



City Council Meeting

Regular Session Minutes

February 26, 2024

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 February 26, 2024 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 Hagan, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Shelton Ponder, Ward I
Kelley Wrenn Pozel, Ward II
Kevin Graham and Jeff Watt, Ward III
Gene Gentrup and Michael Hagan, Ward IV

Council Members Absent: Harold Phillips, Ward I
Adam Travis, Ward II

Staff Present: Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
Tom Garland, Parks and Recreation Assistant Director
Jim Martin, Police Chief
Chris Young, Assistant Fire Chief
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Sarah Ranes, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. STUDY SESSION SUMMARY OF DECEMBER 4, 2023

Council Member Graham moved to approve the summary as distributed. Council Member Ponder seconded the motion, which carried 6-0-0.

V. CITIZENS' PARTICIPATION

David Langston – 1920 Carter Court, Mr. Langston stated he was here to talk about the hole left on the east side of the square. Mr. Langston understands that people are upset about it but he would like to remind the public that we have been looking at the hole in the ground now for eight years and finally something is moving forward on it. Mr. Langston wants people to keep in mind that this is not something the tax payers are going to pay for, it's going to be the developer. Mr. Langston stated it is hard to get a developer involved as it possesses so many risks. Mr. Langston stated the buildings that have already come down, have been deemed dangerous. Although this building is sound, it is not historic at all if you are to look at the front of it and see it's a modern faced building that has no historical significance at all. Mr. Langston asks the citizens of Liberty for their patience and to trust the process.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, Mr. Holtzclaw stated he has family members buried in privately owned Block 174. Mr. Holtzclaw states the City does not own Block 174 as it was sold January 6, 1900 by his uncle and Mayor John Will Hall. Mr. Holtzclaw has family members buried within 10 inches of the grave marker. Mr. Holtzclaw stated this is his 85th City Council meeting and he asks the City Council to please stop the revestment lawsuit. Mr. Holtzclaw stated you can review the Deed at the Clay County Recorder of Deeds Office in Deed Book 120, Page 36.

Gieselle Fest – 1407 Lynette Street, Ms. Fest thanks the City Council for the opportunity to speak tonight. Ms. Fest is relieved to know the Mayor stated at the last Council meeting that he values private property and it warms her heart because private property is something that is very important to her. Ms. Fest asks the City Council to please stop this lawsuit.

Gerasim Mayden – 9411 N. Laurel Avenue, Kansas City, Mr. Mayden stated this was his first time attending a City Council meeting and he thanked the City Council for the ability to speak tonight. Mr. Mayden stated he wasn't here tonight to talk about facts or history as he knows the City Council has had all of that for the last four years. Mr. Mayden said he is here to talk about observations he has made and comments he has heard. Mr. Mayden stated instead of spending an additional \$50,000.00 on a lawsuit, the City of Liberty could find other ways to spend the money on something useful. Mr. Mayden thanked the City Council.

Matt Smith – 541 White Oak Lane, Mr. Smith thanked the Liberty Police Department. Mr. Smith stated that all of his kids attend Epic and because Epic and the High School release at the same time, traffic is really crazy in that area. Ms. Smith appreciates more police presence during release time. Mr. Smith also stated that \$50,000.00 has been spent on the Block 174 lawsuit, which is less than \$2.00 of his income and the City could spend up to \$100,000.00, which is less than \$3.33 of his money and he asked the City Council to please continue. Mr. Smith stated the correlation between statue removal and gun violence is crazy.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. SPECIAL SESSION MINUTES OF DECEMBER 18, 2023

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

B. MOTION TO APPROVE THE PURCHASE OF A NEW PARK RESTROOM STRUCTURE FROM CXT, INC TO BE LOCATED AT WESTBORO/CANTERBURY PARK FOR AN AMOUNT NOT TO EXCEED \$111,493.00

The existing restroom facility in Westboro/Canterbury Park is in significantly poor condition and has been renovated numerous times. This structure has exceeded its useful lifespan. Replacement of the restroom is part of the 2024 Parks Capital Improvement Program and will reduce future maintenance needs of the structure.

The City of Liberty Parks and Recreation Master Plan (Goal 3, Objective 3.4) recommends making all parks inclusive and accessible. According to the associated community survey, having restrooms in parks was rated a "High Priority" item. This rating indicates that any improvements in this area are likely to have a positive impact on the greatest number of households. Replacement of this facility has been highly requested from patrons that use the park. This project meets that neighborhood request.

The 2024 Parks Capital Improvement Program includes \$100,000.00 for a new park restroom. Additional capital funds are needed to cover the increased costs for the new restrooms. To address this funding need, park staff reduced costs on the Ruth Moore Shelter roof replacement project by completing some of the tasks in-house. This then allows the savings to cover the additional costs for the restroom.

Park staff researched available public restroom facility styles to identify and meet the appropriate needs of the park and neighborhood users. A pre-cast two-room facility offered by CXT, Inc. was identified as ideally suited for the replacement restroom. Staff submits this motion to approve this purchase from CXT, Inc. utilizing the Sourcewell Cooperative Pricing Agreement.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

C. MOTION TO APPROVE THE PURCHASE OF SYNTHETIC TURF FOR NEW BATTING CAGES FROM HALL TURF, INC FOR AN AMOUNT NOT TO EXCEED \$45,487.00

Capitol Federal Sports Complex includes eight baseball/softball fields and one large high school-size baseball field. This facility is the host site of a wide variety of year-round youth and adult sports leagues and tournaments, averaging 2,000 players and families each weekend and an estimated 500–700 people each week. To continue to provide the amenities needed for improved tournament activities, space for pitchers to warm up safely and batters to practice is needed.

Parks staff will build the batting cages in-house to save on costs. This will require staff to procure posts, cables, nets and synthetic turf to create safe warm-up spaces. The

last item to procure is synthetic turf. Several contractors provided bids; with the best and lowest bid coming in at \$45,487.00.

To maintain the positive reputation of the complex in the metro area and create an overall great experience, upgrades to the complex are recommended. Hall Turf, Inc. has a cooperative price agreement with TIPS national purchasing cooperative. Staff recommends Hall Turf, Inc. to provide surfacing for this project.

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

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

D. MOTION TO APPROVE THE PURCHASE OF PIPE MATERIALS FROM CORE & MAIN FOR A 16" WATER LINE CONNECTION FROM NATCHEZ AVE TO SOUTH LIBERTY PKWY ALONG SOUTHVIEW DR. IN AN AMOUNT NOT TO EXCEED \$324,720.00

The Utilities Department Water Master Plan has identified and recommends a 16" watermain connection from Natchez Avenue to South Liberty Parkway along Southview Drive. This will complete a loop and create a redundant water supply feed to South Liberty Parkway. This will greatly aid in supplying the whole system with water in the event the main 24" transmission line to the water towers is out of operation for repairs or rehab.

The construction material purchase is for the 16", C-900 plastic water main. Additional purchases of bedding rock, asphalt and concrete, will be expensed to the Water Capital Fund line item for this project as well. The Utilities Department-Construction Distribution Division will construct the improvements in summer/fall of 2024. The construction costs will be reimbursed as part of a Clay County ARPA allocation to the City of Liberty.

Bids were solicited from three (3) local material suppliers by the Utilities Department Construction Distribution Division. Core and Main (Blue Springs, MO) had the lowest bid of \$324,720.00 for the 4,500 feet of pipe, hydrants and fittings needed. Staff recommends purchasing the needed Phase II pipe from Core and Main for a total of \$324,720.00. Bid prices are based on footage of 4,500 feet of 16" C-900 plastic water main, hydrants and fittings.

Vendor	Bid
Core and Main (Blue Springs, MO)	\$324,720.00
KC Winwater (KC, MO)	\$327,600.00
Schulte Supply (Independence, MO)	\$348,738.41

Funding for this project would come from the 2024 Water Capital Fund Construction line item budget and be reimbursed from Clay County as part of the ARPA allocation.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

E. BOARD/COMMISSION REAPPOINTMENT

1. BOARD OF APPEALS

a. APPOINT LARRY GREGORY TO A TERM EXPIRING 12/30/2028.

Council Member Hagan moved to approve the appointment. Council Member Graham seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

A. RESOLUTION FOR A FINAL DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A 1,947 SQ. FT. BUILDING FOR CUBA INSURANCE AGENCY AT 1351 ROUTE H IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-05FDP)

This is a proposal is for a 1,947 square foot building on 1 acre. The location is at 1351 Route H. The proposed building will be used as an insurance agency. The applicant is requesting that this requirement be lessened as it cannot be met on this existing lot. The proposed building is 23 feet from the property line and meets the setback of the zoning district. There is a public water and public sanitary sewer lines that run along the east side of the lot which prevents the planting of large landscaping. The zoning to the east is A "Agriculture". There is one existing home to the east. That home is approximately 200 feet from the property line.

Mayor Canuteson opened the Public Hearing.

Scott Cuba, the General Contractor stated he is working with the engineer to prepare this building site for City approval. Mr. Cuba stated they are trying to accommodate the looks of the existing residential neighborhood with something that is more modern and will fit the requirements of his client, Stan Cuba for his insurance agency to make a nice transition to the light industrial area from there.

Cheryl Novick – 1301 E. County Road H, Ms. Novick stated she has maintained her property for over 22 years and she is the neighbor to Stan Cuba. Ms. Novick is here to make sure this project is true to the architectural drawings as it looks great and is a perfect fit. Ms. Novick would also like to know what the final zoning after completion is going to be, residential or business?

Luana (Cumpton) Paulson – 1319 Highway H, Ms. Paulson stated this entire property had been in her family since the 1950's and that they sold a portion to Ms. Novick a couple decades ago and then another portion to Stan Cuba a couple years ago. Ms. Paulson is concerned that Mr. Cuba is requesting this property to be zoned residential when in reality he's building a business. Ms. Paulson also wants to make sure there are no issues with disturbing their privacy while living there.

Scott Wilhelm – 1500 H Highway, Mr. Wilhelm stated he has been a victim of development here and in other parts of the country throughout his time in the military. Mr. Wilhelm stated it is important for him to know and understand the process that is going on for this variance request and he is very upset that he wasn't notified by a letter and when he called the phone number listed on the sign and left a couple messages that no one returned his calls. Mr. Wilhelm asked the City Council to speak with those that could possibly be negatively affected by this development and better inform the public of the process.

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

Action: Council Member Hagan moved to postpone consideration of the Resolution to March 11, 2024. Council Member Graham seconded the motion and it carried unanimously.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE APPROVING VENDOR PAYMENTS FOR THE PERIOD OF FEBRUARY 2, 2024 TO FEBRUARY 16, 2024

Document No. 9720 was read.

Action: Council Member Watt 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, Graham, Watt, Gentrup and Hagan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11886.

B. ORDINANCE ACCEPTING AND APPROVING A FINAL PLAT FOR CUBA INSURANCE AGENCY IN THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-02FP)

This is a proposal for a Final Plat for Cuba Insurance Company at 1351 Route H. This plat contains a single one-acre lot. The platting of this lot has been proposed in preparation for the construction of an insurance office.

At its February 13, 2024 meeting, the Planning Commission voted 6-0-0 to recommend approval of PZ Case 24-02FP as presented in the staff report. Staff finds the application meets the standards of review for a Final Plat in Section 30-28.14 of the UDO and recommends approval of P&Z Case 24-02FP.

Document No. 9721 was read.

Action: Council Member Hagan moved to postpone consideration of the Ordinance to March 11, 2024. Council Member Graham seconded the motion and carried unanimously.

C. ORDINANCE APPROVING AN AGREEMENT WITH DAVEY RESOURCE GROUP FOR A TREE INVENTORY AND MANAGEMENT PLAN IN AN AMOUNT NOT TO EXCEED \$35,700.00

The City was awarded a grant from the Missouri Department of Conservation to conduct an inventory of right-of-way trees, and trees on several city-owned properties, including City Hall, the Liberty Community Center, three Fire Stations and two Cemeteries.

The grant will reimburse the City 75% of the expense of a tree inventory and management plan.

The City published a public Request for Qualifications to find a company to conduct a tree inventory and create a management plan. Bids were received from three companies: Davey Resource Group, Arbor Pro, and CNUC.

After reviewing bids, the staff recommended approving a contract with Davey Resource Group for a tree inventory and management plan for an amount not to exceed \$35,700.00.

After the reimbursement from the Missouri Department of Conservation, the City's portion of the project would be approximately \$8,925.00.

Davey Resource Group was selected based on their knowledge of the City, ability to provide the inventory and data needed to manage the City's trees, and they had the best reviews and references of the three companies who provided qualifications.

Document No. 9722 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 Graham seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11887.

D. ORDINANCE APPROVING AN AMENDMENT TO ORDINANCE NO. 11409 APPROVING AN AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE WITH BLACK AND MCDONALD, LLC BY INCREASING THE AGREEMENT AMOUNT BY \$30,978.00 FROM \$87,626.00 FOR AN AMOUNT NOT TO EXCEED \$118,604.00

This action is to increase the agreement amount in order to allow for 2024 traffic signal preventative maintenance. The original agreement with Black and McDonald was approved by City Council on May 24, 2021.

City-owned traffic signals require routine maintenance and occasional repairs. City staff has utilized the prompt on-call services of electrical contractor, Black and McDonald, LLC for many years due to their excellent service, competitive rates, and intimate knowledge of the City’s traffic signal system. Previously, these services were performed in an on-call manner and invoiced to the City on a time and material basis and funded using available budgeted traffic signal maintenance funds.

City staff determined it would be beneficial to enter into an agreement with a fixed maintenance plan and annual cost in order to more accurately budget for future traffic signal needs. An agreement with Black and McDonald was negotiated in 2021 for the amount of \$28,350.00 to provide bi-annual maintenance tasks of the signals and provide fixed time and material rates for work performed above-and-beyond the scope of routine maintenance. This is an annual agreement established in 2021 for a term of five years expiring at the end of 2025, renewed each year with an allowance for annual adjustments to the maintenance cost and rates with escalations not to exceed 3%.

Year	% Escalation Applied	Cost of Work for the year	Change Order Amount	Revised Contract Amount
2021 (Original Contract)	--	\$28,350.00	--	\$28,350.00 (Original Contract)
2022	3%	\$29,200.00	\$29,200.00	\$57,550.00
2023	3%	\$30,076.00	\$30,076.00	\$87,626.00
2024 (proposed)	3%	\$30,978.00	\$30,978.00	\$118,604.00
2025 (future)				

The traffic signal maintenance base budget was established at \$50,000.00 for 2024 during FY2024 budget development. This agreement will utilize \$30,978.00 of those funds with the remaining \$19,022.00 available for repairs above and beyond the routine maintenance scope.

Staff recommends approving an amendment to Ordinance No. 11409 approving the agreement for traffic signal maintenance with Black and McDonald, LLC by increasing

the current agreement amount of \$87,626.00 by \$30,978.00 to \$118,604.00 for 2024 traffic signal preventative maintenance work.

Document No. 9723 was read.

Action: Council Member Watt moved to waive the rules and consider the ordinance on first reading. Council Member Gentrup 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 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11888.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:04 p.m.

Mayor

Attest:

Deputy City Clerk