



City Council Meeting

Regular Session Minutes

January 22, 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 January 22, 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 Travis, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: Shelton Ponder, Ward I

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

Public Present: 9 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. STUDY SESSION SUMMARY OF NOVEMBER 6, 2023

Council Member Watt moved to approve the summary as distributed. Council Member Gentrup seconded the motion, which carried 7-0-0.

B. STUDY SESSION SUMMARY OF NOVEMBER 20, 2023

Council Member Phillips moved to approve the summary as distributed. Council Member Pozel seconded the motion, which carried 7-0-0.

C. REGULAR SESSION MINUTES OF DECEMBER 11, 2023

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-1. Council Member Gentrup abstained due to absence.

V. CITIZENS' PARTICIPATION

Gieselle Fest – 1407 Lynette Street, thanked the City Council for the opportunity to speak. Ms. Fest stated the tax payer bill for the Block 174 lawsuit was now at \$50,000.00. Ms. Fest respectfully asked City Council to stop the lawsuit against Block 174. Ms. Fest states her historical interest has always been focused on women until the lawsuit on Block 174. Ms. Fest stated that women throughout history have been marginalized and had little choice on their life. For example, Ms. Fest stated women in Wyoming got the right to vote in 1870 but the women in Missouri didn't get that right until 1919. Ms. Fest stated when you go to research maps and documents, they are primarily focused on men, making the research on history of women difficult. Ms. Fest respectfully asks the City Council to withdraw the lawsuit.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, spoke about Block 174. Mr. Holtzclaw stated Henrietta P. Duncan is his family and is buried within ten inches of that grave marker. Mr. Holtzclaw stated that his uncle sold Block 174 on January 6, 1900 over 124 years ago and it is privately owned and has a recorded private deed at the County courthouse. Mr. Holtzclaw asks the Council to stop the revestment lawsuit because that property is no different than a Council Member's family grave marker. Mr. Holtzclaw asks the Council to leave Block 174 alone.

Carrie Lonsdale - 1320 Huntington Drive, Ms. Lonsdale stated she has lived in the Liberty Community for over 20 years. She had children who participated in the swim clubs but they had to cancel their membership as the fees had become too high. Ms. Lonsdale is concerned about the mismanagement of the pool; for example, the chlorine levels. Ms. Lonsdale stated that a new community center is not going to benefit this community because of inflation and individuals will not be able to afford a membership.

Linda Wiese - 211 Laura Street, stated she would like to talk about the new proposed Community Center/Fieldhouse as she read information online about it. Ms. Wiese asked if this was going to increase the common persons taxes. Ms. Wiese stated she doesn't use the current community center now as she isn't able to afford a membership.

David Langston – 1920 Carter Court, Mr. Langston stated he had been a bid estimator and no one can decide on the creation of a new facility without architectural drawings. Mr. Langston stated that drawings have several components that include architectural, structural, electrical, mechanical and various other things. Mr. Langston stated if drawings are available to the public, it will help market an idea.

Mark Nasteff – 713 Cottonwood Lane, Mr. Nasteff stated he is one of the Task Members that has been working on the new Community Center/Fieldhouse concept over the last several months at the request of City Council. Mr. Nasteff asks the Council to please give citizens an opportunity to consider this concept on the April 2, 2024 ballot as this is a decision that can affect our current generation and many generations behind us from many aspects like the economic impact and the health and wellness of the community.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. MOTION TO APPROVE THE PURCHASE OF A 2024 FORD F250 FOR THE PARKS AND RECREATION DEPARTMENT FROM CHUCK ANDERSON FORD IN AN AMOUNT NOT TO EXCEED \$49,998.42

The FY2024 Capital Equipment Program includes \$50,000.00 in Park Sales Tax funding for the purchase of a replacement truck for use throughout the park system.

Staff recommends utilizing the MARC cooperative purchasing program to purchase a 2024 Ford F250 four-wheel drive outfitted with a tow package and a 6.8L engine from Chuck Anderson Ford for the amount of \$49,998.42. This truck, with a tow package, will serve the needs of the Parks and Recreation Department.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

B. MOTION TO APPROVE THE PURCHASE OF A NEW JOHN DEERE Z994 MOWER FOR THE PARKS AND RECREATION DEPARTMENT FROM LAWN AND LEISURE OF LEE'S SUMMIT IN AN AMOUNT NOT TO EXCEED \$17,777.76

The FY2024 Capital Equipment Program includes Park Sales Tax Funds for the replacement of a mower for the Capitol Federal Sports Complex. The current unit has exceeded the life of work hours and is recommended for replacement. The life hours are an indicator that maintenance costs will increase as more repairs become needed on the wearable parts of the equipment.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

C. MOTION TO DECREASE THE AMOUNT TO PURCHASE 2023 FORD TRUCKS FOR THE PUBLIC WORKS DEPARTMENT FROM CHUCK ANDERSON FORD BY \$7,037.36, FROM \$201,414.36 TO A NOT TO EXCEED AMOUNT OF \$194,377.00

This purchase was originally approved on March 13, 2023.

Original Purchase Authorized:

- F350 \$48,359.16
- F550 \$61,527.60
- F550 \$61,527.60
- F150 \$43,000.00

Total \$214,414.36 less \$13,000.00 trade in of a Public Works Ford Escape = \$201,414.36

Amended Purchase:

- F350 Regular Cab \$48,359.16
- F550 Cab & Chassis \$61,527.60
- F350 Crew Cab \$52,901.16
- F150 after trade \$31,589.08

Total \$207,377.00 less \$13,000.00 trade in of a Public Works Ford Escape = \$194,377.00

Due to the delay in time frame, vehicle ordering to actual delivery, the original purchase of a F550 was replaced with the new purchase of a F350, decreasing the purchase amount from \$201,414.36 to \$194,377.00 resulting in a difference of \$7,037.36.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

D. RESOLUTION TO DECLARE THE OFFICIAL INTENT TO FINANCE THE COST OF ACQUIRING EQUIPMENT AND VEHICLES USING TAX-EXEMPT DEBT FINANCING

The City will be acquiring certain vehicles, equipment and property improvements during 2024. The 2024 Fire Sales Tax Fund anticipates using tax exempt debt financing. To provide maximum flexibility for 2024 budget management, a reimbursement resolution should be passed.

- Vehicles and equipment items include:
 - Information Services Department minor computer equipment at an estimated cost of \$235,000.00 and; Capital Equipment at an estimated cost of \$150,000.00.
 - Police Department vehicles with extended warranties at an estimated cost of \$330,000.00 and; Capital Equipment at an estimated cost of \$210,000.00.

- Replacement of Financial System, Utility Billing System and the purchase of Asset Management Software at an estimated cost of \$500,000.00
- Inspection vehicle (s) purchase at an estimated cost of \$67,000.00
- Public Works capital equipment (Freightliner dump truck with snow equipment) at an estimated cost of \$270,000.00
- Ambulance Purchase (5) at an estimated cost of \$1,400,000.00 and; Pumper Purchase (3) at an estimated cost of \$4,000,000.00

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3375

E. BOARD/COMMISSION REAPPOINTMENT

A. TREE BOARD

1. REAPPOINT HELENE MILLER TO A TERM EXPIRING 12/15/2026.
2. REAPPOINT NEAL SHOGER TO A TERM EXPIRING 12/15/2026.

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

F. REGULAR SESSION MINUTES OF NOVEMBER 13, 2023

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

G. REGULAR SESSION MINUTES OF NOVEMBER 27, 2023

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

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE APPROVING VENDOR PAYMENTS FOR THE PERIOD OF JANUARY 5, 2024 TO JANUARY 12, 2024

Document No. 9708 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11873.

B. ORDINANCE CALLING AN ELECTION IN THE CITY OF LIBERTY, MISSOURI ON THE QUESTION OF ISSUING ITS GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$60,000,000 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, RENOVATING, IMPROVING, AND EQUIPPING THE PARKS AND PARK PROPERTY IN THE CITY, INCLUDING WITHOUT LIMITATION (1) ACQUIRING, CONSTRUCTING, AND EQUIPPING AN ACTIVITY CENTER AND (2) RENOVATING AND IMPROVING THE EXISTING COMMUNITY CENTER **(SECOND READING)**

The Mayor-appointed Community Center/Fieldhouse/Natatorium Task Force presented to the City Council on November 6, 2023. They were tasked with evaluating the potential needs of a Community Center, Fieldhouse and Natatorium.

The Task Force recommendation was to build a new Community Center that supports Liberty not just now but into the future: Re-imagine and upgrade the current Community Center; get partners aligned for discussions for a Natatorium.

The City of Liberty asks the Citizens to issue general obligation bonds in the amount of \$60,000,000 on the April 2, 2024 Municipal Election Ballot.

Question Proposed
April 2, 2024, Municipal Election Ballot Language

Shall the City of Liberty, Missouri, issue its general obligation bonds in the amount of \$60,000,000 for the purposes of acquiring, constructing, renovating, improving, and equipping the parks and park property in the City, including without limitation (1) acquiring, constructing, and equipping an Activity Center and (2) renovating and improving the existing Community Center?

Current surrounding City Levy Rates:

Residential

- Kansas City 1.50
- Kearney* 1.50
- Smithville* 1.44
- Excelsior Springs 1.03
- Liberty 0.88
- North Kansas City 0.87
- Gladstone 0.70

*Includes Ambulance and/or Fire Districts Levies; Other cities provide and include these services.

Document No. 9707 was read.

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

Vote: Motion passed 5-1-1

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

No: Council Member Watt

Abstain: Council Member Gentrup

Approved by the Chair and inscribed in Ordinance No. 11874.

C. **ORDINANCE APPROVING A CONTRACT WITH STRATUS BUILDING SOLUTIONS FOR THIRD SHIFT CONTRACTUAL CUSTODIAL SERVICES AT THE LIBERTY COMMUNITY CENTER IN AN AMOUNT NOT TO EXCEED \$52,488.00**

In March 2013, the Liberty Community Center began utilizing third shift contractual custodial services for a deeper cleaning of the locker rooms and fitness center Monday through Friday. In addition to a deeper clean, third shift custodial also prevents interruption of service for Liberty Community Center guests. In March 2015, third shift contractual custodial was expanded to seven days per week in the high profile and high traffic areas of the facility to further enhance the guest experience.

In addition to labor, the contract also includes cleaning supplies and cleaning equipment. Stratus Building Solutions, when needed by the Liberty Community Center, will also provide additional day porter service and/or overnight theater cleaning at \$22.50/hour.

In November 2023, Stratus Building Solutions requested an increase of \$324.00 per month or \$3,888.00 annually for year three of the contract, citing increasing costs for supplies, labor and equipment.

Document No. 9709 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 Phillips seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11875.

D. ORDINANCE APPROVING A CONTRACT WITH GUILD COMPANIES, LLC FOR PROFESSIONAL SERVICES RELATING TO THE MARKETING OF VISIT LIBERTY IN AN AMOUNT NOT TO EXCEED \$59,100.00

2014 – Passage of 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.

2018 – The Tourism Committee is established.

2020 – 2021 – Staff worked with Guild Collective 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.

2022 – 2023 – The primary focus of the advertising campaign was video. City staff continued to work on organic content like blogs, social media and events, while the Guild team focused primarily on the advertising campaign. In 2023, there were three seasonal campaigns: “Winter, Together” featuring a girlfriends’ day trip in Liberty and things to do indoors during the winter; “Play Here, Stay Here” featuring a family spending the weekend at the Capitol Federal Sports Complex and “History Highlights” featuring a couple exploring all the history Liberty has to offer.

With the hiring of a new Tourism Coordinator in 2023 and the ability for the City staff to take on more tourism projects, the Guild Collective contract has introduced a few new projects, including motion graphic videos and the creation of an influencer ambassador program.

The Tourism Committee has also budgeted \$56,000.00 for an advertising campaign that is primarily executed by the Guild Collective team and includes placements on YouTube, Google display, Google search, Facebook, Instagram, billboards and geofencing (location-based targeting).

This contract will be reviewed and renewed annually for up to five years (2024 is renewal year four) as the needs for Visit Liberty and tourism in Liberty grow.

Document No. 9710 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11876.

E. ORDINANCE RETROACTIVELY APPROVING A CONTRACT WITH HOLTHOUSE CONSTRUCTION L.L.C FOR CITY OF LIBERTY PROJECT 24-001, 2024 CLAYVIEW DR. EMERGENCY STORM PIPE REPAIR IN AN AMOUNT NOT TO EXCEED \$200,000.00

In December 2023, City of Liberty Public Works staff investigated an area of collapsing sidewalk, immediately adjacent to N. Clayview Dr. The investigation found that the collapse was the result of a failing 84" diameter Corrugated Metal Storm Sewer Pipe (CMP). Further investigation found that the 84" pipe directly under N. Clayview Dr., while not collapsing, was severely deteriorated. Due to the extent of the deterioration, an emergency repair was required. The repair consisted of removing and replacing the pipe in order to restore flow capacity and prevent surface failures in the road and any resulting danger to citizens. The project utilized 2024 Capital Stormwater Improvement Program Capital Sales Tax funds budgeted for maintenance and construction of storm drainage projects.

On December 11, 2023, the City Staff issued an emergency request for the excavation, removal and replacement of the existing CMP with a new 84" diameter Reinforced Concrete Pipe (RCP). The request was sent to six known contracting firms. Two firms replied with proposals. The low bid was submitted by Holthouse Construction L.L.C. in the amount of \$183,495.00. A contract was signed for project 24-001 on December 26, 2023.

After the request for proposal was issued and prior to contract negotiations and signing, staff prepared a memo to both the Mayor and City Administrator explaining the necessity for the project as well as the need for emergency authorization.

This report and subsequent Ordinance requests retroactive approval of a contract with Holthouse Construction L.L.C. in the amount of \$183,495.00 with authorization to spend up to \$200,000.00. The amount above the contract includes the contract amount plus a contingency. Funds requested above the contract amount are requested for the following reasons:

- Final payments are based on the actual unit quantities used during the project and may be more or less than estimated, resulting in fluctuations in bid price.
- It allows quick action in the event of unforeseen circumstances during construction.

Document No. 9711 was read.

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

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Pozel, Travis, Graham, Watt, Gentrup and Hagan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11877.

F. ORDINANCE ACCEPTING THE ASSIGNMENT OF RECORDED PUBLIC SANITARY SEWER EASEMENTS FOR THE PROMINENCE SANITARY SEWER MAIN EXTENSION PROJECT

To facilitate a public sanitary sewer main extension for the Prominence Commercial and Residential Developments, a sanitary sewer main easement is needed to allow for its construction. Prominence Holdings, LLC secured easements for the construction and future maintenance of the public-main extension in 2023. The easements which were secured included language allowing Prominence Holdings, LLC to assign its rights to the City of Liberty at a future date. This report and subsequent Ordinance accept the assignment of easements from Prominence Holdings LLC to the City of Liberty.

Document No. 9712 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, Pozel, Travis, Graham, Watt, Gentrup and Hagan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11878.

G. ORDINANCE APPROVING AN AGREEMENT WITH LUEBBERT ENGINEERING FOR PROFESSIONAL STORM WATER CONSULTATION SERVICES IN AN AMOUNT NOT TO EXCEED \$9,950.00

Pursuant to the Federal Water Pollution Control Act and in compliance with the Missouri Clean Water Law, the City of Liberty holds and maintains General State Operating Permit MOR04C027 (NPDES MS4). This General Permit is both Liberty's federal discharge permit and a state operating permit. This report involves the acceptance of an agreement for the consulting services of Luebbert Engineering.

Luebbert Engineering's proposal covers all the compliance activity required for Liberty to maintain compliance with the above referenced permit. Funding for the agreement comes from 50.77.653.08.7522 "NPDES Expenses". Funds from this line item are typically allocated as follows:

- \$9,950.00 for a stormwater consultant compliance contract. Provides professional insight and assistance from Luebbert Engineering, a firm which specializes in NPDES MS4 Storm Water permit compliance.
- \$4,500.00 for the annual renewal of the MARC stormwater quality education committee. Provides regional storm water quality insight and opportunities, contributes to satisfying the stormwater quality education component and provides Liberty a committee vote.
- Remaining balance is used as needed for re-supply of storm drain marking program supplies and miscellaneous expenses associated with the NPDES MS4 stormwater compliance annual report fees.

Luebbert Engineering's agreement is a sole service contract. Luebbert Engineering has provided consulting services to Liberty for the past 17 years and has been instrumental in building the City's Storm Water Management Program and ensuring continued compliance. Luebbert Engineering provides a combination of professional insight and intimate knowledge of Liberty's Storm Water program that cannot be replicated or replaced.

Document No. 9713 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11879.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Mayor

Attest:

Deputy City Clerk