



City Council Meeting

Regular Session Minutes

January 27, 2025

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 27, 2025 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 Harold Phillips, 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
BJ Staab, Parks and Recreation Director
Erika Brant, Community Engagement Center, Parks & Recreation
Jim Martin, Police Chief
Chris Young, Fire Chief
Jason Whitteck, 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
13 members of the public

IV. EMPLOYEE RECOGNITION

Sherry McIntyre, Public Works Director introduced Lance Spainhower, who is the Public Works Operations Manager in charge of snow removal and Joaquin Nunez who is a Public Works Maintenance Worker who took the time out of this busy snow removal to help a disabled resident in a wheelchair shovel her driveway and sidewalk. These two employees along with the rest of the Public Works Department, were responsible for removing 380 lane miles of snow packed roads during the weekend of January 18, 2025 where the City of Liberty experienced record-breaking snow fall. Ms. McIntyre, staff and City Council thanked the Public Works Department for all of their hard work.

On January 14, 2025, the Liberty Police and Fire Departments were dispatched to a rollover accident where the vehicle ended up in an icy creek with both the driver and her six-month old baby trapped inside. Fire Chief Chris Young introduced Assistant Fire Chief Tyler Hobbs, Police Officer Zach Morrison, Firefighter Melissa Jackson, Firefighter Cameron Conrad, Firefighter David Crossley, Firefighter Kelly Clay, Firefighter Matt Sundet and Firefighter John Baker as they were the crew responsible for successfully rescuing this mother and her baby.

Police Chief Jim Martin introduced Captain Nathan Mulch, Assistant Fire Chief Jason Whitteck, Police Sergeant Ronnie Milburn and Police Corporal Jerrol Anderson as they too were responsible for this successful rescue.

Fire Chief Chris Young, Police Chief Jim Martin, staff and City Council thanked both the Police and Fire crews for their help in this successful rescue.

V. PROCLAMATIONS

VI. APPROVE MINUTES AND SUMMARIES

VII. MEETING SCHEDULE

VIII. CONSENT AGENDA

- A. Motion to approve the purchase of one new park restroom structure from CXT, Inc. to be located at Ruth Moore Park in an amount not to exceed \$87,893.00

The existing restroom facility in Ruth Moore 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 2025 park operations budget 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 park amenity has been highly requested from patrons that use the park. This project meets that neighborhood request.

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 Phillips moved to approve the purchase. 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

- B. Motion to approve the purchase of replacement bunker gear from Dinges Fire in an amount not to exceed \$42,500.00

Using the current recommendations from the NFPA and the Collective Bargaining Agreement with Local 42, a 5-year bunker gear rotation was established that provides the firefighter with a new set of gear and leaves their current bunker gear as a 2nd set of gear that is available after any call that may leave their gear contaminated (i.e. structure or car fire or hazardous chemical call).

The Department's Bunker Gear Committee reviewed and adjusted specifications to address noted issues, including requiring a magnetic closure system instead of a hook and loop system. This one change will save several thousand dollars in repairs each year. The updated specs were sent out to companies for bids. The committee reviewed bids from the three companies that responded. The bid from Dinges Fire, using Lion Apparel, was the only one to meet all requirements.

Action: Council Member Phillips moved to approve the purchase. 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

- C. Motion to approve the purchase of a John Deere 324G Skid Steer Loader from Heritage Tractor in an amount not to exceed \$60,922.00

With the addition of the artificial turf fields at Capitol Federal Sports Complex there is a need for a skid loader to unload the large bulk rubber material for the fields. The Case XT85 has been sold due to poor condition and advanced age. The Case XT85 was given to the sports complex from City Park crews after they replaced an axle and several other parts. At the time it was suggested to only keep the loader for a year and sell it before more issues developed. Four years later the capital budget is in a position to cover the cost of a new skid steer loader for the sports complex.

Staff utilized the Sourcewell Coop for a quote to purchase a 2024 John Deere 324G skid steer loader from Heritage Tractor in the amount of \$60,922.00 (purchase and set up \$59,500.00 plus \$1,422.00 for an extended warranty). Staff recommends the purchase of the skid steer utilizing Park Sales Tax funds.

Action: Council Member Phillips moved to approve the purchase. 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

- D. Motion to authorize payment to Republic Services for disposal of lime sludge in an amount not to exceed \$154,515.81

The City's water production process creates lime residuals as a byproduct of the water production process. The lime residuals are collected in the bottom of the settling basins and are pumped from the water treatment plant to holding and drying beds near the raw water well fields. To manage the number of solids in the basins staff endeavors to dispose of lime residual solids every year. In house staff leveraged the dryer than average year to dispose of the lime solids using in house staff and equipment to dispose of lime solids. 2024 is the second year that in-house staff and equipment was utilized to dispose of the lime residuals.

Staff disposed of 3,070.58 tons of lime sludge at an average cost of \$50.32/ton for a total of \$154,515.81. Staff recommends approval of the purchase order for the disposal of lime residuals with Courtney Ridge RDF Landfill.

Action: Council Member Phillips moved to approve the payment. 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

- E. Resolution appointing directors to the Historic Downtown Liberty Commercial Community Improvement District Board of Directors

Director	Term Expiration
Don Altis	December 14, 2027
Ralph Brant	December 14, 2027

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. 3437.

- F. Regular Session Minutes of December 9, 2024

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

G. Special Regular Session Minutes of December 16, 2024

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

IX. PUBLIC HEARINGS

A. Ordinance amending Chapter 30, "Unified Development Ordinance", of the Code of the City of Liberty, Clay County, Missouri (P&Z Case 25-05A)

The Unified Development Ordinance (UDO) was approved in April 2005. The UDO includes stream and drainage way protection requirements codified in Chapter 30, Article XVI, Section 30-98. These protections were identified in the Comprehensive Plan with the objective to prevent damage to streams and drainage ways in the city. Requirements are applicable for streams having at least forty (40) acres of drainage area and within the 100-year floodplain. Specific requirements include:

- Streamside buffer zone of twenty-five (25) feet from the edge of the stream.
- Riparian edge buffer zone fifty (50) feet from the edge of the streamside buffer zone or the edge of the boundary of the 100-year floodplain, whichever is farthest from the edge of the stream.
- 100-year storm event floodplains are regulated by floodplain buffers codified in Chapter 30, Article XVI, Section 30-100 and regulated by the Federal Emergency Management Agency (FEMA).

City staff has been approached with a request to fill in an area that is outside the 25-foot streamside buffer and 50-foot riparian buffer zones, but within the FEMA Floodplain. This fill is allowed by FEMA with proper permitting but is complicated by our City overlay which limits development in the 100-year floodplain. This request has caused staff to realize that this limitation is not in line with FEMA allowances to add fill in these areas. Because FEMA allows fill in the floodplain, staff is recommending a code change to allow fill on a discretionary basis within the 100-year FEMA floodplain. The City's objectives regarding storm water runoff and stream protection will be maintained with the recommended change.

Staff does not feel this should be used as a mechanism to develop within the 25-foot stream buffer or 50-foot riparian buffer zones, and feels this should be used in unique situations where the property owner has the right to fill on their property. The Public Works Department manages the stormwater and floodplain for the City and so staff believes the Public Works Director is the appropriate individual to make this determination.

Katherine Sharp, Director of Planning and Zoning introduced Sherri McIntyre who is the FEMA Floodplain Administrator on behalf of the City of Liberty to answer City Councils questions. Ms. McIntyre told City Council the floodplain is designed where it can be filled in and once it reaches a certain level, you can then go in and remove it out of the floodplain.

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

Document No. 9868 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. 12032.

B. Resolution approving a final development plan for a 400,000 sq. ft. expansion at the Ford Motor Stamping Plant at 2401 Plummer Road, in Liberty, Clay County, Missouri (P&Z Case 25-01FDP)

The proposal consists of a 400,000 square foot addition to the existing Ford Motor Stamping Plant at 2401 Plummer Road, to the east face of the existing structure. This proposal is considered the fifth phase for this facility and would increase the size of the building to a total of 1,305,500 square feet. The overall use of the site would remain unchanged as part of this proposal.

In addition to the proposed building expansion, the applicant has proposed the construction of a security fence. In order to meet Ford's security requirements, the six-foot chain link fence would be topped by three strands of barbed wire for a total fence height of seven feet. The UDO limits fences on non-residential properties to a maximum height of six feet; as a result, the proposed fence would require a variance.

The proposal would add 400,000 square feet of new building area to the east portion of the existing structure. The existing circulation drive to the east of the structure would be relocated further east in order to provide continued circulation around the facility. No additional employee parking has been proposed at this time; however, 80 new trailer marshalling stalls have been proposed to the south of the addition, as well as to the west of the facility. These marshalling spaces are being reviewed administratively under a separate application. The site's access to public right-of-way would remain unchanged.

The exterior of the new construction will match the design of the existing facility through the use of metal paneling.

The applicant has requested variances relating to landscape plantings and tree removal mitigation as part of this proposal. UDO Sections 30-97 (4) 4a. – 4b. require that one large growing tree or two small growing trees be planted for every 3,000 square feet of building area. UDO Sections 30-97.4 (10) a. – b. requires that every tree removed from the site exceeding eight inches in caliper be replaced with two large

growing trees, each a minimum of 1.5-inch caliper. The applicant requests variances from the above requirements by utilizing the equivalent fee-in-lieu of new tree plantings/replacements described in Section 30-97.4 (10) c. These funds will be determined and shall be paid to a dedicated parks tree account prior to final occupancy of the addition.

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 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

Inscribed in Resolution No. 3438.

X. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging vendor payments for the period of January 3, 2025 to January 17, 2025

Document No. 9869 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Travis 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. 12033.

B. Resolution approving an amended final development plan for Fulkerson Cottages, to eliminate the gate from the entry at Reagan Circle and Fulkerson Circle, in Liberty, Clay County, Missouri (P&Z Case 25-04FDP-A)

In 2023, this development received FDP approval to allow for the construction of 40 dwelling units, including five duplexes, six triplexes, and three fourplexes, in addition to a club house. The development was approved with a single public access at the northwest corner of the property onto W. Liberty Drive, with a gated emergency drive onto Fulkerson Circle. The applicant has filed this application to eliminate the gate from the drive onto Fulkerson Circle, creating a second public access into the development.

The development, which has nearly completed construction, will maintain all of the same elements previously approved by the City Council but for the proposal to remove the gate from the emergency access to Fulkerson Circle.

Action: Council Member Phillips moved to postpone the resolution to February 10, 2025. Council Member Pozel seconded the motion, which passed unanimously.

C. Ordinance calling an election in the City of Liberty, Missouri on the question of increasing the general sales tax in the amount of one percent (1.0%) **(Second Reading)**

The City Council has established as one of its priorities increasing available funding for public safety. Over the last eight years, the City Council has taken several steps to further these priorities.

In 2017, voters approved a 0.5% public safety sales tax which provided dedicated funding for public safety recruitment and retention, four new officers and three new firefighter/EMS positions. The approval of the Public Safety Sales Tax has also provided a funding source for the city to remain competitive with compensation and to compete with area agencies in recruiting the best quality candidates.

Since the approval of the public safety sales tax, the city has added an additional five positions within the Police Department and 11 additional positions within the Fire Department to address increased call volumes and provide improved staffing for officer and firefighter safety. To remain competitive in compensation for our Public Safety employees, the City dedicated additional funds from new revenues from the Liberty Triangle, and the voter approved 3% recreational marijuana tax in 2024 and the 2024 property tax reset.

Last year, a citizen committee was formed, with representation from each of the Cities four wards and an at-large member, to review the space needs of the Liberty Police Department. Over several months, this committee studied the space utilized by the Police Department, spoke with Liberty stakeholders and police officers and worked with a third-party moderator and architecture firm to consider a modern facility.

The committee presented their findings, priorities and recommendations at the City Council Study Session on January 7. The group identified that the current 10,985 facility, built in 1982, is inadequate for the functionality of a growing and modern police department. They considered other facility locations, but determined a renovation and expansion at the current location was more cost effective. They also recommended that the expansion should accommodate the projected growth of both the community and the department through 2055. Other recommendations included improved security for police officers, a modular floor plan that supports training space, improved work-flows, and more and modern space for evidence handling and storage. The recommended that the City seek public approval for funding up to \$20 million for this purpose.

In an ever-competitive market for recruiting and retaining Public Safety employees and to provide the Liberty Police Department with a more modern facility, a 1% General Sales Tax could provide the necessary funding.

The City Council can ask voters on April 8, 2025 to approve increasing the General Sales Tax by 1.0% to assist with funding for salaries and benefits for public safety and for the construction of the expansion of the police department. This additional 1.0% will be solely dedicated for current and future public safety needs. This tax requires a simple majority and will not sunset.

The City is required to submit documents to Clay County Board of Elections by January 28, 2025 to have the item place on the April 8, 2025 election ballot.

Document No. 9865 was read.

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. 12034.

D. Ordinance approving a contract extension with FORVIS for the annual audit fiscal year 2024 in an amount not to exceed \$100,000.00

On December 12, 2022, the City Council approved an agreement for auditing services provided by FORVIS, inscribed in Ordinance No. 9519. The agreement provided for professional audit service for the year ending December 31, 2022, and provided the option for extending the contract four subsequent years.

In 2022, an internal selection committee reviewed submittals from three auditing firms. While all firms are competent auditors and would perform a quality audit for the City, the Selection Committee felt that FORVIS would provide an added value for Finance Staff. FORVIS included in the base cost of their proposal an excel spreadsheet that has helped staff determine the journal entries needed for the new GASB 87 Lease compliance. Further, the staff have benefitted from ongoing training seminars provided by FORVIS and believe those training opportunities will continue assist Finance staff in learning about upcoming changes in accounting requirements.

Document No. 9870 was read.

Action: Council Member Hagan 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 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. 12035.

- E. Ordinance approving a firework display agreement with J&M Displays for the Liberty Fest fireworks display located at Capitol Federal Sports in an amount not to exceed \$35,000.00

The City of Liberty and the Liberty Area Chamber of Commerce have hosted Liberty Fest at the Sports Complex since 2016 and J&M Displays has provided the fireworks for the Liberty Fest event since 2017. The event is scheduled for Thursday, July 3, 2025. Similar to past years, the fireworks show will be choreographed to music.

With funding from the Transient Guest Tax, the City of Liberty has budgeted \$35,000.00 for fireworks in 2025.

In December 2022 (in preparation for the July 2023 event) staff distributed a request for proposals to our list of fireworks vendor contacts and posted the RFP online. Only one proposal was submitted - from J&M Displays.

Included in the RFP was the option to renew with the selected vendor for two additional years (2024 and 2025). J&M has provided not only excellent quality fireworks, but also excellent customer service.

In addition to fireworks, the event will also include popular entertainment like inflatables, face painting, a two-hour concert, food trucks and more.

Document No. 9871 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Hagan moved to approve the ordinance. Council Member Graham 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. 12036.

- F. 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 351- 55049-612-000000 "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 Stormwater 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 misc. 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 18 years and has been instrumental in building the City's Stormwater 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. 9872 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 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. 12037.

- G. Ordinance approving a contract with Curt Heisinger for the stabilization of headstones in Fairview and New Hope Cemeteries in an amount not to exceed \$10,000.00

The City has hired Curt Heisinger in 2022, 2023 and 2024 to stabilize and repair approximately 700 headstones throughout Fairview/New Hope and Mt. Memorial Cemeteries. Mr. Heisinger was the only contractor to submit a bid in 2022 and

continued to provide excellent work in 2023 and 2024. The City would like to maintain this relationship by entering into this contract at the same rates for 2025.

The City has had a dedicated volunteer base for years that have worked to stabilize and reset stones throughout the city-owned cemeteries. Hiring Mr. Heisinger continues these efforts and provides the expertise needed to stabilize and repair stones that are beyond the City's volunteer capacity.

The Cemetery Sexton will provide a list of stones in need of repair which will allow the contractor to quickly begin work without needing to assess large sections of the cemetery themselves. The proposed list will account for sections previously stabilized and continue to build on that progress.

Staff believes it is important to continue to work with Mr. Heisinger annually to maintain the cemeteries. Each year Mr. Heisinger will address stones that have destabilized in the last year which will allow the cemeteries to receive ongoing attention and maintain their overall appearance.

Document No. 9873 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 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

Approved by the Chair and inscribed in Ordinance No. 12038.

- H. Ordinance approving an amendment to Ordinance No. 11409 approving a change order for traffic signal maintenance with Black and McDonald, LLC by increasing the contract amount by \$31,909.00 from \$118,605.00 to \$150,514.00

This action is to increase the contract in order to allow for 2025 traffic signal preventative maintenance. The original contract 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%. In 2022, the contract was increased by a 3% escalation from \$29,200.00 to an overall total of \$57,550.00. In 2023, the contract was increased by a 3% escalation from \$57,550.00 to an overall contract of \$87,626.00. In 2024, the contract was increased by a 3% escalation from \$87,626.00 to an overall contract of \$118,605.00.

For 2025, Black and McDonald, LLC has requested a 3% escalation for the 2025 work for an amount of \$31,909.00 which is incorporated into this contract amendment for a new total of \$150,514.00. For 2026 and beyond, a new maintenance contract will be bid later this year or early next year.

The traffic signal maintenance base budget was established at \$50,000 for 2025 during FY2025 budget development. This agreement will utilize \$31,909.00 of those funds with the remaining \$18,091 available for repairs above and beyond the routine maintenance scope.

Document No. 9874 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 Graham moved to approve the ordinance. 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

Approved by the Chair and inscribed in Ordinance No. 12039.

- I. Ordinance amending Ordinance No. 11892 approving an amended STBG Funding Agreement (CFDA # 20.205; 2024-01-83215; 2024-12-86038) between the City of Liberty, Missouri and the Missouri Highways and Transportation Commission by adjusting the agreement stipulated bid opening and construction award dates

The Missouri Highway 291 corridor is a major commercial corridor directly adjacent to the Liberty Triangle Commercial Center. The corridor provides major arterial traffic flow for motorists and freight through the City of Liberty.

Traffic studies and historical data have both demonstrated that the intersection of M291 & Stewart Road is a high accident location. The annual average number of traffic accidents at the intersection is ten, with approximately half of these resulting in injury. To reduce the likelihood of accidents, the City has proposed either closing or improving the intersection. Traffic studies have determined that altering the intersection of M-291 & Stewart Rd. will divert significant traffic through the intersection of M-291 & Blue Jay Drive, thus warranting signalization.

In 2020, the City of Liberty applied for funds through the Federal Surface Transportation Block Grant Program (STBG) for the following improvements:

1. Signalization of the intersection of M-291 & Blue Jay Dr.
2. Improvement of the intersection of M-291 & Stewart Rd.
3. Pedestrian connectivity east of M-291 from the intersection of M-291 & Blue Jay Dr. to the North Havens Commercial Center development.

The project is currently out for bid with a bid opening date scheduled for February 11, 2025.

The grant funds, which have been awarded, will be available as reimbursement for construction costs and require coordination and an agreement with the Missouri Department of Transportation (MoDOT). The City entered into a funding agreement through Ordinance 11892 on March 11, 2024 for \$800,000.00 in funding assistance. This agreement must be amended as it stipulated a bid opening date of November 15, 2024 and construction contract award date of December 16, 2024 both of which have since passed. The original bid opening and construction award dates were not able to be met as the acquisition of required Right of Way and easements took much longer than expected and ROW acquisition and approval were required to move forward with the project. The amended agreement stipulates a bid opening date of August 29, 2025 and construction contract award date of October 31, 2025. While the project is currently out to bid with an opening date scheduled for Feb. 11, 2025, the August 29, 2025 date provides cushion in case there are unforeseen circumstances between bid opening and award of construction.

Document No. 9875 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 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. 12040.

- J. Ordinance amending Ordinance No. 11895 approving an amended Cost Share Agreement (KU0402; 2023-12-82732; 2024-12-86039) between the City of Liberty, Missouri and the Missouri Highways and Transportation Commission by adjusting the agreement stipulated bid opening and construction award dates

The Missouri Highway 291 corridor is a major commercial corridor directly adjacent to the Liberty Triangle commercial center. The corridor provides major arterial traffic flow for motorists and freight through the City of Liberty.

Traffic studies and historical data have both demonstrated that the intersection of M291 & Stewart Rd. has a high accident rate. The annual average number of traffic accidents at the intersection is 10, with approximately half of these resulting in injury. To reduce the likelihood of accidents, the City has proposed either closing or improving the intersection. Traffic studies have determined that altering the intersection of M-291 & Stewart Rd. will divert significant traffic through the intersection of M-291 & Blue Jay Dr., thus warranting signalization.

In 2023 the City of Liberty applied for funds through the Missouri Cost Share Program for the following improvements:

1. Signalization of the intersection of M-291 & Blue Jay Dr.
2. Improvement of the intersection of M-291 & Stewart Rd.
3. Pedestrian connectivity from North Havens Commercial Center development to Kansas St.

The project is currently out for bid with a bid opening date scheduled for Feb. 11, 2025.

The grant funds, which have been awarded, will be available as reimbursement for construction and construction engineering costs and require coordination and an agreement with the Missouri Department of Transportation (MoDOT). The City entered into a funding agreement through Ordinance 11895 on March 11, 2024 for \$1,092,500.00 (\$760,002.00 in 2024 and \$332,498.00 in 2025 funding) in funding assistance. This agreement must be amended as it stipulated a bid opening date of Nov. 15, 2024 and construction contract award date of December 16, 2024 both of which have since passed. The original bid opening and construction award dates were not able to be met as the acquisition of required Right of Way and easements took much longer than expected and ROW acquisition and approval were required to move forward with the project. The amended agreement stipulates a bid opening date of Aug. 29, 2025 and construction contract award date of October 31, 2025. While the project is currently out to bid with an opening date scheduled for Feb. 11, 2025, the Aug. 29, 2025 date provides cushion in case there are unforeseen circumstances between bid opening and award of construction.

Document No. 9876 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 Hagan moved to approve the ordinance. Council Member Gentrup 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. 12041.

K. Sports Apparel Uniforms

1. Ordinance approving a guaranteed pricing agreement with Challenger Teamwear Group for FY2025 adult and youth sports apparel – youth soccer in an amount not to exceed \$13,355.00

The Parks and Recreation Department facilitates a wide variety of youth and adult sports leagues and camps throughout the year which require the purchase of uniforms, jerseys, caps, socks, champion apparel, and the like.

An RFP was advertised soliciting vendors to provide full service apparel management for each of the programs. The bid was not limited to a single-vendor award and was written with the ability to split the award among vendors offering the best price and/or service.

Five proposals were received. A “basket of goods” analysis was used to compare unit pricing proposed. Staff used FY 2024 numbers of apparel units managed to project FY 2025 annual costs per item bid, which are summarized in the tables below. Please note that not all vendors bid on all items and not all items met specifications.

- Award #1 – Challenger Teamwear – Youth Soccer - \$13,355.00
- Award #2 – Custom Graphics – Youth Baseball/Softball Jerseys, Baseball Caps, and Basketball Jerseys - \$29,483.50
- Award #3 – TW Custom Branding for Bitty Sports - \$4,791.00
- Award #4 -- Show Me Logos for Adult Sports Championship Shirts - \$13,562.50
- Contracts have been written for each of the awards at the amount budgeted for each set of anticipated apparel purchases.

Document No. 9877 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 Hagan seconded the motion.

Vote: Motion passed 7-0-1
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan
No: None
Abstain: Council Member Gentrup, potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 12042.

2. Ordinance approving a guaranteed pricing agreement with Custom Graphics for FY2025 adult and youth sports apparel – youth baseball/softball jerseys, baseball caps and basketball jerseys in an amount not to exceed \$29,483.50

Document No. 9878 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 Graham moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-1
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan
No: None
Abstain: Council Member Gentrup, potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 12043.

3. Ordinance approving a guaranteed pricing agreement with Show Me Logos for FY2025 adult and youth sports apparel – adult championship shirts in an amount not to exceed \$13,562.50

Document No. 9879 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 Hagan moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-1
Yes: Council Members Phillips, Ponder, Pozel, Travis, Graham, Watt and Hagan
No: None
Abstain: Council Member Gentrup, potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 12044.

4. Ordinance approving a guaranteed pricing agreement with TW Custom Branding for FY2025 adult and youth sports apparel –Bitty Sports in an amount not to exceed \$4,791.00

Document No. 9880 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 Watt moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Gentrup, potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 12045.

- L. Ordinance amending Ordinance No. 11934 approving a change order with Leavenworth Excavating & Equipment Company, Inc. (Lexeco) for City of Liberty Project 24-006 Moss Street and Old 210 Highway guardrail by decreasing the current contract by \$62,407.05 from \$297,860.75 to \$235,453.70

The Moss Street and Old 210 Highway Guardrail project was awarded to Leavenworth Excavating & Equipment Company, Inc. (Lexeco) in the amount of \$297,860.75 on June 10, 2024 (Ordinance No. 11934).

The project involved the installation of guardrail at two locations:

Location 1: Old State Hwy 210 running over Town Branch

The segment of Old State Hwy 210 as it runs over Town Branch Creek posed a significant hazard. The narrow shoulder did not provide adequate space for a vehicle to correct itself in the event of an emergency. In the event that a vehicle was to leave the roadway, there was a high likelihood of the driver becoming submerged underwater and of the vehicle rolling.

Location 2: Moss Ave. adjacent to City Park

The segment of Moss Avenue as it runs adjacent to City Park experiences a steep grade change on the eastern side. While there was not the danger of a driver becoming submerged, there was concern that a vehicle exiting the roadway would lose control as it continued downhill on the eastern side of Moss Avenue. On the eastern side of Moss Avenue there is a high-volume-high-frequency park. A vehicle that exits the roadway and loses control could continue into the park area.

Throughout the project minor adjustments were made to the design based on changed field conditions, these additions and subtractions in scope of work resulted in a net reduction in overall contract price from \$297,860.75 to a final total of \$235,453.70. This amendment is required to:

- Incorporate additional agreed to line items of work which were not in the original contract and
- Reconcile all line item costs from estimated quantities to final installed quantities.

Document No. 9881 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. 12046.

M. Resolution accepting the Moss Street and Old 210 Highway guardrail project with Leavenworth Excavating & Equipment Company, Inc.

The Moss Street and Old 210 Highway Guardrail project was awarded to Leavenworth Excavating & Equipment Company, Inc. (Lexeco) in the amount of \$297,860.75 on June 10, 2024 (Ordinance No. 11934).

All contract work has been completed by Leavenworth Excavating & Equipment Company, Inc. in accordance with City standards, specifications and contract requirements. This action accepts the Moss Street and Old 210 Highway Guardrail Project, thus allowing release of retainage which has been held per the project contract.

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. 3439.

- N. Resolution accepting a public fire hydrant from Burnaugh Construction, LLC for the Complete PT project located at 1005 N. 291 Highway in Liberty, Clay County, Missouri

Complete PT is located at 1005 N. 291 Hwy in Liberty Missouri.

To facilitate the interior renovation and new usage, the following public improvements were constructed:

- Public Hydrant by Burnaugh Construction, LLC. under permit No. ROW-10- 24-00162

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. 3440.

- O. Resolution adopting a new storm water master plan and associated capital improvement plan for the City of Liberty as developed by HDR Engineering Inc.

The Current City of Liberty Storm Water Master Plan is dated March 2003. Some examples of projects that were completed from the 2003 plan are:

- Camelot Estates Drainage Swale Stabilization Project, Major creek stabilization project which involved enclosing a creek in a pipe along the back side of properties off of N. Clayview Dr.
- Little Shoal Creek Storm Drainage Improvements. Major creek stabilization project, which involved the installation of gabion baskets and structures around the Amesbury Ave., Liberty Dr. area.
- Conistor Box Culvert Repair Project. Repair of a box culvert which runs under Conistor Street and installation of gabion baskets up and downstream of the culvert.

In the two decades since the last plan, the City has experienced rapid industrial, commercial and residential growth. In conjunction with this growth, new design standards, Federal Storm Water Regulations and a 2015 revision to the City of Liberty FEMA flood maps have contributed to the need for a revised and updated Storm Water Master Plan.

In order to better allocate future resources, prioritize repairs to the existing infrastructure and guide the growth of the City's Storm Water infrastructure, the City entered in to a contract with HDR Engineering Inc on May 11, 2023 (Ordinance No. 11809) to develop a new Storm Water Master Plan. Since that time HDR and City staff have:

1. Investigated and Assessed Existing Infrastructure
2. Provided Avenues for Public Communication

3. Studied Storm Water Detention
4. Reviewed the FEMA Floodplain and Conducted a Flood Risk Reduction Assessment
5. Identified High Risk Stream Channel Erosion Locations
6. Established a Project Prioritization Matrix and Identified a Capital Improvement Plan Project
7. Developed Technical Memorandums memorializing the assimilated data and results

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. 3441.

XI. OTHER BUSINESS

XII. CITIZENS' PARTICIPATION

David Langston – 1920 Carter Court. Mr. Langston stated he is here tonight to talk about his family buried in Block 174. Mr. Langston said that according to statements made by the Mayor, the City has spent over \$100,000.00 trying to take this property. Mr. Langston recommended getting a plate made to cover up General Forrest's name on the grave marker and stop the spending tax payer dollars in regards to the lawsuit. Mr. Langston said there are a number of people in the community that don't like what their tax dollars are being spent on and some of those people call it "Mayor Greg's Folly" and laugh about it and then they talk about the expense and are mad. The only thing Mr. Langston wants is for his family to be left alone.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, MO. Mr. Holtzclaw explained that he is a descendant of Liberty's first-born child and his family provided the land for the Courthouse to sit on. Mr. Holtzclaw stated that John Will Hall, his uncle, sold Block 174 on January 6, 1900. Mr. Holtzclaw stated the deed is recorded in Book 120, Page 36 at the Clay County Recorder of Deeds Office. Mr. Holtzclaw said you are simply a thief if you try taking someone else's property. Mr. Holtzclaw said this is his 106th meeting where he has attending and requested the City Council to stop their revestment lawsuit against Block 174.

Gieselle Fest – 1407 Lynette Street. Ms. Fest states she is very passionate about Liberty and she is here to stand for family. Ms. Fest said she doesn't want to fight with Mayor Greg or spend taxpayer money, she just wants her family to be left alone. Ms. Fest stated there are four sides to the grave marker, Mr. Holtzclaw has family buried within 10 inches on the north side, Mr. Langston has family buried within 16 inches from the west side, Mr. Donaldson is buried on the southside about 23 inches from the grave marker and the town drunk, Mr. Johnson is buried on the eastside. Ms. Fest said they don't want to fight with anyone, she just wants the dead to be left alone.

XIII. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XIV. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XV. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Greg Canuteson, Mayor

Attest:

Deputy City Clerk