

City Council Meeting

Regular Session Minutes

September 25, 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 September 25, 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 Council Member Ponder, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: 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: Harold Phillips, Ward I
Gene Gentrup, Ward IV

Staff Present: Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Shawwna Funderburk, Asst. to the City Administrator
Vicki McClure, Finance Director
BJ Staab, Parks and Recreation Director
Jimmy Gibbs, Parks and Recreation Assistant Director
Tom Garland, Parks and Recreation Assistant Director
Matt Kellogg, Police Captain
Ryan Groves, Police Officer
John Mills, Fire Chief
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Sarah Ranes, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

1. David Langston – 1920 Carter Court, here to talk about Stocksdale Park. He would like to discuss a plan to recover tax payer dollars used to develop this 18-hole disc golf course. In talking to some of the golfers, they have rated Stocksdale Park as a number one or number two disc golf course in a four-state area. Mr. Langston would like to see something done to

recover tax payer dollars while this park is being facilitated with these events happening in our park.

2. Richard Rudd – 901 Sunset Avenue, stated he was here to talk about the history of slavery in America and the information he’s going to share comes from documentation from tax records, bills of sale, wills, the Census and court records and things of that nature.
3. Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, MO stated he has family members buried in privately owned Block 174 and buried within 10 inches of it. Mr. Holtclaw’s family is from here and they know the history. Please leave the grave marker alone.
4. Gieselle Fest – 1407 Lynette Street, stated she went to Jefferson City, Missouri to tour the House of Representatives which has a Historian. Ms. Fest likes history and primary documents. Ms. Fest gets asked history questions and then she starts her history research. The Law of Revestment started with Representative Patrick Kelly. Ms. Fest’s issues are property issues.
5. Mary Hill – 1354 Wildbriar. Ms. Hill loves Stocksdale Park and she is here tonight to talk about the deforestation of the Stocksdale Woods. They are pretty special woods that she wishes to protect and she wants to Stop the Chop.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. MOTION TO AUTHORIZE THE PURCHASE OF A 2023 FORD F-150 XLT FROM MAX FORD OF HARRISONVILLE, MISSOURI

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

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

B. RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR IMPROVEMENTS AT 120 S. TERRACE AVE., PROSPECT HEIGHTS HISTORIC DISTRICT, A 353 TAX ABATEMENT PROJECT

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

Vote: Motion passed 6-0-0
Yes: Council Members Ponder, Pozel, Travis, Graham, Watt and Hagan
No: None
Abstain: None
 Inscribed in Resolution No. 3352.

C. RESOLUTION ACCEPTING THE SANITARY, WATER, STREET AND STORM IMPROVEMENTS FOR THE LIBERTY COMMERCE CENTER PHASE 2 PROJECT

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3353.

VIII. PUBLIC HEARINGS

A. ORDINANCE ACCEPTING AND APPROVING A FINAL PLAT FOR JEWEL ESTATE IN THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE NO. 23-34FP)

This is a proposal for a Final Plat of Jewel Estate, a two-lot subdivision. This plat contains 2 lots on .30+/- acres. This is a plat of unplatted property to accommodate a new residential structure.

Earlier this year the City Council approved a Special Use Permit to allow the construction of a two-family attached home at this location. The applicant is requesting a variance to the Unified Development Ordinance, Section 30- 50.2, "District RNC, height and area regulations" for setbacks and required lot depth. This variance request is needed because the structure will encroach upon the required setbacks for both lots. Additionally, the proposed lots are generally 80x80 feet, which is 10 feet less than the 90-foot depth that is required. The applicant's variance request is attached to this report as Exhibit C.

Because this variance request is tied specifically to the construction of the previously approved two-family home, this Plat will not be recorded until building permits have been issued.

A final plat is required for the general subdivision of land to ensure the layout of a proposed subdivision conforms to the comprehensive plan and this UDO and to provide a complete and exact subdivision plat, prepared for the official public record to define property boundaries and public improvements. Staff's analysis of a final plat application is guided by Section 30-28.14

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

Aimee Gray, A3G Architects, 110 N. Main Street, the applicant, was available for questions.

Seeing no one else wishing to speak, the Mayor closed the Public Hearing Document No. 9651 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 Watt seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11816.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ACKNOWLEDGEMENT OF VENDOR PAYMENTS FOR THE PERIOD OF SEPTEMBER 1, 2023 TO SEPTEMBER 15, 2023

Document No. 9652 was read.

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

Roll Call

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11817.

B. ORDINANCE ACCEPTING AND APPROVING A FINAL PLAT FOR SENEFF IN THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE NO. 23-28FP)

This is a proposal for a Final Plat of Seneff at 1628 Southview Drive. This plat contains two lots on 4.9 +/- acres. This subdivision of land would allow for the sale of this larger property and potential future development.

A final plat is required for the general subdivision of land to ensure the layout of a proposed subdivision conforms to the comprehensive plan and this UDO and to provide a complete and exact subdivision plat, prepared for the official public record to define property boundaries and public improvements. Staff's analysis of a final plat application is guided by Section 30-28.14 of the UDO.

Document No. 9653 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11818.

C. **ORDINANCE ESTABLISHING THE 2023 AD VALOREM PROPERTY TAX LEVIES FOR CITY OPERATIONS FOR THE 2024 BUDGET YEAR (SECOND READING)**

The City of Liberty property tax is a vital component of the City's budget that helps to support Police, Fire /Emergency Medical Services, Street Maintenance, Building and Project Inspections, Planning, Senior Citizen programs, Park Maintenance, Recreation programs and more. Of the City's property tax levy, 85% supports general operations and 15% supports Parks & Rec. When compared to sales taxes, property taxes typically provide a more consistent and stable funding source for budget planning, especially for ongoing operational costs.

Each year, the City Council has options when setting the Ad Valorem Levy Rate. According to the State of Missouri's Hancock Amendment, the City of Liberty is required to follow an established formula when calculating its maximum levy. Beyond small inflationary adjustments allowed by the formula, increases in revenue from the property tax are a result of new construction and/or increases in personal property in Liberty. Because property taxes provide a more stable and consistent funding source for ongoing City operations, staff typically recommends setting the annual levy rate based on the maximum allowed by the Hancock Amendment. The Hancock Maximum is the highest levy rate you can set in any given year based on the current year's assessed valuations and the prior year's levy rate. For the City of Liberty, this option allows revenue growth within the General Fund and Parks Fund based on the Hancock Amendment.

Looking to the future, beyond current funding needs, property taxes will be vital as continued residential and commercial growth increases the demand for City services across all Departments.

Document No. 9650 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11819.

D. ORDINANCE APPROVING THE RENEWAL OF A FIVE-YEAR AGREEMENT WITH AXON ENTERPRISES, INC. FOR THE PURCHASE OF 45 NEW TASER 10 MODEL TASERS IN AN AMOUNT NOT TO EXCEED \$204,741.00

The Police Department strives to ensure the proper use of taxpayer funds in order to best equip officers and serve the citizens of Liberty. Use of this five-year program updates all taser devices at once, maintaining warranties for repairs. Current device warranties and recommended life span are set to expire in 2024. This contract will allow the Police Department and City of Liberty to adequately budget and plan costs for the Taser program through FY2027.

Staff recommend the approval of the agreement with Axon Enterprises, Inc. in a not-to exceed amount of \$204,741.00 over five years. The Police Department will include FY2023-2027 Capital funds to cover payments.

Document No. 9654 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11820.

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, MISSOURI, AMENDING THE CITY'S SCHEDULE OF FEES PERTAINING TO CEMETERY RATES

The City's contractor for opening and closing graves retired during Summer 2022 and a new contractor had to be hired to perform opening and closings on a higher fee schedule. The new contractor charges an additional \$200.00 for weekend services that our current schedule does not account for. The current fee structure has been in place since December 2021. This change specifically addresses weekend rates to cover additional costs not incurred under the former contractor.

The goal of this City service is to provide a reasonably priced option for City residents while continuing to be able to maintain perpetual care of the facility.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None
Inscribed in Resolution No. 3354.

F. ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES & TRAFFIC," OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI

Amendments to traffic regulations are required to update the City Code for any new or modified traffic signage. The changes to traffic signs may be driven by a citizen's request, staff recommendations or temporary situations requiring traffic modifications. The codification of the traffic regulations and the addition of appropriate signage allow the enforcement of the regulations.

Traffic regulation changes are generally initiated by a 90-day evaluation period monitored by both Public Works and the Police Department. If the changes are determined by both departments to be warranted, they are then taken to the Council for approval of a permanent regulation change.

The traffic regulation amendments pertaining to this action are summarized as follows:

- The speed limit on Withers Road, from its intersection with South Liberty Parkway to its south end cul-de-sac should be increased from 25 to 35 miles per hour.
- The speed limit on Hughes Road, from its intersection with South Liberty Parkway to the southern City Limits should be increased from 25 to 35 miles per hour.

Document No. 9655 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11821.

G. ORDINANCE APPROVING AN AGREEMENT WITH MYRICK MECHANICAL FOR THE PURCHASE AND INSTALLATION OF THREE NEW DAIKIN WATER SOURCE HEAT PUMPS IN AN AMOUNT NOT TO EXCEED \$56,878.80

The Water Treatment Plant needs a replacement heat pump. The current heat pump has been in service since 1994 and is at the end of its life, evidenced by increased maintenance calls due to frequent issues with the system. The new units for the Scada and IT rooms are needed to ensure all electrical components operate without overheating. Overheating could cause loss of equipment and impede the Water Treatment Plant's ability to produce water. The current systems cooling these rooms

are unreliable and are not set up to drain and condensate properly. The condensate line for the IT room HVAC system currently has to be laid across the floor to a drain in another room, creating a nuisance and potential tripping hazard.

Document No. 9656 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11822.

X. OTHER BUSINESS

A. STOCKSDALE PARK UPDATE

Stocksdale Park is a 112-acre park that was established in 1974. Park amenities include the following:

- 3-acre dog park (built in 2011)
- 1 playground
- 2 picnic shelters
- Mountain Bike Trails – 7 miles
- 12 horseshoe pits & indoor facility
- Disc Golf Course (built in 2014)
- 1 sand volleyball court
- 1 baseball softball field
- 1 cricket pitch (built in 2017)
- ½ mile asphalt trails
- 1-mile natural surface trail
- Cameron's Trail of Trees

User Groups & Volunteers:

- Midwest Cricket League
- Liberty Horseshoe Club
- KC Disc Golf Club
- Urban Trail Co.
- Boy Scouts
- Dog Park groups

- Patti Stark – Moonlight Yoga

Liberty Parks and Rec Staff qualifications:

- Arborist (3)
- Horticulturist (2)
- Pesticide license (3)

Partnerships – Professionals:

- Tree Board
- Missouri Dept of Conservation
- Missouri Dept of Natural Resources

Listening to the Community:

- In 2018, residents requested more useable space and suggested removal of invasive undergrowth.

2023 Parks Master Plan Process

- Develop natural resource management plan for Stocksdale Park
- Partner with MDC to remove exotic vegetation at Stocksdale Park
- 56% of the Liberty community use Stocksdale Park (2nd largest usage of the entire park system)

B. Missouri Department of Conversation Recommendations and Update of Honeysuckle Removal:

- Vines and Honeysuckle are choking out native trees. Brush honeysuckle stems can be cut at the base with brush-cutters, chainsaws or hand tools. Honeysuckle and vines removed to allow young saplings to take root for the next generation of healthy trees.
- After cutting, a 20% solution of glyphosate should be applied to the cut stump either by spraying the stump with a low-pressure hand-held sprayer or wiping the herbicide on the stump with a sponge applicator to prevent re-sprouting.

In an email dated September 15, 2023 from Taylor Neff from the Missouri Department of Conversation to the Parks and Recreation Department, it was reported that the bush honeysuckle at Stocksdale Park has successfully been knocked down to a manageable state and the tree regeneration looks promising. Consider letting the understory grow for around two years. Then, the honeysuckle will be large enough for effective herbicide spray if you go that route. This would take place late October-November when most other species are in dormancy and unable to translocate the nonselective chemical. Pulling or cut stump method are

also options but will require follow up. The Park and Recreation Department were also advised to remove the dead trees along the trail. Ash becomes especially brittle quickly after EAB.

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

The meeting adjourned at 8:17 p.m.

Mayor

Attest:

Deputy City Clerk