



## City Council Meeting

Regular Session Minutes

October 28, 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 October 28, 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 Ponder, who then led the pledge of allegiance.

### III. ROLL CALL

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

Council Members Absent: None

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  
Matt Kellogg, Police Captain  
Katherine Sharp, Planning and Development Director  
Sherri McIntyre, Public Works Director  
Sarah Ranes, Deputy City Clerk

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

### IV. PROCLAMATIONS

### V. APPROVE MINUTES AND SUMMARIES

#### A. Regular Session Minutes of September 9, 2024

Council Member Watt moved to approve the minutes as distributed. Council Member Ponder seconded the motion, which carried 7-0-1. Council Member Phillips abstained due to absence.

### VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to approve the purchase of a 2024 Ford F-250 4x4 Supercab Pickup from Blue Springs Ford for the Animal Control Department in an amount not to exceed \$51,297.00

Animal Control currently has six Animal Control positions with a fleet of two Ford F250s, which were purchased last year to replace two vehicles that were 10 and 20 years old. Purchasing a third Ford F-250 will provide consistency between vehicles and will allow for greater and more efficient coverage of the city for animal control calls.

Staff submitted a request in September through Ford's government fleet vehicles program for a 2024 Ford F250 4x4 Super Cab Pickup. Staff received estimates from Blue Springs Ford, Chuck Anderson Ford and Thoroughbred Ford. Blue Springs Ford offered the best pricing and anticipated delivery by the end of this year.

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

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

- B. Resolution Approving a Liberty Community Center Alcoholic Beverage Service Application for a Small/Private Event to be held on November 10, 2024

Andrea Graf is hosting a small/private event to be held at the Liberty Community Center on November 10, 2024, from 10:00 a.m. to 2:00 p.m. The applicant has completed an LCC Alcoholic Beverages Service Application, requesting authorization to serve alcohol at the event. This is a small private event. In accordance with the statute, written notice was provided to the Liberty School District (only property owner within 100 feet of the proposed location) on October 7, 2024, notifying them of the application and the meeting date that Council will consider the application. The staff have confirmed School District receipt of the notice and there are no other district events in the Community Center that day.

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

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3420

- C. Resolution Amending Resolution No. 3344, Appointing Directors to the Liberty Corners Community Improvement District Board of Directors, By Amending the CID Name to be the 901 S. 291 Community Improvement District

City Council previously approved Resolution No. 3344 on August 14, 2023. However, the CID named in the Resolution title was incorrect and should have read 901 S. 291 Community Improvement District and the terms commencing July 19, 2023 and expiring on July 19, 2026 should have read terms commencing February 15, 2023, expiring August 11, 2026 and hereby amended as such.

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

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3421

D. Regular Session Minutes of September 23, 2024

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

VIII. APPOINTMENT OF CHRIS YOUNG AS FIRE CHIEF

A. Motion to Approve the Appointment of Chris Young as the Fire Chief

The recommendation to appoint Chris Young to the Fire Chief follows the retirement announcement of Chief Mills and a multi-state recruitment search. The process brought thirteen applicants for review, and five were selected for a first interview. Members of the Department Head Team, City Council, Fire Chiefs Association, departmental employees and representation from IAFF Local 42 participated in the interview panels and selected only Mr. Young to proceed to the next step. The City Administrator interviewed Chris Young and deemed him to best align with departmental and City goals, mission and values.

Mr. Young is currently the Fire Support Services Chief and has served in this role since August 2019. He has served the Liberty Fire Department since June 2007, starting as a firefighter/medic and being awarded a promotion to Captain in May 2015 and then again to Assistant Chief in 2019. He currently serves as the Secretary/Treasurer for the Northland Fire Chiefs and is an adjunct instructor and evaluator for the Blue River Fire Academy. Mr. Young is actively involved in all aspects of departmental management, including creating standard operating procedures (SOP's), union negotiations and the labor management committee. He is very well known and respected within the metro due to his professionalism and volunteer duties through Northland Fire Chiefs Training Committee, Mine Rescue Team, Peer Fitness Trainer and Peer Counselor. Mr. Young is the City's resident expert for the Life Scan Program and has been a vital member of the City's Management Team.

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

Vote: Motion passed 8-0-0  
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt, Gentrup and Hagan  
No: None  
Abstain: None

IX. PUBLIC HEARINGS

A. Resolution Approving a Final Development Plan for Liberty Parkway Apartments, a 328-Unit Apartment Complex on 17.43 Acres at the NE Corner of South Liberty Parkway and Flintlock Road in Liberty, Clay County, Missouri (P&Z Case 24-31FDP)

This is an application for 7 buildings with 328 apartment units on 17.43 acres. The apartments will be on the southern portion of the site abutting South Liberty Parkway on the south, Flintlock Rd. on the west and Plummer Rd. on the east. A new public road, Mercy Drive, is proposed on the north end of the site that will connect Flintlock Road and Plummer Road.

The applicant is requesting a variance from Section 30-93.3, Design specifications, streets and alleys, to reduce the width of the Plummer Road Right-of-Way (ROW). An existing easement owned by Evergy abuts the existing Plummer Road on the west. The applicant is proposing to not extend the ROW into that easement thus creating a conflict between the City ROW and an existing Evergy easement. The current City standard specifies a ROW width of 64'. However, a reduced ROW width of 55 feet is requested.

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 Watt seconded the motion.

Vote: Motion passed 8-0-0  
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt, Gentrup and Hagan  
No: None  
Abstain: None  
Inscribed in Resolution No. 3422

B. Ordinance Accepting and Approving a Final Plat for Liberty Parkway Apartments in the City of Liberty, Clay County, Missouri (P&Z Case 24-30FP) – Not a Public Hearing

This is final plat for 2 lots for Liberty Parkway Apartments. The proposal is to build 7 apartment buildings on 17.3 acres. The apartments are proposed on Lot 1. Lot 2 was approved for a commercial building. The proposal also includes the connection of Flintlock Road and Plummer Road by creating a public road, Mercy drive, on the north end of the development.

As no parkland will be dedicated with this development a fee is required to be paid in the amount of \$102,336.00 as required in Section 30-94.1 of the UDO prior to recording the Final Plat.

Document No. 9828 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 Phillips moved to approve the ordinance. Council Member Hagan seconded the motion.

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11993.

C. Resolution Approving an Amended Final Development Plan for Country Village, Formerly Known as Vintage Estates, a Detached Single-Family Subdivision Containing 29 Lots and Utilizing Zero-Lot Line Construction at the Intersection of Buckingham Drive and S. Withers Road in Liberty, Clay County, Missouri (P&Z Case 24-33FDP-A)

This development has come into new ownership in 2024, after construction had already begun. As part of that transition, the new owner has proposed changes from what was originally approved by the City Council, including alterations to the ownership model of the homes, the subdivision of the land itself, and the public infrastructure involved in this project.

The applicant is requesting a variance from Section 30-93.3, Design specifications, streets and alleys. The variance is to reduce the width of the Vintage Lane and Harvest Road rights-of-way, which were built as private drives and do not provide sufficient space for the standard right-of-way width. Whereas Code requires a minimum right-of-way width of 54 feet, both rights-of-way will be 33 feet wide (note that the streets themselves are 26 feet, the minimum width as prescribed by Code). Additionally, sidewalks were only built on one side of both of these streets.

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

**Vote:** Motion passed 8-0-0

Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt, Gentrup and Hagan  
No: None  
Abstain: None  
Inscribed in Resolution No. 3423

D. Ordinance Accepting And Approving A Final Plat For Country Village, A 20-Lot, Zero Lot-Line, Detached Single-Family Subdivision In The City Of Liberty, Clay County, Missouri (P&Z Case 24-37FP)

This is a final plat for Country Village, formerly known as Vintage Estates. This proposal includes 20 detached single-family homes utilizing zero lot-line construction; this means that each platted lot acts as a building envelope, with all open space contained within common area tracts to be maintained by the Homeowners Association. Six such common area tracts are proposed (Tracts A through F). While the plans provided at this time show 20 single-family lots, nine additional homes will be constructed before the development is complete. Once construction on these additional homes begins, the applicant will submit lot split applications to re-plat the property, creating nine additional zero-lot line single-family lots for a total of 29 lots.

This development does not provide adequate public park space as required by Code; however, a fee in-lieu-of the provision of public park space was already paid to the City as part of a previous application approval.

Document No. 9829 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11994.

X. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance Acknowledging Vendor Payments for the Period of October 4, 2024 to October 18, 2024

Document No. 9830 was read.

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

Roll Call

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11995.

- B. Resolution Approving a Final Development Plan for Water Street Lofts, a Three-Story, Mixed-Use Building With Ground Floor Retail, 16 Residential Lofts and Underground Parking Totaling 47,750 Square Feet at 1-11 N. Water Street in Liberty, Clay County, Missouri (P&Z Case 24-38FDP)

The applicant proposes to construct a mixed-use building, at the NE corner of North Water and East Kansas, including lots 1-11 N. Water Street. The proposed three-story mixed-use building has 10,090 square feet of commercial space and 16 residential units on .43 acres. There is underground secured parking for residents with 25 parking stalls, with additional stalls in the rear alley of the building.

The applicant is proposing a three-story, mixed-use building with ground floor commercial, second and third floor residential lofts, and underground parking. This use is appropriate in the Central Business District.

Henry Klover, Klover Architects, 8813 Penrose Lane Ste. 400, Lenexa, KS 66219. Mr. Klover stated there will be a railing along the southside of the building for walker assistance.

Ron Cowger, AGC Engineers, Inc., 405 S. Leonard Street, Liberty, MO 64068. Mr. Cowger stated that parking privileges will stay the same for property owners.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3424

- C. Ordinance approving a Collective Bargaining Agreement with the Members of the Communications Workers of America (CWA) Local 6360 and the City of Liberty

Staff and CWA Local 6360 began their first contract negotiations in January 2024 at the request of CWA 6360. Most language in the proposed Collective Bargaining Agreement (CBA) is standard language and aligns with current City policies, current departmental procedures and current CBA language. Departmental procedures, methods and standards will continue to be monitored through a joint labor/management committee. Items that have a financial impact to the City were

negotiated in detail and prioritized. The proposed CBA requires a three-year commitment to stated language and policies within the document.

Document No. 9831 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 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11996.

D. Ordinance Approving an Agreement with JCI Industries, Inc. for the repair of a Carrousel Gearbox in an amount not to exceed \$60,000.00

Aeration is how the carrousel removes nutrients. The wastewater plant is permitted to remove nutrients as part of the National Pollutant Discharge Elimination System or NPDES, otherwise known as an operating permit. It is required for this system to operate as intended 24-7 to continually meet these goals and is achieved by:

Rebuilding the gearbox allows staff to temporarily take one of the Carrousel's aerators out of service, have the gearbox (which needs mechanical attention) removed, have the rebuilt gearbox installed, and then have the gearbox that requires attention rebuilt. This process can be completed in 4–8 hours.

The process of removing gearboxes out of service and installing rebuilt ones will be repeated until all gearboxes have been gone through. There are 4 aerators (two per carousel): one has been replaced with a new gearbox and motor, one in this council action will be rebuilt, and we will have two more gearboxes to evaluate for rebuild. Once completed, staff would have a rebuilt gearbox ready for service in the event of equipment failure. It is more affordable to rebuild than buying new gearboxes. Also, the turnaround time is much quicker.

This council action is only for the rebuild of Santasalo Gearbox D3PVSF70MIX S/N: FI-10763, and does not include the installation or other services. JCI was selected due to their past performance, knowledge of equipment and an existing cooperative contract that covers the service requested.

Document No. 9832 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 Phillips moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11997.

E. Ordinance Approving an Agreement with Transystems Corporation for Phase's I & II of the City of Liberty Project 24-007, 104th Street Improvement Project with Authorization to Fund Phase I in an amount not to exceed \$341,128.00

104th Street, between the western city limits and N. Church Road., is a crucial route that connects Liberty, KCMO, MO Route 291 and a diverse body of over 2,000 students to North Liberty High School. The half mile segment, within city limits, is an unimproved two-lane route with no shoulders, no curb and gutter, no Storm Water Best Management Practices, no consideration for native versus invasive vegetation and no safe pedestrian or ADA routes of travel.

In April 2024, City Staff developed a Scope of Work for the complete redesign of 104<sup>th</sup> St. from the Western City Limits to N. Church Rd. The project will result in a wider, safer cross-section, which will include ADA-compliant pedestrian paths of travel, Storm Water Best Management Practices, consideration of native versus invasive vegetation and reconfiguring the intersection of 104th and N. Church from a signalized intersection to a circular (roundabout) intersection.

City staff reviewed and assessed the responsive RFQ submissions with TranSystems being selected for the project. During contract negotiations, it was decided to break the project into two phases. Tasks associated with each phase are as follows:

Phase I:

- Project Administration
- Survey
- Conceptual Plans
- Preliminary Plans
- Preliminary Waterline Design
- Preliminary Lighting Design
- Environmental Tasks
- Initial Coordination with Stakeholders
- Preliminary Landscape Architecture

Phase II:

- Right of Way Plans
- Final Plans
- Plans Specs and Estimates (PS&E)

- Post Letting
- Final Waterline Design
- Final Lighting Design
- Public Outreach Activities
- Additional Coordination with Stakeholders
- Final Landscape Architecture

Phasing is required to split funding for the project into two separate fiscal cycles, determine whether private, state and/or Federal funding will be obtained and ensure stakeholder support for Phase II prior to authorizing work on it.

It should be noted that while this contract awards Phase I and Phase II of the Project to TranSystems, it only obligates funding and authorizes work for Phase I of the Project. Phase II of the Project will require separate authorization from the City Council to obligate funding and authorize work. Phase I is not to exceed \$341,128.00.

Document No. 9833 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 Phillips moved to approve the ordinance. Council Member Pozel seconded the motion.

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11998.

F. Ordinance Approving a Contract with Gardner Construction Co., Inc for the Design Build Construction Services of 427 Mill St. City Records & Storage Facility Project 24-021 in an amount not to exceed \$1,197,829.00

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

In December 2023, a contract with Wellner Architects, Inc. was approved by the City Council (Ordinance No. 11852) to identify the necessary scope of work and improvements for the building as well as to identify an appropriate contract acquisition method for the project and define a high-level cost estimate. The resulting study recommendations showed that design/build would be the most advantageous path for

the City to move forward with.

On July 1, 2024, an III Phased Request for Qualifications and Proposals was advertised publicly for Design/Build Construction Services for the 427 Mill Street City Records & Storage Facility Project (24-021). A three-phased selection process was required due to existing State Statutes regarding solicitation of Design/Build contracts.

Phase I, which was purely qualifications based, was received on July 26, 2024. A total of 6 Design/Build teams submitted, they were:

- Bradlech Construction
- Gardner Construction
- JE Dunn Construction
- NF Construction
- Prairie Band Construction
- Russel Construction

Of the (6) Phase I applicants, 4 were short-listed to proceed into Phase II (Proposal Based Submissions) and Phase III (Bid Proposals). The 4 shortlisted were:

- Gardner Construction
- JE Dunn Construction
- NF Construction
- Russel Construction

Phase II and III were submitted on September 23, 2024. While Phase II and III were submitted concurrently, Phase III was required to be in a separate sealed envelope and was not opened until October 02, 2024, and was done so in a public setting.

Of the (4) shortlisted applicants, only (3) submitted for Phase II and Phase II. The 3 shortlisted teams which submitted were:

- Gardner Construction
- NF Construction
- Russel Construction

After review of Phase II by a selection committee of City Staff from Finance, Police, Public Works and Administration and the subsequent public opening of Phase III Gardner Construction Co., Inc. was selected for the project.

The scope of work will result in the removal of the two existing western buildings which are in poor condition and the renovation of the eastern building to meet the City's needs for records and evidence storage. The Design/Build contract is a Lump Sum contract in the amount of \$1,197,829.00.

Document No. 9834 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 Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

**Vote:** Motion passed 8-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11999.

XI. OTHER BUSINESS

XII. CITIZENS' PARTICIPATION

David Langston – 1920 Carter Court. Mr. Langston stated the Civil War ended in 1865 and 35 years later, the City gave Block 174 to the Confederates to bury working-class people in the community. Mr. Langston stated he has five family members buried there with no grave markers and rely solely on the grave markers in the center. Mr. Langston asks the City Council to let his family rest in peace.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, MO. Mr. Holtzclaw stated he has family members buried in privately owned Block 174. Mr. Holtzclaw stated Block 174 was sold on January 6, 1900 by Mayor John Will Hall, his uncle. Mr. Holtzclaw says he descends from Liberty's first-born child and he has family members buried within ten inches of that grave marker. Mr. Holtzclaw states this is his 100<sup>th</sup> meeting where he has asked the City Council to leave Block 174 alone.

Gieselle Fest – 1407 Lynette Street. Ms. Fest thanked the City Council for the opportunity to speak and she asks, please stop the lawsuit. Ms. Fest states that all anyone wants is for these poor people who are buried there to be left alone.

Gerasim Mayden – Mr. Mayden stated, how dare the City Council steal private property and desecrate a grave. Mr. Mayden told us his mother told him not to steal and to be respectful of the dead.

XIII. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XIV. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XV. ADJOURNMENT

The meeting adjourned at 7:54 p.m.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk