



City Council Meeting

Regular Session Minutes

June 24, 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 June 24, 2024 with Mayor Greg Canuteson presiding. Mayor Canuteson called the meeting to order at 7:00 p.m. Mayor Canuteson stated an item had been added to the Agenda after it was published. The item is an Ordinance Appointing Doug Wilson as Municipal Judge and authorizing the execution of a Contract for Judicial Services.

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: Harold Phillips and 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: Adam Travis, Ward II

Staff Present: Curt Wenson, City Administrator
Sara Cooke, Assistant City Administrator
Vicki McClure, Finance Director
Andy Noll, Utilities Director
Amy Blake, Human Resources Director
BJ Staab, Parks and Recreation Director
Jim Martin, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning and Development Director
Wade Thomas, Technology and Logistics Director
Sherri McIntyre, Public Works Director
Sarah Ranes, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. REGULAR SESSION MINUTES OF MAY 13, 2024

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

B. SPECIAL SESSION MINUTES OF MAY 20, 2024

Council Member Hagan moved to approve the minutes as distributed. Council Member Pozel seconded the motion, which carried 5-0-2. Council Members Phillips and Watt abstained due to absence.

V. MEETING SCHEDULE

VI. CONSENT AGENDA

A. MOTION TO APPROVE THE PURCHASE OF 30 COVERT ARMOR F1R BALLISTIC ARMOR VESTS FROM DINGES FIRE COMPANY IN AN AMOUNT NOT TO EXCEED \$28,876.80

The Fire Department began outfitting each of the Fire and EMS apparatus with ballistic armor vests for crew members in 2016. Those vests are at the end of life and need to be replaced. The purchase will come from the 2024 Fire Sales Tax Fund.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

B. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONSENT TO JOINT REPRESENTATION RELATED TO THE LIBERTY COMMONS COMMUNITY IMPROVEMENT DISTRICT

The Liberty Commons Community Improvement District (the "District") was formed as part of the various development and financing agreements surrounding the development of the Liberty Commons shopping center. The District had been represented by legal counsel since its inception, but that legal counsel recently stopped representing the District. The City holds and disburses funds for the District and is attempting to assist the District in resuming normal functions. In doing so, the City has utilized the services of its special counsel, Cunningham, Vogel & Rost, P.C. ("CVR") to review certain issues pertaining to the District. CVR is available to take over legal representation of the District in addition to its ongoing work for the City, but only if the City consents to the joint representation.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3393.

C. RESOLUTION APPOINTING DIRECTORS TO THE LIBERTY COMMONS COMMUNITY IMPROVEMENT DISTRICT BOARD OF DIRECTORS

Michael Peterman, to a term expiring August 10, 2027
Brandon Smith, to a term expiring August 10, 2027
[seat to remain temporarily vacant], term expiring August 10, 2027
Adam Walz, currently serving in a term expiring August 10, 2025
Vicki McClure, currently serving in a term expiring August 10, 2025

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Ponder, Pozel, Graham, Watt, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3394.

D. BOARD/COMMISSION APPOINTMENT
1. LIBERTY PARKS AND RECREATION BOARD
a. APPOINT JOHN RIEDEL TO A TERM EXPIRING 6/1/2027.

Council Member Watt moved to approve the appointment. Council Member Phillips seconded the motion, which carried unanimously.

VII. PUBLIC HEARINGS

A. RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LIBERTY BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 11 ACRES ON THE SOUTH SIDE OF H HIGHWAY, BETWEEN THE BURLINGTON NORTHERN AND UNION PACIFIC RAILROADS IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-16A)

This is an application to amend the Future Land Use map, a component of the City's Comprehensive Plan, Leading Liberty Forward. A city's comprehensive plan is a document which, amongst other things, establishes policy for making land use decisions. Unlike a zoning map, the Future Land Use (FLU) map establishes a vision for community growth and development, and is a reference for local officials to coordinate plans and prioritize areas for growth and investment. All rezoning applications are evaluated based on conformance to the FLU map, and amending the map is a common precursor to a rezoning proposal. If approved, this application will facilitate an application to rezone the property to allow industrial use on the property.

The applicant Kenneth Burton, 309 Belmont Street, Liberty, MO was available for questions.

Mayor Canuteson opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

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

Vote: Motion failed

Yes: None

No: Council Members Phillips, Ponder, Pozel, Graham, Watt, Gentrup and Hagan

Abstain: None

B. RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW THE TEMPORARY SALE OF FIREWORKS FROM JUNE 24, 2024 TO JULY 4, 2024 ON A 1.58 ACRE LOT AT 530 NORTH CHURCH ROAD IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-19SUP)

The applicant is requesting a Special Use Permit (SUP) to allow the temporary sale of fireworks between June 25th and July 4th, 2024 within a vacant building at 530 N. Church Rd., at the southwest corner of Plumbers Way and N. Church Rd. The proposed hours of operation are 10:00 a.m. to 10:00 p.m., Sunday through Saturday. The site has off-street parking available to the rear and north of the building. Security personnel will occupy the premises 24 hours per day throughout the duration of the Special Use period. Inventory storage will be in the building and sanitary facilities will be provided in the building. Power is available to the building.

The applicant Doug Carter, 8619 NE 115th Street, Kansas City, MO was available for questions.

Mayor Canuteson opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

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, Ponder, Pozel, Graham, Watt, Gentrup and Hagan

No: None

Abstain: None

Inscribed in Resolution No. 3395.

VIII. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF MAY 31, 2024 TO JUNE 14, 2024

Document No. 9770 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11935.

B. RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A 2.91-ACRE RECREATIONAL VEHICLE STORAGE FACILITY AT 1300 H HIGHWAY, IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-10SUP) (CONTINUED FROM JUNE 10)

The applicant is requesting the approval of a Special Use Permit for an outdoor recreational vehicle (RV) and vehicular storage facility in the M-1, Light Industrial District (Section 30-68 of the Unified Development Ordinance. The proposed storage area, which will be set back from the south property line along H Highway by approximately 245 feet, will encompass 2.91 acres of land. The existing concrete access drive onto H Highway will be rehabilitated; though the storage area will not be paved, it will utilize gravel contained within a perimeter curb and gutter. All vehicles stored on-site will be parked beneath open-air canopy structures. The storage area will be enclosed within a six-foot perimeter privacy fence and the south edge of the facility, facing H Highway, will be landscaped to provide additional screening as viewed from public right-of-way.

Action: Council Member Hagan moved to further postpone consideration of the resolution to the July 8, 2024 Regular Session. Council Member Graham seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

C. RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A 93 ROOM, 4 STORY HOTEL ON 2.6 ACRES AT THE INTERSECTION OF WILSHIRE BOULEVARD AND S. STEWART ROAD IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-09FDP)

The proposal consists of a four-story hotel containing 96 rooms on a property zoned C-1, Neighborhood Business District, which permits commercial uses in accordance with Section 30-62.1 of the UDO. A variance for a four-story structure in the C-1, Neighborhood Business District, which limits buildings to three stories in height per Section 30-62.2 of the Unified Development Ordinance (UDO), was approved with the preliminary development plan. The four-story building is a prototypical design associated with the IHG brand of hotels.

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Ponder, Pozel, Graham, Watt, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3396.

D. RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A 93 ROOM, 4 STORY HOTEL ON 2.4 ACRES AT 1820 N CHURCH ROAD IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-08FDP)

The proposal consists of a 43,990 square foot, 93 room, four story hotel. The use as a hotel is appropriate in this zoning district. A variance for a four-story building was approved in February of 2023 as part of the Preliminary Development Plan.

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Ponder, Pozel, Graham, Watt, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3397.

E. RESOLUTION APPROVING AN AMENDED PRELIMINARY PLAT FOR CLAY MEADOWS, APPROXIMATELY 200 ACRES BETWEEN SOUTH 291 HIGHWAY AND LAFREZ ROAD, A SUBDIVISION OF LAND IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-17PP-A)

This is a proposal to amend the approved Preliminary Plat for Clay Woods from 1998. The original Preliminary Plat shows Claywoods Drive, a Collector roadway, as the main connection to S. La Frenz Road, with another Local street connector to S. La Frenz Road to the east (Willow Lane). At the time of constructing the infrastructure for the 7th Plat, half of the right-of-way on the applicant's property was dedicated and a sum of money was paid to the City for half of the improvements for the extension of Claywoods Drive. At that time, predating the UDO, half road improvements were allowed. The applicant is requesting to remove the connection to S. La Frenz Road at Willow Lane, creating a cul-de-sac at that location instead. The applicant states that the connection to S. La Frenz Road that is shown in the future 12th Plat of Clay Meadows is not needed because the connection to S. La Frenz Road at Claywoods Drive is the more appropriate connection.

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

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Ponder, Pozel, Graham, Watt, Gentrup and Hagan
No: None
Abstain: None
Inscribed in Resolution No. 3398.

F. ORDINANCE APPROVING A CONTRACT WITH J.R. PAINTING AND DRYWALL FOR PAINTING OF THE NATATORIUM AT THE LIBERTY COMMUNITY CENTER IN AN AMOUNT NOT TO EXCEED \$17,500.00

The Liberty Community Center opened in 1992. Liberty Community Center staff painted the lower section of the Natatorium as an in-house project in 2005. The upper section of the Natatorium painting is still original to the building. The upper section of the Natatorium is approximately 75 % of the total wall space and is unable to be completed in house. Much of the lower section of paint has chipped, and the upper section has become extremely faded. Staff met with representatives of PPG and Sherwin Williams to determine the type of paint needed to withstand the environment of a Natatorium. It was determined a minimum of two-part epoxy paint would be used for the project.

The staff solicited quotes from potential vendors. The following quotes were received:

| | | |
|--|------------------------|---|
| Done Right Painting, Richard Porterfield..... | \$15,500.00 | Could not meet contract requirements |
| Five Star Painting..... | \$25,141.99 | |
| J.R. Painting & Drywall..... | \$17,500.00 | |
| A.T. Switzer Painting Company..... | \$47,491.00 | |
| Unique Painting & Home Repairs LLC..... | \$23,500.00 | |

Prior to painting, preparation work will include the removal of failing areas of paint and washing of the walls with soap and water to remove chlorine residue or alternate prep cleaner.

The project will require the approximately three- and half-week closure of the natatorium. Painting will commence on August 21, 2024, and be completed no later than August 30, 2024. Paint will need an additional cure time of one week. Painting of the Natatorium will require all bodies of water to be empty during the project to control humidity and additional cure time upon completion of painting. Pools will need to be filled, chemically balanced and heated to temperature beginning September 7, 2024. The staff plan to re-open the Natatorium on September 12, 2024.

Project dates were selected to align with the 1st day of school which ends our summer swim season and into our annual maintenance week closure scheduled for September 3-8, 2024, to minimize the impact on facility users.

Document No. 9771 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 Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11936.

G. ORDINANCE APPROVING A COOPERATIVE FACILITY USE AGREEMENT BETWEEN THE CITY OF LIBERTY AND THE LIBERTY PUBLIC SCHOOL DISTRICT NO. 53

With the opening of the Liberty Community Center in 1992, the Liberty School District and the City of Liberty developed a cooperative use agreement for the use of facilities. In 2013, LPS and LPR staff created a new document with the goal of reducing the transfer of charges between entities as much as possible. Since the signing of the 2013 agreement, District and City staff have met quarterly to review operations to ensure effective and consistent communication between both organizations. The 2013 agreement provides for a formal review and acceptance process every five years. In 2018, both the City and School District reviewed and adopted the current agreement.

Over the course of the summer and late fall of 2023, both the City and School District staff conducted several constructive meetings and have developed a document that reflects a new, true and open partnership that is in the best interest of the community both entities serve. Legal counsel from both entities has reviewed and approved the document.

Highlights of the new document include:

- Language added to protect the safety and integrity of each entity's program goals including "while each party is using the other party's facilities or fields, each party shall recognize, honor and enforce any sanction imposed by the other party on any participant, parent, guardian, sponsor or patron while either party is using the other party's facilities or fields".
- Removed language regarding the use of tennis and related facilities at Bennett Park for practices, matches and shared maintenance due to new construction of district tennis facilities.
- Updated language stating custodial fees will only be required for actual performances and activities when guests/patrons are present.
- The City shall use the new District online reservation portal to enter requests for use of gymnasiums and ball fields. All requests will be made between July 1 and July 15 each year.
- Minor changes to align with LPR and LPS operations.

Document No. 9772 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 Watt moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Gentrup

Approved by the Chair and inscribed in Ordinance No. 11937.

H. ORDINANCE APPROVING A CONTRACT WITH ASSOCIATED THEATRICAL CONTRACTORS FOR STAGE REPAIRS AT THE LIBERTY PERFORMING ARTS THEATRE IN AN AMOUNT NOT TO EXCEED \$9,950.00

Liberty Performing Arts Theatre (LPAT) hosted its first event in April 1992. The majority of LPAT's stage floor was constructed as a suspended wood floor including maple floorboards assembled on several cushioned disks that 'float' the whole floor a few inches above the underlying concrete floor. Additionally, a smaller curved portion of the stage floor closest to the audience is a collection of 16 custom-made riser pieces finished with maple floorboards. These removable risers fit together to cover a shallow 'orchestra pit' where the concrete floor underneath them is about five feet below the stage height or about two feet below the height of the audience floor in the closest row of seats (Row A). Ten of the risers that are closest to the audience form the curve at the front edge of the stage, and the remaining six wider risers behind them attach to the permanent stage floor.

Orchestra pits are intended as a space for live musicians to perform during musicals and operas where they are audible to guests but not visible, being below the view of the audience. Initially, in-house theater staff manually removed certain risers to create the orchestra pit. Due to ongoing mechanical concerns needing specialized service, trained staging fabricators and installers were contracted whenever a pit drop and raise was requested.

The staff reached out to ATC for a solution that would meet the needs of the Liberty Performing Arts Theatre and its clients. ATC recommended permanently welding or otherwise locking the riser sections to each other and also constructing permanent anchors into the concrete floor under the stage. This solution will keep the back six risers securely tight and level with the main stage floor. To accommodate our client's use, four riser pieces will remain movable and will continue to use existing removable hardware parts. At the expense of individual users, Associated Theatrical Contractors will complete preventative maintenance adjustments on the four remaining riser sections to ensure the integrity of the stage throughout each season.

The staff have a strong working relationship with ATC and have frequently contracted their services for challenging projects, especially yearly movements of the risers over the pit. Upon notice to proceed, staff expects project completion in the middle of August 2024.

Document No. 9773 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11938.

- I. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH TAYLORMADE, CO. FOR THE PURCHASE AND INSTALLATION OF NEW SYNTHETIC PLAYGROUND SAFETY SURFACING AT STOCKSDALE PARK AND CAPITOL FEDERAL SPORTS COMPLEX IN AN AMOUNT NOT TO EXCEED \$58,899.35

Project #1: Stocksdale Park Playground Safety Surface: \$36,670.56

The Parks and Recreation Department continually reviews the playground inventory within the park system, evaluating and prioritizing replacement and repair needs. During the FY2024 budget development process, the Stocksdale Park playground and safety surfacing was identified as the highest priority to be replaced as part of the Parks operations budget. The playground structure (minus safety surface) will be fully replaced in August 2024 as authorized by City Council on May 13, 2024, by Ordinance No. 11923. This request will complete the entire project by placing a synthetic turf safety surface under the new playground structure.

Project #2: Capitol Federal Sports Complex Playground Safety Surface: \$22,228.79

The Capitol Federal Sports Complex has three playgrounds: one in each of the sports venues. In the 4-Plex, the current safety surface is an engineered wood fiber (EWF) product that has a high level of regular maintenance, high lifetime costs and regularly exhibits a compromised accessible surface for children using mobility devices. This EWF surface often washes away and moves after each heavy rain, creating the potential to reduce fall protection safety requirements, accessibility standards, areas of ponding water and mudholes. The EWF chips also blow or wash onto the synthetic turf ball fields, causing additional staff time and maintenance costs.

Document No. 9774 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 Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11939.

J. **ORDINANCE APPROVING AN ARTWORK PURCHASE AGREEMENT FOR THE ACQUISITION OF A SCULPTURE FROM RUSSELL WHITING TO BE USED FOR PUBLIC EXHIBITION IN AN AMOUNT NOT TO EXCEED \$16,000.00**

Each year, the City of Liberty's Arts Commission (LAC) invites artists to submit artwork for the Rotating Sculpture Program. With public input, the Liberty Arts Commission may purchase one or more of the pieces to be added to the City's permanent public art collection and to be moved to a permanent location elsewhere in the City. The LAC's Panel, with input from the public, recommended the purchase of "Champion" with funds budgeted for public art from the Transient Guest Tax.

Document No. 9775 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 Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11940.

K. **ORDINANCE APPROVING A CONTRACT WITH MCCONNELL & ASSOCIATES FOR REPAIRS AND OVERLAY OF THE CLAYWOODS/CLAY MEADOWS PARK TRAIL IN AN AMOUNT NOT TO EXCEED \$49,950.00**

The Claywoods/Clay Meadows Park Trail provides a connection throughout the park for pedestrians to access the playground and other park recreational areas. The trail is just short of one-half mile long and is in fair condition but is ready for some repair work and an overlay. Asphalt trails require maintenance of crack sealing and seal coating to prolong the life of the material. Trail overlays reset the life cycle of the trail. With proper care, asphalt trails can last 10 years between overlays.

As part of the FY2024 Park Operations Budget, funds were allocated for trail overlay to several locations within the City. The Claywoods/Clay Meadows Park Trail is next on the list for repairs. Staff met with several paving contractors and found McConnell & Associates to be the most capable contractor for the work, plus they participate in the TIPS National Purchasing Cooperative Program allowing us to utilize their services as they have competitive pricing.

In the direction to improve trails in existing parks, the City of Liberty Parks and Recreation Master Plan (Goal 1, Objective 1.3) recommends developing new walking and biking trail opportunities and promote non-motorized transportation alternatives to improve the health and well-being of Liberty residents. These repairs will extend the life of this trail and meet the objectives of this goal.

Document No. 9776 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 Gene Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11941.

L. ORDINANCE APPROVING A POLICY RENEWAL WITH TRAVELER'S INSURANCE TO PROVIDE GENERAL, PROPERTY AND CASUALTY LIABILITY INSURANCE COVERAGE FOR THE CITY OF LIBERTY

The City of Liberty budgeted for a 15% cost increase over the current year's premiums for our general liability, property and casualty insurance with Traveler's. However, the actual increase came in at an overall 28% cost increase, 13% over our 2024 approved budget. Our broker, CBIZ, requested renewal quotes from six different carriers, and due to trends in the insurance industry, carriers are declining to work with larger cities; therefore, CBIZ received only two quotes out of the six. Chubb quoted coverage for property only and our current carrier quoted pricing for all lines of coverage.

The City of Liberty has a low frequency of claims compared to industry averages and an AM Best rating of A++ superior); and our exposures account for 8% of our increase. National and Midwest trends contribute to rates, which account for the 20% increase, totaling to 28% overall. Our vehicle deductible would see an increase from \$1,000 to \$2,500 (fire trucks would be \$2,500 to \$5,000) and law enforcement liability deductibles would increase from \$10,000 to \$25,000. Our building deductibles would remain the same at \$100,000 per building, per occurrence. All deductibles are paid by each individual department associated with the deductible.

Because today's market is the hardest market to find coverage since the 1980's, the lack of interest from other carriers to provide quotes and coverage, not being quite big enough for moving to self-funded insurance and the City's awareness of CBIZ's aggressive negotiations, management believes continuing at this time with Traveler's is our best option for these lines of coverage. However, with the continued assistance from CBIZ, the City will continue looking at reinsurance, higher retention and the steps needed towards self-insurance.

Many entities throughout the State of Missouri use Traveler's Insurance for their general liability, property and casualty insurance due to their willingness to quote and cover all lines, their customer service, and they are highly recommended by our broker as an ethical and fair choice.

Document No. 9777 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11942.

M. ORDINANCE AMENDING ORDINANCE NO. 11799, APPROVING A CONTRACT WITH THE MID-AMERICA REGIONAL COUNCIL PERTAINING TO GRANT FUNDING FOR SENIOR SERVICES BY APPROVING AMENDMENT #3, INCREASING THE SET MAXIMUM REIMBURSEMENT RATES FROM A PERIOD OF JULY 1, 2023, THROUGH JUNE 30, 2024 IN AN AMOUNT NOT TO EXCEED \$170,530.00

Annually, the City of Liberty is awarded operating contracts by the Mid-America Regional Council (MARC) to support senior center administration, site person transportation, home delivered meal delivery, home delivered meals administration of a volunteer system, evidence-based DPHP programs, and home delivered meal reassessments. All contracts are for the state fiscal year July 1 through June 30.

These are dollar amounts reimbursed (paid) to the City of Liberty from MARC for providing these services.

All MARC funding is based on usage and capped at the grant funded amounts.

The table below outlines the maximum amounts to be paid outlined in the original contract, and subsequent Amendment #1, Amendment #2, and this Amendment #3.

| Service | Original Contract | Amendment #1 | Amendment #2 | Amendment #3 |
|---|-------------------|------------------|------------------|------------------|
| Transportation services to and from the center, unit rate \$2.75/one-way trip | \$7,370 | \$17,370 | \$17,370 | \$17,370 |
| Delivery of home delivered meals, unit rate \$2.20 | \$21,252 | \$21,252 | \$21,252 | \$21,752 |
| Home delivered meals <u>administration of a volunteer system</u> , unit rate \$5.35 | \$51,704 | \$51,704 | \$51,704 | \$52,704 |
| Evidence-based DPHP programs | \$10,000 | \$10,000 | \$10,000 | \$14,000 |
| Home delivered meals reassessments | \$2,500 | \$2,500 | \$2,500 | \$2,500 |
| Administration of senior center | \$33,000 | \$33,000 | \$62,204 | \$62,204 |
| Total value of contract | \$125,826 | \$135,826 | \$165,030 | \$170,530 |

Document No. 9778 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 Ponder seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11943.

N

ORDINANCE APPROVING A PURCHASE AGREEMENT WITH AMERICAN RESPONSE VEHICLES FOR THE PURCHASE OF A NEW AMBULANCE AND REMOUNT OF FOUR EXISTING AMBULANCES IN AN AMOUNT NOT TO EXCEED \$1,694,540.00

The 2010 Fire Sales Tax Budget allocated funds for equipment, apparatus, and station maintenance and replacement. In late 2016, Fire Department's Apparatus Committee was presented with the equipment, apparatus, and station maintenance/replacement plan that was developed by the Fire Department's Labor Management Committee and command staff. The presented plan outlined the needs of the organization as seen at that time and into the future.

The established fleet replacement program is proving to address our needs by replacing our fleet on an established schedule, providing consistency in apparatus, providing up-to-date safety features, while experiencing decreased out of service time due to mechanical issues, and increased value at the end of the life cycle. The original plan in 2010 called for the replacement of the ambulance fleet after five years, with the understanding we would continually evaluate the fleet and determine if its usable life could be extended, while maintaining its value at a high enough point to supplement the new expense. It was determined that we would use a six-year replacement mid-way through the initial cycle based on monitoring our use, wear, mileage, and hours.

For the 2024 budget, one of the top priorities is to replace our current four ambulances and add one additional ambulance. A labor/management project team was established in mid to late 2023 to begin the process of creating specifications, as well as to explore our purchasing options. The committee worked for several months reviewing new safety features and design options. In addition to reviewing new safety features and designs, the committee found that it would be more cost-effective to remount our current units on new chassis and purchase one additional ambulance to help with the growth of the city and the expected long-expected delivery time frame. By remounting the current units, we will be able to save approximately \$410,000.00, which is equivalent to the cost of a new unit.

The committee chose to utilize a design/build process and met with five vendors and chose to work with the two companies that would remount in the shortest timeframe within two to three years. The two manufacturers were Horton and American Emergency Vehicles. Both vendors met with the committee, heard the committee's concepts, and then provided the committee with conceptual drawings and costs. The results of that process are listed below:

| Manufacturer | Per Amb. Remount cost | Cost for 1 new ambulance | 4 remounts and 1 new | Total for 5 new Ambulan |
|--------------|-----------------------|--------------------------|----------------------|-------------------------|
| Horton | \$405,688.25 | \$450,824.00 | \$2,073,577.00 | \$2,254,120.00 |
| AEV | \$317,375.70 | \$424,562.00 | \$1,694,065.00 | \$2,120,110.00 |

The committee reviewed the proposed concepts and cost and determined the best manufacturer for the City is American Response Vehicles, which is the lowest and best bid. This also allows us to maintain the warranty of the unit once it is remounted. Full warranty would not be offered through Horton. The remount will include full reconditioning to a new state with all new safety lifting systems and cots. The committee will also research the opportunity to sell the used chassis outright and will be given a trade in value closer to the start of the process. The Fire Department will be using a Lease Purchase for this item. The debt service costs have been included within the Fire Sales Tax.

In addition to the allocated funds, the Fire Department is working on renewing a service agreement with the Liberty Hospital District for the next five years. The hospital agreement could provide additional income of up to \$75,000.00 annually, with the variable being the final purchase price of the ambulance. The agreement has been delayed due to the merger with KU being finalized. The agreement stipulates that the funds must be utilized to assist in purchasing an ambulance and should be completed soon.

Document No. 9779 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 Gentrup seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Ponder, Pozel, Graham, Watt, Gentrup and Hagan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11944.

O. ORDINANCE APPOINTING DOUG WILSON AS MUNICIPAL JUDGE AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR JUDICIAL SERVICES

In the performance of the Judicial Services, it is recognized that the Municipal Judge is a contractual employee of the City. The term of office for Municipal Judge for the City of Liberty is traditionally four years. The Municipal Judge agrees to serve as and perform the functions and duties of the Municipal Judge to the City of Liberty as set forth by law and ordinance (the "Judicial Services"). The Municipal Judge agrees that in the performance of the Judicial Services, they are bound by applicable codes of judicial ethics, including the Missouri Code of Judicial Conduct during the term of the agreement.

Document No. 9780 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 Phillips moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Ponder, Pozel, Graham, Watt, Gentrup and Hagan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11945.

IX. OTHER BUSINESS

X. CITIZENS' PARTICIPATION

David Langston – 1920 Carter Court, Mr. Langston stated that Citizen Participation is a time for people to express their opinions. Mr. Langston suggests that one needs to tolerate individual opinions especially when one doesn't agree with the other and not turning it into a hostile situation. Mr. Langston went on to say the monument is deeded by a warranty deed just like your house. Mr. Langston stated the people of Liberty don't want their warrant deeds touched.

Gieselle Fest – 1407 Lynette Street, Ms. Fest thanked the City Council for the opportunity to speak and she respectfully asks the City Council to withdraw the lawsuit against Block 174 and the dead tax payers. Ms. Fest stated when she was the Clay County Historic Sites Director, she hired the very first black woman in that department. Ms. Fest states that in her house growing up, she was taught respect and about civil rights.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, MO, Mr. Holtzclaw stated he has family buried in privately owned Block 174. Mr. Holtzclaw stated his uncle and Mayor of Liberty, John Will Hall, sold Block 174 on January 6, 1900. Mr. Holtzclaw stated he is offended by the way the Mayor speaks to those who are trying to defend the graves of their family members. Mr. Holtzclaw states he comes from a military family and he is not a fake patriot.

David Sallee – 9531 N. Laurel Avenue, Kansas City, MO, Mr. Sallee states that he speaks at these meetings with a particular goal in mind. Mr. Sallee wants to remind everyone that the conflict over the monument is not “simply” a legal conflict and that the monument itself is a stark representation of man’s intentional inhumanity to man.

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

The meeting adjourned at 8:02 p.m.

Mayor

Attest:

Deputy City Clerk