police Chief  
John Mills, Fire Chief  
Chris Young, Fire Chief  
Sherri McIntyre, Public Works Director  
Sarah Ranes, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION

Gieselle Fest – 1407 Lynette Street, Ms. Fest thanked the City Council for the opportunity to speak tonight about Block 174. Ms. Fest stated that as of June 2022, the attorney the City had representing them in the revestment lawsuit was George Kapke. Ms. Fest stated that Mr. Kapke entered maps as Exhibits on the record and the one she is here to talk about is a map listed as Exhibit 3. Ms. Fest stated this map shows where the basic common man, the poor man, the forgotten men, three wives and other veterans are buried. Ms. Fest asks the City Council to let the Veterans live in peace.

David Langston – 1920 Carter Court, Mr. Langston is here to talk about the city-owned cemetery rules and regulations policy, specifically the rule about not allowing cameras. Mr. Langston stated that in our society, we are increasing the use of cameras and there are some in the cemetery. Mr. Langston stated Police Departments rely on cameras. Mr. Langston feels that by not allowing cameras in city-owned cemeteries counters to what is being done in society to reduce crime. Mr. Langston asks the City Council to re-evaluate this Resolution so that the Council doesn't put forward bad public policy.

Larry Yeatman is here to compliment the City Council for passing an Ordinance to install cameras at various shopping mall parking lots. Mr. Yeatman stated he believes this is good because they can be used in resolving flash mobs and store looters. Mr. Yeatman stated other crimes happen in parking lots like hit and runs. Mr. Yeatman stated the problem here is, you can go to a store owner and request the footage to only be told that it is for the store use not public use. Mr. Yeatman asks that since these new cameras are publicly funded, will citizens or visitors be able to view the footage if they become a victim? Mr. Yeatman states he thinks it's a new trend of cities to spend tax payer dollars to protect private business owner's property and if that's what is going on, he guesses it's alright as you know cameras are good. Mr. Yeatman commended the City Council for passing this Ordinance.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, Mr. Holtzclaw stated he was here to talk about his family buried in privately owned Block 174. Mr. Holtzclaw stated his uncle is John Wilhaul, who sold Block 174 on January 6, 1900. Mr. Holtzclaw stated that here in a few weeks, it's going to be 124 years that they have owned that property and that it doesn't belong to the City because they have a deed on record with the Recorder of Deeds. Mr. Holtzclaw stated this is the 81<sup>st</sup> City Council meeting he has attended and he asks the City Council to stop the revestment lawsuit.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. MOTION TO APPROVE THE PURCHASE OF A POLICE DEPARTMENT VEHICLE FROM LANDMARK DODGE IN INDEPENDENCE, MISSOURI IN AN AMOUNT NOT TO EXCEED \$42,600.00

Through a competitive bid process, Landmark Dodge was awarded the Metropolitan Area Council of Public Procurement (MACPP) Price Agreement in 2022. In the past years, MACPP pricing has been used for police vehicle purchases. Staff is recommending the City continue the use of this award to secure the 2023 Police vehicle.

The Police Department is recommending the purchase of one Dodge Durango Pursuit vehicle to add to its fleet. The following is the price of Landmark Dodge (MACPP Metro Vehicle Bid Award):

- 2023 Dodge Durango Pursuit \$42,600.00

The Police Department recommends the use of the lowest and best bid through the Metropolitan Area Council of Public Procurement price provided by Landmark Dodge of Independence, MO. The \$42,600.00 cost of this purchase is provided through the 2023 Police Department Budget.

**Action:** Council Member Watt moved to approve the purchase. Council Member Ponder seconded the motion.

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

**B. RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR IMPROVEMENTS AT 14 MOSS AVE, A RESIDENTIAL STRUCTURE IN THE PROSPECT HEIGHTS HISTORIC DISTRICT, A 353 TAX ABATEMENT PROJECT**

An application for a Certificate of Appropriateness (COA) for exterior improvements made as a result of financial incentives provided by the City must be reviewed by the Historic District Review Commission (HDRC) and forwarded to the City Council with a recommendation.

The owner is planning to take advantage of the City's Chapter 353 Tax Abatement Program for exterior improvements at 14 Moss Ave., Prospect Heights Historic District.

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3362.

**C. RESOLUTION APPOINTING DIRECTORS TO THE LIBERTY PARKWAY PLAZA COMMUNITY IMPROVEMENT DISTRICT BOARD OF DIRECTORS**

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3363.

**D. RESOLUTION ACCEPTING THE SANITARY SEWER IMPROVEMENTS FOR THE FULKERSON ESTATES PROJECT**

Fulkerson Estates is located south of Liberty Drive and west of Fulkerson Circle. The developer constructed a public sanitary sewer extension to facilitate the residential development. The public improvement was constructed by Breit Construction, LLC in accordance with City plans and specifications.

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

Vote: Motion passed 7-0-0  
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan  
No: None  
Abstain: None  
Inscribed in Resolution No. 3364.

E. RESOLUTION ACCEPTING THE SANITARY SEWER IMPROVEMENTS FOR THE 1628 SOUTHVIEW DRIVE PROJECT

1628 Southview Drive is located on the west side of Southview Drive just north of Creekwood Crossing subdivision. The developer constructed a public sanitary sewer main extension to facilitate a plat of the property. The public main extension provides public sanitary sewer service to a newly created lot. The public improvement was constructed by Selby Excavating LLC in accordance with City plans and specifications.

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

Vote: Motion passed 7-0-0  
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan  
No: None  
Abstain: None  
Inscribed in Resolution No. 3365.

F. TEMPORARY EVENT LIQUOR LICENSES FOR HISTORIC DOWNTOWN LIBERTY, INC.

Historic Downtown Liberty, Inc. (HDLI) has applied for two temporary liquor licenses to serve alcohol at the 14th Annual Let's Wine About Winter event on February 17, 2024, from 1 p.m.- 5 p.m. and the 3rd Annual Witches' Brew event on October 3, 2024, from 5 p.m.- 9 p.m. The events will be held within the shops and around the square (Main, Kansas, Water and Franklin Streets) and extending two blocks beyond (in all directions). As the event location incorporates both indoor and outdoor areas, the organization contacted the owners/occupants of all properties within one hundred eighty-five (185) feet of the event location, notifying them of the proposed events and the time and place of the Council meeting at which the applications will be considered. In addition, HDLI has submitted a map of the event location and will provide security personnel for these events.

1. RESOLUTION APPROVING A TEMPORARY EVENT LIQUOR LICENSE FOR HISTORIC DOWNTOWN LIBERTY, INC. ON MAIN, KANSAS, FRANKLIN AND WATER STREETS ON SATURDAY,

FEBRUARY 17, 2024, FOR THE 14TH ANNUAL LET'S WINE ABOUT WINTER EVENT

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

Vote: Motion passed 7-0-0  
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan  
No: None  
Abstain: None  
Inscribed in Resolution No. 3366.

2. RESOLUTION APPROVING A TEMPORARY EVENT LIQUOR LICENSE FOR HISTORIC DOWNTOWN LIBERTY, INC. ON MAIN, KANSAS, FRANKLIN AND WATER STREETS ON OCTOBER 3, 2024, FOR THE 3RD ANNUAL WITCHES' BREW

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

Vote: Motion passed 7-0-0  
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan  
No: None  
Abstain: None  
Inscribed in Resolution No. 3367.

G. RESOLUTION APPROVING A LIBERTY COMMUNITY CENTER ALCOHOLIC BEVERAGES SERVICE APPLICATION FOR A SMALL/PRIVATE EVENT TO BE HELD ON DECEMBER 23, 2023

Leigh Marx is hosting a small/private event to be held at the Liberty Community Center on December 23, 2023 from 3:00 p.m. to 6:00 p.m. The applicant has completed an LCC Alcoholic Beverages Service Application, requesting authorization to serve alcohol at the event. This is a small event, so a catering permit is not required. In accordance with the statute, written notice was provided to the Liberty School District (only property owner within 100 feet of the proposed location) on October 20, 2023, notifying them of the application and the meeting date that Council will consider the application. Staff has confirmed School District receipt of the notice and there are no other district events in the Community Center that day.

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

Vote: Motion passed 7-0-0  
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan  
No: None  
Abstain: None  
Inscribed in Resolution No. 3368.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF NOVEMBER 17, 2023 TO DECEMBER 1, 2023

Document No. 9676 was read.

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

Roll Call

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11842.

B. ORDINANCE APPROVING THE ACQUISITION OF 9 N. WATER STREET FROM KMW PROPERTY MANAGEMENT, LLC

On May 5, 2016, the 130-year-old building located at the corner of Kansas and Water Streets collapsed. The partial collapse and subsequent careful demolition of 3 N. Water impacted the building to the north (5 North Water) because those buildings shared a common wall and because the roof joists of 3 N Water were embedded in that shared wall. The building at 5 N. Water was eventually demolished, leaving the next exposed exterior wall to be the south wall of the building at 7 N. Water Street. Also impacted by the collapse of 3 N. Water, 7 N. Water is currently standing with the support of extensive interior shoring. As it stands, 7 N. Water is unusable.

Because of all the complications related to buildings to the south and the history of this block, the City sees great benefit in acquiring 9 N. Water to help the City and downtown move towards initiating the renewal and revitalization of this blighted corner.

The purchase was negotiated with KMW Property Management, LLC for an agreed upon price of \$345,000.00, plus property taxes.

The legal description of the property is:

The North Half of the South Half of Lot One Hundred Ten (110) and One Hundred Eleven (111) as marked and numbered on the plat of the ORIGINAL TOWN OF LIBERTY, being Seventeen and one-half (17 ½) feet fronting on Water Street and running back to Missouri Street, being same property conveyed to William H. Wittoff in Book W, Page 382, of the Clay County, Missouri deed records.

The North Half of the North Wall of a two-story brick building located on the South Half of the South Half of Lot One Hundred Eleven (111), ORIGINAL TOWN OF LIBERTY, conveyed to Louise B Wittoff in Book 106, Page 287, deed records of Clay County, Missouri; also the South Half of the South Wall of a one-store brick building on the North Half of the Lot One Hundred Eleven (111), ORIGINAL TOWN OF LIBERTY, as shown in deed from Anthony S Brown recorded in Book 106, Page 288, of the Clay

County, Missouri, deed records. Together with all party-wall agreements.

Acceptance of the acquisition of the building located at 9 N. Water Street for \$345,000.00 from KMW Property Management, LLC, would be the next step in moving towards reclaiming and redeveloping this area of Liberty's historic square.

Document No. 9677 was read.

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

**Vote:** Motion passed unanimously.

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11843.

C. **ORDINANCE APPROVING AN ARTWORK PURCHASE AND EXHIBITION AGREEMENT FOR THE ACQUISITION OF ARTWORK FROM ALBERT RHEA IN AN AMOUNT NOT TO EXCEED \$9,000.00 TO BE USED FOR PUBLIC EXHIBITION**

The City of Liberty's Arts Commission (LAC) invited artists to submit artwork for the annual Rotating Sculpture Program. Per the Public Art Selection & Acquisition Policy, LAC appointed an Art Selection Panel to select the artwork. The Panel recommended the purchase of "Dancing Figures" with funds budgeted for public art from the Transient Guest Tax. This will be the third sculpture purchased this year, making this the 14<sup>th</sup> sculpture in the City's permanent collection. The sculpture selection panel will meet after the first of the year to recommend the permanent placement of "Dancing Figures" to the LAC. The selection panel's recommendation to purchase was accepted by the LAC at their November 2, 2023 meeting. Final approval by the City Council is required.

Document No. 9678 was read.

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

**Vote:** Motion passed unanimously.

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11844.

D. HISTORIC DOWNTOWN LIBERTY, INC. (HDLI)

1. PRESENTATION OF HDLI ANNUAL REPORT

Danelle O'Connell

2. ORDINANCE APPROVING A SERVICES AGREEMENT WITH HISTORIC DOWNTOWN LIBERTY, INC. IN AN AMOUNT NOT TO EXCEED \$40,000.00

Historic Downtown Liberty, Inc. (HDLI), a 501c3 non-profit organization, was formed in November 2005 in response to recommendations outlined in the Liberty Downtown Master Plan. HDLI follows the National Main Street approach to downtown revitalization, established by the National Trust for Historic Preservation, a proven model based on a four-point approach: Organization, Promotion Design and Economic Vitality. This agreement may be terminated at any time by written, mutual agreement of all parties. The term of the agreement is through December 2024 and may be renewed thereafter with the City Council's approval.

Annual contract renewal between Historic Downtown Liberty, Inc (HDLI) and the City of Liberty for January 2024 – December 2024. As in previous years, the agreement for service with HDLI included the following:

- Implementation of the National Trust for Historic Preservation's Main Street Four Point Approach to Downtown Revitalization.
- Provide unified advocacy and support for the downtown commercial area.
- Continue a consistent promotion and advertising program for the downtown area.
- Encourage and promote historically appropriate design strategies for the overall aesthetic appearance of the downtown commercial area.
- Strengthen the existing economic assets of the downtown area while diversifying its economic base, including recruiting new businesses and strengthening the management capabilities of individual merchants.
- Management of the downtown Farmer's Market on Saturdays from May through October.
- Coordinate tourism efforts through the Liberty Tourism Committee and Transient Guest Tax (TGT) funds.

For these services, the City agrees to compensate HDLI in the amount of \$40,000.00 annually, with \$30,000.00 from the Transient Guest Tax Funds to be allocated to base services and \$10,000.00 from the General Fund to be allocated to staff salaries, to be paid monthly in 12 equal amounts. HDLI shall spend said

funds in accordance with its 2024 budget, as submitted to the City. Additionally, the City will provide the HDLI Executive Director with health, dental and life insurance choices consistent with those offered to City employees. The estimated cost is approximately \$10,712.00 for these benefits for 2024 from the General Fund.

Document No. 9679 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 Watt seconded the motion.

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11845.

## E. SPORTS APPAREL UNIFORMS

### 1. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH CHALLENGER TEAMWEAR GROUP FOR FY 2024 ADULT AND YOUTH SPORTS APPAREL – YOUTH SOCCER IN AN AMOUNT NOT TO EXCEED \$15,607.50

The Parks and Recreation Department facilitates a wide variety of youth and adult sports leagues and camps throughout the year that require the purchase of uniforms, jerseys, caps, socks, champion apparel, etc. An RFP was advertised soliciting vendors to provide full service apparel management for each of the programs. The bid was not limited to a single-vendor award and was written with the ability to split the award among vendors offering the best price and/or service. The Department has seen an increase in youth volleyball and basketball participants. The product per piece of apparel has not changed but there will be an increase in sports apparel amounts to accommodate the rise in participants. Six proposals were received. A “basket of goods” analysis was used to compare unit pricing proposed. Staff used FY 2023 numbers of apparel units managed to project FY2024 annual costs per item bid. Not all vendors bid on all items and not all items met specifications.

- Award #1 – Challenger Teamwear – Youth Soccer - \$15,607.50
- Award #2 – Custom Graphics – Youth Baseball/Softball Jerseys, Baseball Caps, and Volleyball Jerseys - \$22,187.00
- Award #3 – TW Custom Branding for Basketball Jerseys, Bitty Sports, and Adult Sports Championship Shirts - \$31,454.40

- Contracts have been written for each of the awards at the amount budgeted for each set of anticipated apparel purchases.

Document No. 9680 was read.

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

**Vote:** Motion passed unanimously.

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11846.

2. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH CUSTOM GRAPHICS FOR FY 2024 ADULT AND YOUTH SPORTS APPAREL – YOUTH BASEBALL/SOFTBALL, BASEBALL CAPS AND VOLLEYBALL IN AN AMOUNT NOT TO EXCEED \$22,187.00

Document No. 9681 was read.

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

**Vote:** Motion passed unanimously.

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11847.

3. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH TW CUSTOM BRANDING FOR FY 2024 ADULT AND YOUTH SPORTS APPAREL – BASKETBALL, BITTY SPORTS, AND ADULT

**SPORTS CHAMPIONSHIP SHIRTS IN AN AMOUNT NOT TO EXCEED  
\$31,454.40**

Document No. 9682 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 Ponder seconded the motion.

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11848.

**F. ORDINANCE APPROVING AN AMENDMENT TO THE CODE OF THE CITY OF LIBERTY, MISSOURI, CHAPTER 25 – STREETS AND SIDEWALKS, ARTICLE VI. SECTIONS 25-30, 25-34 AND 25-41**

Amendments to the City Code are required to resolve infeasible guarantee/bonding requirements and existing safety issues. The Amendments are as follows:

Section 25-30.(p) is being revised to reduce the required guarantee period from four to two years. The four-year guarantee is neither a realistic nor easily enforceable standard, whereas a two-year guarantee is a more typical period both within industry and for other guaranteed work within the City.

Section 25-34.(c) is being revised to require a warning sign prior to the placement of steel road plates stating "Steel Plate Ahead". The Code currently requires a sign stating "Bump Ahead". The revision is necessary to provide a more accurate description of right-of-way conditions for ROW users.

Section 25-34.(d) is being revised to require the use of embedded steel plates between November 1st to April 1st. The Code currently only requires street plates to be embedded between December and February. Snow fall often occurs as early as November and can continue through mid to late March. The revision is necessary to ensure safe driving conditions for both public ROW users and City Snow plow operators.

Section 25-34.(g) is added to require street plates to conform with City Design Criteria, Construction Specifications and Standard Details. The Code does not currently specify adherence to any criterion. The addition is required to ensure consistent application throughout the City.

Section 25-41 is being revised to reduce the required bonding period from four to two years. The four-year bonding period is neither a realistic nor easily enforceable standard, whereas two-year bonding is a more typical period both within industry and

for other bonded work within the City.

Document No. 9683 was read.

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

**Vote:** Motion passed unanimously.

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11849.

**G. ORDINANCE AMENDING CHAPTER 8 "CEMETERIES," OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI (TO BE FURTHER CONTINUED TO DECEMBER 18, 2023)**

The City of Liberty hired a full-time Cemetery Sexton to manage the City-owned cemeteries in October 2022. In that year of service, the Sexton has familiarized themselves with the operations of the city-owned cemeteries and, along with other Parks & Rec Staff, have found several changes that would be beneficial to the operations of the cemeteries.

The staff is recommending a replacement of the current Chapter 8 - Cemeteries and an update to the existing City of Liberty Rules and Regulations for City-Owned Cemeteries to remove duplicated information, streamline the rules for the cemeteries and ensure that City policies regarding the cemeteries are clear to the public.

Cemeteries

Staff recommends that Chapter 8, "Cemeteries" be deleted in its entirety and replaced with a new Chapter 8, "Cemeteries. A summary of the changes to Chapter 8 is detailed below.

Chapter 8 – Cemeteries

Sections related to the cemetery advisory committee have been removed since that committee was retired in 2023.

Several sections of Chapter 8 included sections that were duplicated in the City of Liberty Rules and Regulations for City-Owned Cemeteries document. All duplicated sections were removed from the new ordinance; however, the information remains in the City of Liberty Rules and Regulations for City-Owned Cemeteries document.

A new section was added to reference the companion document, City of Liberty Rules and Regulations for City-Owned Cemeteries. It states:

Sec. 8-10. – Cemetery, Rules and Regulations. - Rules and Regulations regarding cemetery operations including Interment and Disinterment policies and general regulations for lot owners and the public are in the companion document "City of Liberty Rules and Regulations for City-Owned Cemeteries" and are in full force and

effect, having been approved by the city council and on file in the Office of the Deputy City Clerk.

Under Sec. 8-11 – Penalty., the section number was updated to reflect a change in section numbers in Chapter 22.

Document No. 9684 was read.

**Action:** Council Member Hagan moved to further continue consideration of the Ordinance to December 18, 2023. Council Member Graham seconded the motion.

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

H. **RESOLUTION APPROVING THE CITY OF LIBERTY, MISSOURI RULES AND REGULATIONS FOR CITY-OWNED CEMETERIES (TO BE FURTHER POSTPONED TO DECEMBER 18, 2023)**

Staff recommends adopting the revised City of Liberty Rules and Regulations for City Owned Cemeteries. A summary of the changes is detailed below:

Introduction

- Update the contact information for the Cemetery Sexton and Cemetery Clerk.

General Regulations:

- Clarify the contacts and processes for obtaining a landscaping permit in Rule #5
- Clarify which decorative items are never permitted in City-Owned cemeteries and add that lighting is not allowed in Rule #6.
- Add Rule #9 stating, "All maintenance activities in City-owned cemeteries will be carried out by or under the supervision of City staff. This includes but is not limited to contractors, volunteers, lot owners, families, and visitors. Maintenance activities are defined as any action intended to alter/improve/maintain an existing monument, landscape, hardscape, signage, roadway or another permanent feature within the Cemetery. This does not include changes to decorations on lots."
- Add Rule #12 stating "No one, other than authorized representatives of the City, shall leave unattended in the Cemeteries any still or motion-picture camera or digital video recording device. For purposes of this regulation, a device is unattended if the user is not within 20 feet of the device. Any device found in the Cemetery in violation of this regulation shall be removed and confiscated by the City."

Interment Regulations:

- Add language to Rule #4 stating "No more than three interments shall be permitted in one interment space." And clarified that only one casket and two

cremains will be allowed per interment space.

- Add language to Rule #6 stating “All interments within the Cemetery shall be performed or supervised only by authorized City personnel.”
- Clarify Rule #7 removing the implication that the City would be responsible for identifying remains before cremation and that the City has no obligation to independently verify remains or cremains beyond identification by next-of-kin or authorized representative.

Disinterment Regulations:

- Alter Language in Rule #1 to remove the requirement of a notarized permit for disinterment and correctly identify the County Coroner as the governing body responsible for disinterment permits.
- Add language to Rule #3 stating “All disinterment’s within the Cemetery shall be performed or supervised only by authorized City personnel.”

Outer Burial Containers, Memorials, Foundations and Installation:

- Alter Rule #1 to require a two-piece box or concrete vault for burials, excluding newborns or still born infants.
- Alter language in Rule #3 to clarify that the Cemetery Sexton is the staff member responsible for inspecting monument foundations during installation.

**Action:** Council Member Hagan moved to further postpone consideration of the Resolution to December 18, 2023. Council Member Graham seconded the motion.

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

I. **ORDINANCE OF THE CITY OF LIBERTY, MISSOURI AMENDING CHAPTER 7, ARTICLE XV, RELATING TO VIDEO SERVICES PROVIDERS IN COMPLIANCE WITH CHANGES IN MISSOURI LAW**

The Missouri General Assembly passed Senate Bills 153 and 97 in 2021. The 2021 Legislation enacted the Wayfair taxation framework while also providing for a decrease in Video Service Providers (VSP) franchise fees. The VSP’s argument for decreasing these franchise fees was that their primary competitors like Netflix, Hulu and other streaming platforms did not have to pay the same franchise fees by virtue of not operating within cities’ rights-of-way. Under the 2021 Legislation, the decrease in VSP franchise fees was designed to be a gradual or “stairstep down” from 5% to 2.5% over the course of five years, decreasing by 0.5% each August 28 until finally reaching a rate of 2.5% in 2027. August 28, 2023, represents the first 0.5% decrease of the 2021 Legislation. The total impact on the General Fund Revenue is roughly a \$25,964.00 decrease each year until 2027 for a total decrease of \$129,852.00 over the five-year period.

The total impact on the City’s Cable Franchise fee revenue over the year period is listed below:

- Starting August 28, 2023, a franchise fee rate of 4.5%;
- Starting August 28, 2024, a franchise fee rate of 4%;
- Starting August 28, 2025, a franchise fee rate of 3.5%;
- Starting August 28, 2026, a franchise fee rate of 3%; and
- Starting August 28, 2027, a franchise fee rate of 2.5%

Document No. 9685 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 Ponder seconded the motion.

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11851.

J. **ORDINANCE APPROVING AN AGREEMENT FOR CITY OF LIBERTY PROJECT PW-23-017, "CITY RECORDS AND POLICE EVIDENCE STORAGE FACILITY SCOPING, ESTIMATE AND ACQUISITION PROJECT" WITH WELLNER ARCHITECTS, INC. IN AN AMOUNT NOT TO EXCEED \$51,114.00**

The City acquired 427 E. Mill St., Liberty MO 64068 in August 2023. The property consists of two lots with 0.32 acres. The site has two (2) existing prefabricated metal framed and skinned buildings connected by approximately 10' enclosed space between them. Prior to being purchased, the facilities were utilized as a general workshop and storage unit for a private citizen. The facilities need renovation to meet the City's functional needs in regard to records storage needs, security, service for police evidence processing, police records and long-term evidence retention, minor office, and restroom facilities.

The City Staff issued a Request for Qualifications and Proposals for the following Scope of Service:

1. Development of a comprehensive scope of work which fulfills the City's stated goals and objectives. Architects should do the following, to ensure an accurate scope:

- Information Gathering and Programming;
- Existing Facility and Site Analysis;
- Coordinate with the City's applicable Public Works, Police, Information Technology and Building Maintenance staff respectively.

2. Assistance in selection of an appropriate project delivery method. Appropriate delivery methods may include, but are not limited to, Design Bid Build, Design Build or Construction Manager at Risk.

3. Development of a project budget/estimate which includes, but is not limited to, design fees, construction cost, furniture, fixtures, and equipment, and contingencies.

The City received two proposal/qualification packets from the following firms:

- Wellner Architects, Inc.
- WSKF Architects

A selection committee comprised of five City staff members from three departments reviewed and assessed each submittal. The selection committee determined that Wellner Architects, Inc. was most qualified for the project. Following selection, the staff entered contract negotiations with Wellner Architects. The current scope of the service project is not to exceed \$51,114.00.

Document No. 9686 was read.

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

**Vote:** Motion passed unanimously.

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11852.

**K. ORDINANCE APPROVING AN AGREEMENT WITH MYRICK MECHANICAL FOR THE PURCHASE AND INSTALLATION OF TWO NEW HVAC UNITS (RTU #3 & RTU #4) LOCATED AT THE LIBERTY COMMUNITY CENTER FOR AN AMOUNT NOT TO EXCEED \$38,895.00**

The Liberty Community Center opened on February 17, 1992. HVAC rooftop units RTU #3 & RTU #4 are original to the building. Holes were discovered in the heat exchangers of RTU #3 & RTU #4 during fourth quarter preventative maintenance by Myrick Mechanical.

RTU #3 – This unit provides services to the Liberty Community Center Lower Level Wellness Center Strength Side. It was determined that the unit had a hole in the heat exchanger.

RTU #4 – This unit provides services to the Liberty Community Center Upper Level

Blue Room. It was determined that the unit had a hole in the heat exchanger.

A quote was received from Myrick Mechanical in the amount of \$38,895.00 for the FULL replacement of RTU #3 & RTU #4. The new 10-Ton Carrier units come with a one -year, all parts limited warranty and a four-year warranty on the compressor, heating elements, air economizer and heat exchanger wheel.

Due to the age of the units being 31 years old and being the original equipment for the building, the cost of ongoing repairs and uncertainty by the vendor about the future operation of the units, staff recommends full replacement of RTU #3 & RTU #4.

Staff recommend approval of a contract with Myrick Mechanical for the purchase and installation of the Liberty Community Center's RTU #3 & RTU#4 in an amount not to exceed \$38,895.00.

Replacement units will be funded through the Liberty Community Center 2024 operations budget.

Document No. 9687 was read.

**Action:** Council Member Hagan 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 Ponder seconded the motion.

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11853.

L. **ORDINANCE APPROVING A CONTRACT WITH ZIPCO CONTRACTING, INC. TO REMODEL THE FIRST AND SECOND FLOOR BATHROOMS PROVIDING ADA COMPLIANT PUBLIC BATHROOMS AND FIRST FLOOR LOBBY IN AN AMOUNT NOT TO EXCEED \$152,050.00**

The general access bathrooms on the first floor and second floor need to be upgraded to provide ADA-compliant facilities. The bathrooms include the removal of existing floor and wall tiles, partial walls, and existing toilets, and will be replaced with new flooring, LED lighting, ADA stools, sinks and faucets, new partitions and grab bars. The contract will be with ZIPCO Contracting, Inc. for the following amounts:

- Second floor men's and women's ADA-compliant bathroom remodel for \$72,955.00
- First floor bathroom remodel for one family and one ADA-compliant family bathroom for \$61,460.00
- First floor lobby remodel for \$17,635.00

The total contract amount is \$152,050.00.

Construction quotes were requested from JE Dunn and Premier Contracting with no prices being submitted. ZIPCO Contracting is also an approved vendor through the State of Missouri cooperative bidding process, which approves sole source contracting as well.

Document No. 9688 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 Phillips moved to approve the ordinance. Council Member Hagan seconded the motion.

**Vote:** Motion passed 7-1-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** Council Member Jeff Watt

**Abstain:** Gentrup

Approved by the Chair and inscribed in Ordinance No. 11854.

#### M. 2024 ANNUAL BUDGETS

State law requires annual budget adoption. The Council Budget Committee and City staff have extensively analyzed the 2023 and 2024 revenue budgets and expenditure requirements over multiple open meetings, starting in mid-summer of 2023. The proposed 2024 Budget was presented at a study session to the City Council on November 20, 2023, and December 4, 2023. The proposed 2024 budget components that were presented were comprised of the General Fund; Capital Improvement Plan (Capital and Transportation Sales Tax); Economic Sales Tax; Fire Sales Tax; Parks Sales Tax; Parks Fund; Utility Funds.

Various citizen committees have reviewed elements of the 2024 Budget. The Citizens Sales Tax Oversight Committee reviewed the following budgets and found them consistent with voter intent:

- Capital Sales Tax Fund;
- Transportation Sales Tax Fund;
- Parks Sales Tax Fund; and
- Fire Sales Tax Fund.

The Economic Development Sales Tax Board reviewed the Economic Development Sales Tax Fund and found it consistent with voter intent. The Public Safety Sales Tax Oversight Committee reviewed the PSST Fund and found it consistent with voter intent. The City of Liberty Park Board reviewed the Park and Parks Sales Tax Budgets and recommended them to the City Council. The proposed ordinances are supported by the 2024 Budget Message, which provides substantial narrative and fiscal information on the 2024 budget.

1. ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI FOR THE FISCAL YEAR 2024

Document No. 9689 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 Travis seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11855.

2. ORDINANCE ADOPTING THE ANNUAL PARK AND PARKS SALES TAX BUDGETS FOR THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI FOR THE FISCAL YEAR 2024

Document No. 9690 was read.

**Action:** Council Member Hagan 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 Travis seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11856.

N. RESOLUTION APPROVING THE 2024 TO 2029 STREET CAPITAL IMPROVEMENT PLAN FOR THE CITY OF LIBERTY, MISSOURI

The 2024 to 2029 CIP represents the accumulation of prior planning, project prioritization by the City Council, efforts by Public Works staff to maximize Federal, State and other local funding resources and has been reviewed by the Budget Committee and City staff.

The CIP contemplates the spending of approximately \$55.88 million on street infrastructure improvements, equipment purchases, maintenance projects, public building improvements and associated debt service expense.

Projects to be accomplished by the Transportation, Capital and Economic Development Sales Funds are:

1. \$16.02M – Street Restoration/General Transportation Improvements/Street Maintenance Supplies
2. \$2.18M – Public Works Equipment – Building Maintenance/Misc. Expenses
3. \$2.92M – Signal Light Maintenance
4. \$3.14M – Storm Water Improvements
5. \$2.30M – Sidewalk Program
6. \$1.72M – Capital Engineer/Street Maintenance Workers
7. \$0.40M – Transportation Enhancement Projects/City Landscaping Funds
8. \$1.02M – IRIS Transportation (\$170K annual commitment)
9. \$0.07M – Transfer Out – To Parks for City Landscaping Funds
10. \$22.47M – Debt Service/Loan Costs
11. \$3.64M – Transfers Out

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

**Vote:** Motion passed 7-0-0

**Yes:** Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3370.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:46 p.m.

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Mayor

Attest:

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Deputy City Clerk