

City Council Meeting

Regular Session Minutes

March 13, 2023

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 March 13, 2023 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:12 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Council Member Hagan, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Greg Duncan and Kelley Wrenn Pozel, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, 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
Jim Martin, Police Chief
John Mills, Fire Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Janet Pittman, Acting Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

Mayor Brenton stated Item D. 2. Appointment of Greg Duncan to the Liberty Arts Commission would be removed from the Consent Agenda and considered separately.

A. RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR IMPROVEMENTS AT 20 E. FRANKLIN STREET, LIBERTY SQUARE HISTORIC DISTRICT

The owner is planning to take advantage of the City's Chapter 353 tax abatement program for exterior improvements at 20 E. Franklin, Liberty Square Historic District. An application for a Certificate of Appropriateness (COA) was approved by the Historic District Review Commission (HDRC) at their regular meeting on February 7, 2023.

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, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 3308.

B. RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR IMPROVEMENTS AT 20 N. MAIN STREET, LIBERTY SQUARE HISTORIC DISTRICT

The owner is planning to take advantage of the City's Chapter 353 tax abatement program for exterior improvements at 20 N. Main Street, Liberty Square Historic District. An application for a COA for exterior improvements at 20 N. Main was approved by HDRC at their regular meeting on February 7, 2023.

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, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 3309.

C. PURCHASE OF 2023 FORD TRUCKS FROM CHUCK ANDERSON FORD IN AN AMOUNT NOT TO EXCEED \$201,414.36

Public Works staff have worked on the ordering of new fleet vehicles with orders being placed in 2022 with anticipated delivery in 2023. The lead time and the delivery of the vehicles have a limited order period with an unknown delivery timeframe. Below is the locked in prices for the vehicles from the fall of 2023.

2022/2023	Chuck Anderson	Price	Trade In	Total
Description				
F350 Regular Cab	X	\$48,359.16	\$0.00	\$48,359.16
F550 Cab & Chassis	X	\$61,527.60	\$0.00	\$61,527.60
F550 Cab & Chassis	X	\$61,527.60	\$0.00	\$61,527.60
F150 (Facilities)	X	\$43,000.00	\$13,000.00	\$30,000.00

The Ford F-350 and F-550 trucks will be outfitted with winter operation equipment and will have an unknown time for delivery. With the unknown date for vehicle trade-in, all existing trucks are needed for heavy operations and value at trade-in is unknown at the time of order. Government pricing is the same at all dealerships and only one dealership responded with the short order time in the fall of 2022. Thus, trade-in value or other sales options will be evaluated after delivery of the new trucks is outfitted with winter operation equipment.

Bids were obtained for the Ford F-150 truck based on a trade-in estimate for an existing Ford Escape in the current Public Works vehicle fleet. The Escape still has some trade-in value, and is being replaced with a truck that will be available as a department fleet vehicle but will serve the needs of the facility manager better when parts and materials are being purchased.

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

D. BOARDS AND COMMISSIONS APPOINTMENTS/REAPPOINTMENTS

1. Appoint AGM/Sales Manager of Home2Suites by Hilton, Bella Smith, as the Hotel/Motel Industry Representative to the Tourism Committee for a term expiring on 5/1/2026
2. This item was removed from the consent agenda and considered separately.
3. Reappoint Vern Windsor to the Clay County Extension Council as a Representative for a term expiring 2/28/2024
4. Reappoint Wes Blanton to the Economic Development Tax Board for a term expiring on 4/1/2025
5. Reappoint Gene Gentrup to the Economic Development Tax Board for a term expiring on 4/1/2025
6. Reappoint Harold Phillips, Council Liaison to the Parks and Recreation Foundation for a term expiring on 1/1/2026
7. Reappoint Ann Waterman to the Planning and Zoning Commission for a term expiring on 1/1/2026
8. Reappoint Amy Howard to the Planning and Zoning Commission for a term expiring on 1/1/2026

9. Reappoint Tom Reiner to the Planning and Zoning Commission for a term expiring on 1/1/2026

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

- E. MOTION TO APPROVE THE PURCHASE OF A BRIDGE STRUCTURE WITH WHEELER LUMBER, LLC., TO PROVIDE A PEDESTRIAN BRIDGE ALONG THE OLD WITHERS PEDESTRIAN TRAIL IN AN AMOUNT NOT TO EXCEED \$61,650.00

The Liberty City Council accepted the proposed trails master plan in 2015, which included a planned trail along the no longer used Old Withers Road right-of-way. In 2018, the Parks Department contracted with Vireo, a landscape architecture, planning and design firm, to evaluate the planned trail system and better define the location of trails in the southern portion of Liberty. As part of that document, the main east west collector trail was designed and engineered to parallel the Little Shoal Creek. Additionally, several creek crossings in various locations were indicated along that route.

The first bridge needed for the trail is at the location where Old Withers Road once crossed the creek. The bridge for Old Withers Road was removed when South Liberty Parkway eliminated the need for the crossing. As single-family development has progressed south along Withers Road, the developer has agreed to provide paved pedestrian trails as amenities for local residents.

In 2018, planning began for several additional phases of the Homestead Hills development. As part of that design and development, the developers provided an easement to the City for a pedestrian trail along Old Withers Road as recommended in the City's southern trails study. The developer is committed to providing a paved trail from Birmingham Road to Campbell Drive. The City agreed to provide and install a pedestrian bridge over Little Shoal Creek.

The 2023 Parks budget includes \$60,000 for a bridge. A public invitation to bid (ITB PK23-013) was solicited and the City received four bids for the bridge. Staff recommends approval of an agreement with Wheeler Lumber, LLC to purchase a pedestrian bridge for an amount not to exceed \$61,650.00 from the park budget. Site preparation and final installation will be completed by Parks Department team members.

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, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

- F. APPOINT GREG DUNCAN TO THE LIBERTY ARTS COMMISSION FOR A TERM EXPIRING ON 5/15/2025

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

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Duncan

VIII. PUBLIC HEARINGS

- A. ORDINANCE ADOPTING AND APPROVING THE AMENDED DEVELOPMENT PLAN FOR THE DOWNTOWN AREA REDEVELOPMENT PROJECT (INCLUDING THIRTY-SECOND AMENDMENT FOR THE 20 N MAIN PROJECT) SUBMITTED BY THE LIBERTY MUNICIPAL REDEVELOPMENT CORPORATION, REAFFIRMING THE FINDING THAT THE PROPERTY WITHIN SAID AMENDED DEVELOPMENT PLAN IS A BLIGHTED AREA IN NEED OF DEVELOPMENT AND REDEVELOPMENT AS DETERMINED IN ORDINANCE NO. 9794 AND ORDINANCE NO. 10820, AUTHORIZING CERTAIN TAX ABATEMENT WITHIN THE REDEVELOPMENT AREA DESCRIBED WITHIN THE AMENDED DEVELOPMENT PLAN; AUTHORIZING EXECUTION OF A 353 DEVELOPMENT AGREEMENT FOR IMPLEMENTATION OF THE 20 N MAIN REDEVELOPMENT PROJECT; AND PROVIDING FOR EXPIRATION OF DEVELOPMENT RIGHTS

This amendment to the Redevelopment Plan consists of the removal of the rotted and weathered wood from the second story window and replacing it as needed; painting new wood; and applying sealant around the windows. This project will also consist of removing the scaling stucco and applying new stucco to match the rest of the front of the building, as well as caulking and sealing around the windows. Finally, the property will be repainted on the front of the building, as well as repainting the sign on the building (Mace Shoe Repair). The owner will also remove the damaged entry steps to the apartments and replace them.

The total cost of the project is estimated to be \$16,220.00. The improvements meet the guidelines that 50% of the improvement cost eligible for abatement is exterior as required.

Mayor Brenton 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. 9558 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 Graham moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 8-0-0

Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11726.

B. ORDINANCE ADOPTING AND APPROVING THE AMENDED DEVELOPMENT PLAN FOR THE DOWNTOWN AREA REDEVELOPMENT PROJECT (INCLUDING THIRTY-THIRD AMENDMENT FOR THE 20 E FRANKLIN PROJECT) SUBMITTED BY THE LIBERTY MUNICIPAL REDEVELOPMENT CORPORATION, REAFFIRMING THE FINDING THAT THE PROPERTY WITHIN SAID AMENDED DEVELOPMENT PLAN IS A BLIGHTED AREA IN NEED OF DEVELOPMENT AND REDEVELOPMENT AS DETERMINED IN ORDINANCE NO. 9794 AND ORDINANCE NO. 10820, AUTHORIZING CERTAIN TAX ABATEMENT WITHIN THE REDEVELOPMENT AREA DESCRIBED WITHIN THE AMENDED DEVELOPMENT PLAN; AUTHORIZING EXECUTION OF A 353 DEVELOPMENT AGREEMENT FOR IMPLEMENTATION OF THE 20 E FRANKLIN REDEVELOPMENT PROJECT; AND PROVIDING FOR EXPIRATION OF DEVELOPMENT RIGHTS

This amendment to the Redevelopment Plan consists of in-kind repairs to the stucco. The project includes replacement of the lower (non-original) six windows with six Andersen A-Series Double Hung Windows which are 54X58 to match the existing ones; repairs to the South Elevation/ Front Façade with like in kind replacement of the front deteriorated wood band; like in kind replacement of the planter box; replacement of the three (non-original) windows with Andersen A-Series double-hung windows which are 34X70 +/- each; replace the front door with a Masonite fiberglass two-panel half lite door and wood trim around the entry door; remove the colonial trim and install appropriate casing; like in kind replacement of the base wood trim; repair the trim band above the three storefront windows; replace the existing lantern and install a second lantern on the right side of the door; and add a new fabric wedge awning.

The total cost of the project is estimated to be \$87,700. The improvements meet the guidelines that 50% of the improvement cost eligible for abatement is exterior as required.

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

Document No. 9559 was read.

Action: Council Member Jenness 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 Phillips seconded the motion.

Vote: Motion passed 8-0-0

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

No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11727.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ACKNOWLEDGEMENT OF VENDOR PAYMENTS FOR THE PERIOD OF FEBRUARY 17, 2023 TO MARCH 3, 2023

Mayor Pro Tem Kelley Pozel took over as Chair of the meeting.

Document No. 9560 was read.

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

Roll Call

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11728.

Mayor Brenton resumed as chair of the meeting.

B. ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIBERTY, MISSOURI BY REZONING 17.3+/- ACRES AT THE NE CORNER OF SOUTH LIBERTY PARKWAY AND FLINTLOCK TO PD "PLANNED DEVELOPEMNT" DISTRICT FOR LIBERTY PARKWAY APARTMENTS (P&Z CASE 22-59R&PDP) (**SECOND READING**)

This is an application for 7 buildings with 328 apartment units and 16,000 sq. ft. of commercial space 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. The proposed commercial space will be on the north end of the property adjacent to Flintlock and the new public street that will connect Flintlock and Plummer roads.

The applicant proposes that the site be high density residential to allow for apartments and a small portion to allow for a commercial/office type building.

The residential portion will have approximately 328 dwelling units with a housing mix of one, two and three-bedroom units. The buildings will have a high level of architectural detailing and will include a community clubhouse and amenities such as an infinity pool, premium fitness center, bark park, outdoor turf for gaming, Zen area and co-working space. The buildings are situated around the perimeter of the site to provide significant open space between the buildings. This portion of the development will provide a total of 597 parking spaces, comprised of electronic vehicle charging stations, 109 garage spaces, covered parking and surface parking. An integrated

sidewalk system will be created to provide pedestrian connectivity and create a more neighborhood- oriented feel to the development.

The commercial portion of the development is 2+ acres and will provide +/- 16,000 square feet of commercial space with surface parking spaces. The commercial building will be 2-stories in height in order to maintain a pedestrian scale while also including attractive architecture.

Document No. 9561 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11729.

C. **RESOLUTION APPROVING A PRELIMINARY PLAT FOR LIBERTY PARKWAY APARTMENTS, 2 LOTS ON 17.3 ACRES AT THE NE CORNER OF SOUTH LIBERTY PARKWAY AND FLINTLOCK., A SUBDIVISION OF LAND IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 22-60PP) (POSTPONED FROM FEBRUARY 27TH)**

A preliminary plat is required for the general subdivision of land to ensure the layout of a proposed subdivision conforms to the comprehensive plan and the UDO. Staff's analysis of a preliminary plat application is guided by and finds this application does conform to Section 30-28.10 and meets all requirements for providing adequate public facilities as the site will have access to the City's sewer and water systems.

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, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Resolution No. 3310.

D. **ORDINANCE AMENDING ORDINANCE NO. 11489, 'PROVIDING FOR THE ANNEXATION OF UNINCORPORATED TERRITORY DESCRIBED AS THE TIERNEY ANNEXATION AREA AND THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF LIBERTY, ALL PURSUANT TO SECTION 71.012 OF THE REVISED STATUTES OF MISSOURI' BY INCORPORATING THE LEGAL DESCRIPTION**

The request for voluntary annexation of the Tierney Trust property located East of Interstate 35, North of 69 Highway, South of 116th Street was heard by the City Council at a public hearing on October 25, 2021.

The request met all statutory requirements set forth by the State of Missouri.

At the November 8, 2021 meeting, the City Council approved Ordinance No. 11489 allowing the voluntary annexation of 131 acres into the City of Liberty.

Since that time, the City Attorney has recommended that staff amend the ordinance to include the legal description in the ordinance, as opposed to including the legal description as an exhibit. As this is a clerical action, no public hearing is required.

Document No. 9563 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 Gentrup moved to approve the ordinance. Council Member Phillips seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11730.

E. ORDINANCE APPROVING A CONTRACT WITH GUILD COMPANIES, LLC FOR PROFESSIONAL SERVICES RELATING TO THE LOGO DEVELOPMENT AND BRANDING OF LIBERTY ARTS COMMISSION FOR AN AMOUNT NOT TO EXCEED \$8,000.00

With funds from the Transient Guest Tax, the Liberty Arts Commission will work with Guild Companies, LLC to develop a new logo and brand collateral designs for the Arts Commission. The current logo reflects the City Hall atrium windows, which will soon be removed. The Commission desires a relevant and updated logo and guidance on branding. Included in the deliverables are user-friendly file formats to be used in marketing efforts.

Document No. 9564 was read.

Action: Council Member Jenness 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11731.

F. ANIMAL CONTROL SERVICES

1. AN ORDINANCE AMENDING CHAPTER 4, "ANIMALS" OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI

Chapter 4, Animals, of the City Code was updated in 2018 to incorporate language for deeming a dog dangerous in anticipation of the repeal of the Bit Pull ban. Since adoption of that amendment, there has been some confusion on the role of the Hearing Examiner versus the powers of the Municipal Judge, due to language contained within the chapter. The role of the Hearing Examiner is being removed (it has not been needed/utilized since implementation), and clarifying the powers of the Municipal Judge to deem an animal dangerous/aggressive. There is also the addition of a new animal to animal bite scale to assist the Municipal Judge in his determination. There are no changes to the criteria, conditions of release or fees for registering/licensing a dangerous/aggressive dog, if euthanization is not ordered by the Municipal Judge.

Animal Control Officers, like Police Officers, are required to list the section of the Municipal Code that is being violated as well as the State of Missouri charge code that corresponds to such offense, on all citations they issue. If the individual cited is found guilty, it's the State charge code that must be referenced. There are only a few State charge codes to choose from, and language in the proposed code amendment is being updated to mirror the State's language so there is less room for error when Animal Control Officers are preparing citations.

State law requires that animals are to be vaccinated against rabies. This is a finger printable offense for violators. With the health and safety of citizens and animals in mind, those dogs and cats impounded a second time and found to still be unvaccinated, will be examined and have the rabies vaccine administered by a licensed veterinarian. Owners will agree to this condition of release, and the associated costs, when redeeming their animal at the time of the first offense. This process is not only beneficial for health and safety, it will also eliminate the issuance of multiple citations for the same violation, thus freeing up Animal Control Officer and Municipal Court time.

Document No. 9565 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 Jenness moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt,
Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11732.

2. AN ORDINANCE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI,
UPDATING AND ADDING FEES FOR THE ANIMAL SHELTER TO THE
CITY'S SCHEDULE OF FEES

The last time fees were modified was in 2004, nearly 20 years ago. No increases are being proposed for adoptions. The recommended fee increases more closely reflect the actual cost to perform the services, and are in line with other metro agencies (see attached fee comparison chart). For example, the cost associated with boarding a dangerous/aggressive dog is higher as it takes two Animal Control Officers to be able to safely move the animal for daily kennel cleaning, etc.

Document No. 9566 was read.

Action: Council Member Jenness 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 Phillips seconded the motion.

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Pozel, Hagan, Graham, Watt,
Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11733.

G. ORDINANCE AMENDING CHAPTER 18, "LICENSES", ADDING ARTICLE II, "MOBILE FOOD VENDING" AND AMENDING CHAPTER 15, 'FOOD ESTABLISHMENTS', SEC. 15-2. 'STORING, EXHIBITING, SELLING, ETC., FOOD FROM TRUCKS, ETC., PROHIBITED; EXCEPTION', OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI

A Pilot Program has been utilized from 2015 to current, and mobile food vending (food trucks) continues to be popular throughout the metro area; however, the City receives only a few vendors wishing to sell within the City of Liberty each year.

Approval of the ordinance will allow mobile vending in commercial, industrial and residential areas throughout the City, under the same provisions of those in the Pilot Program. Parameters regarding signage, Clay County Food Truck Permit

requirements, insurance, vehicle inspections, etc. included in the Pilot Program would continue. No alcohol or merchandise sales will be allowed by mobile vending.

Generally, mobile food units would be able to vend in any commercial or industrial area with the following stipulations:

- May not vend on any privately owned street (without owner's permission), or where parking/stopping is prohibited.
- Maintain 75 ft. distance from restaurant entrances and outdoor patios.
- Maintain 300 ft. distance from churches/funerals/schools (unless part of a sponsored event).
- Maintain 50 ft. distance from intersections.
- May vend on private property (with owner's permission); however, distances must still be maintained.
- Must park parallel to the curb and vend towards the sidewalk to maintain the safety of patrons and pedestrians.
- May set out small tables/chairs as long as pedestrian traffic is not impeded (commercial and industrial areas only).
- May remain in one location for no more than four hours per day.
- No vending in any City-owned park will be allowed (unless part of a City sponsored/approved event).

Mobile food units would also be authorized to vend in residential neighborhoods. The above stipulations will apply, in addition to the following:

- Vending in residential neighborhoods is limited to the hours of 11:00 a.m. to 8:00 p.m. (unless part of a sponsored event).
- May remain in one location for no more than two hours per day.
- The City will retain the authority to prohibit specified residential streets from inclusion in the program (based on safety complaints from neighbors or home owners' associations).

There were only a few concerns that were noted during the length of the Pilot Program. These included signs in the right-of-way and trucks being parked in driveways overnight. The Code Enforcement Officer reached out to the individuals and these issues were rectified. Staff from the Planning, Building and Fire Departments, in addition to the City's legal counsel, have reviewed the proposed program ordinance.

Document No. 9567 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 Hagan moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11734.

H. ADOPTION OF 2023 UTILITY RATES

Based on the review of the 2023 Water, Wastewater and Solid Waste Fund expenditure budgets, the Budget Committee and staff are recommending an increase in utility rates within all three funds.

While water, wastewater and solid waste rates are recommended to increase in 2023, it should be noted that due to Council direction, Budget Committee review and implementation efforts by staff, many cost efficiencies have been incorporated into all three utility budgets. The 2023 rate recommendations within the wastewater fund continue to be lower than what the HDR study recommended. The HDR study was a feasibility study completed before the construction of the wastewater treatment plant in 2012.

Though certain costs in these funds have increased and will increase in the future, the implemented efficiencies have resulted in significant cost avoidance and the capacity of the utility funds to incorporate priority expenditures, such as capital replacement and system maintenance.

The Mayor and City Council, as well as the staff, are all committed to operating our utilities in an appropriate manner. It is paramount to document to Liberty residents that any increases in user rates show improvements to our infrastructure, as rehabilitation and repair of our aging utilities must be a priority. The City has implemented and must continue to seek additional operating efficiencies. Cost containment, when possible, must be factored into the budget, but such actions should not be done in a manner that sacrifices true requirements. Every effort must be made to act deliberately to ensure the fiscal and operational integrity of these community assets, while at the same time being sensitive to the cost to our residents.

1. ORDINANCE AMENDING SECTION 29-25 (a) "WATER RATES" OF THE CODE OF THE CITY OF LIBERTY, MISSOURI

Document No. 9568 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 Jenness moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11735.

2. ORDINANCE AMENDING SECTION 29-49.1 "SANITARY SEWER RATES" OF THE CODE OF THE CITY OF LIBERTY, MISSOURI

Document No. 9569 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 Graham moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11736.

3. RESOLUTION ADOPTING SOLID WASTE (SANITATION) SERVICE CHARGES

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3311.

I. 2022 ENCUMBRANCES

The City's financial system uses an encumbrance process when purchase orders are issued. An encumbrance reserves the budgeted funds for each open purchase order. The City's purchasing policy requires a purchase order to be issued for all projects and individual items in excess of \$5,000 and/or purchases that require a signed contract for any dollar amount.

As part of the year-end accounting process, Finance staff analyzes all open purchase orders to determine their year-end status. This analysis details which purchase orders need to be canceled (goods received/services complete) and which ones are to be classified as encumbrances.

Encumbrances result from an approved 2022 purchase which, due to the timing of the receipt of the goods or service, cannot be paid by the end of the 2022 fiscal year, but will be paid in 2023 when the goods are received or the service completed. To ensure proper budgetary treatment of all encumbrances, open amounts are totaled by fund and reservations on fund balances are made during the 2022 year-end close.

In 2023, the bills are actually paid. Therefore, there is a need to appropriate the value of each item encumbered into the 2023 budget. The source of the additional budget appropriation is effectively from the reserved fund balance.

This sort of treatment is prescribed by accounting requirements, is a housekeeping item and does not represent new 2023 funds for departments to use. It only balances prior and current year budgetary actions brought on by the end of the year closeout requirements.

Adoption of this proposed ordinance approves the 2022 year-end open encumbrances in the amount of \$4,798,960.64 to be recorded as part of the 2023 budget. A complete detailed list of open encumbrances is attached.

1. ORDINANCE AMENDING ORDINANCE NO. – 11690 ADOPTION OF THE 2023 BUDGET FOR THE CITY OF LIBERTY, MISSOURI

Document No. 9571 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 Gentrup moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11737.

2. ORDINANCE AMENDING ORDINANCE NO. – 11691 ADOPTING THE ANNUAL PARK AND PARKS SALES TAX BUDGETS FOR THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI FOR THE FISCAL YEAR 2023

Document No. 9572 was read.

Action: Council Member Hagen 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11738.

J. RESOLUTION ACCEPTING THE “IMAGINE LIBERTY 2032” PARKS AND RECREATION MASTER PLAN

The Liberty Parks and Recreation Board desires the park system to be a key player in the creation of a destination community that both retains current and attracts new residents, businesses, and visitors to Liberty. This master plan will develop a road map for the next five to fifteen years for Liberty’s park and recreation system.

Landworks Studio completed a 10-month process that included five phases: Initiation, Discovery, Analysis, Visioning, and Implementation. The Consultants inventoried and assessed parks, trails, facilities, and recreational programming throughout the process. Engagement efforts included direct participation by no fewer than 550 members of the public through physical, online, and in-person means.

The IMAGINE Liberty 2032 Parks and Recreation Master Plan Goals consists of five categories.

- Create Connections: trail development
- Gain Home Court Advantage: expand indoor recreation
- Rejuvenate Neighborhoods: improvements to existing neighborhood parks
- Return to Nature: development of natural areas
- Grow with Purpose: improvements to department operations aimed at long-term growth

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, Jenness, Pozel, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 3312.

K. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH FRY AND ASSOCIATES, INC. FOR THE PURCHASE AND INSTALLATION OF A NEW PLAYGROUND SAFETY SURFACE AT BENNETT PARK PLAYGROUND IN AN AMOUNT NOT TO EXCEED \$44,126.50

The Parks and Recreation Department continually reviews the playground inventory within the parks system, evaluating and prioritizing replacement and repair needs. The Bennett Park north playground equipment and safety surfacing was identified as the

highest priority in need for replacement based on its age and increasing maintenance issues.

The current safety surface utilizes engineered wood fiber (EWF) which has a high level of regular maintenance, high lifetime costs and regularly exhibits a compromised accessible surface for children using mobility devices. An 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 mud holes.

Authorized by Resolution No. 3258, the Parks and Recreation Department applied to the State of Missouri scrap tire reimbursement grant program to help cover the cost of a poured-in-place rubber safety surface for the playground designed for the two to five year-old children's area at Bennett Park. Through this grant, the City was awarded a reimbursement grant of \$31,872.00 for the safety surface materials and installation.

Staff recommends the approval of an agreement with FRY and Associates, Inc. for purchase and installation of playground safety surfacing utilizing the Greenbush Coop pricing agreement in the amount of \$44,126.50. This will be funded from the Park operations budget. A reimbursement of \$31,872.00 from the Missouri Department of Natural Resources will be applied upon completion of the project.

Document No. 9573 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 Graham seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11739.

L. ORDINANCE APPROVING AN AGREEMENT WITH LUEBBERT ENGINEERING FOR PROFESSIONAL STORM WATER CONSULTATION SERVICES IN THE 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 state operating permit. This report involves the acceptance of an agreement for the consulting services of Luebbert Engineering.

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

- \$9,950 for stormwater consultant compliance contract. Provides professional insight and assistance from Luebbert Engineering, a firm which specializes in NPDES MS4 StormWater permit compliance.
- \$4,500 for annual renewal of MARC stormwater quality education committee. Provides regional storm water quality insight and opportunities, contributes to satisfying stormwater quality education component and provides Liberty a committee vote.
- Remaining balance is used as needed for re-supply of storm drain marking program supplies and miscellaneous expenses associated with the NPDES MS4 stormwater compliance annual report fees.

Luebbert Engineering's agreement is a sole service contract. Luebbert Engineering has provided consulting services to Liberty for the past 16 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.

Staff recommends the approval of a sole source Consulting Service Agreement with Luebbert Engineering, in the amount of \$9,950.00.

Document No. 9574 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 Gentrup moved to approve the ordinance. Council Member Pozel seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11740.

M. ORDINANCE ACCEPTING A PUBLIC SANITARY SEWER MAIN EASEMENT FOR A SANITARY SEWER MAIN EXTENSION

To facilitate a public sanitary sewer main extension for future development north of South Liberty Parkway, such as the Prominence Commercial and Residential Developments, a sanitary sewer main easement is needed to allow for its construction and future extension. The public-main extension is from an off-site existing City of Liberty public sanitary sewer main, south of South Liberty Parkway. The connection will provide gravity sanitary sewer service to the proposed Prominence Commercial and residential developments. A Public Sanitary Sewer main easement has been

dedicated by NP Liberty CC Building IV, LLC. The easement was obtained at no cost to the City. The easement will allow the first phase of the public-main extension to be constructed.

Document No. 9575 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11741.

N. ORDINANCE APPROVING A CONTRACT WITH CAPITAL ELECTRIC LINE BUILDERS, INC. FOR CITY OF LIBERTY PROJECT 21-001 WITHERS RD. AND HOLT DR. TRAFFIC SIGNAL IMPROVEMENT PHASE I IN AN AMOUNT NOT TO EXCEED \$457,334.00

The City of Liberty is experiencing increasing traffic volumes with increasing delays and degrading safety at the intersection of Withers Rd. and Holt Dr. This intersection is adjacent to Liberty Middle School and the Community Center and experiences significant peak hour traffic volume surges due to ingress/egress to the school. Public Works began developing a project to upgrade the existing 4-way stop intersection with a traffic signal to address the peak traffic delays and provide an ADA-compliant, signal protected crossing of S. Withers Road for pedestrians.

In July of 2018, the City of Liberty was awarded \$275,000.00 in 2022 Congestion Mitigation and Air Quality (CMAQ) funds through the Mid American Regional Council (MARC) Surface Transportation Program Priorities Committee (STP). The funds are available as reimbursement for construction costs and required an agreement with the Missouri Department of Transportation (MoDOT) which was accepted by the Liberty City Council on April 12, 2021. Task order No. 6 with On-Call Engineering firm Henningson, Durham & Richardson, Inc. (HDR) was accepted by the Liberty City Council on December 21, 2020. City Engineering staff utilized Task Order No. 6 to evaluate the intersection, design the traffic signals and geometric improvements, develop construction plans and prepare bidding documents.

Final plans and MoDOT approval for bidding the project were received in 2022 and initial bids were opened on September 26, 2022. Two bids were received with the low bid coming at \$622,000.00. The Bids were deemed to be unbalanced and were therefore rejected. Following rejection of bids, the project was broken into (2) phases. Phase 1 involved all of the signal work and ADA and pedestrian upgrades required for MoDOT funding. Phase 2 involves the earth work and paving work, which was determined to have caused unbalanced bids. This report deals with the acceptance of

a contract for the award of Phase 1. Phase 1 was advertised for bid beginning on 12-22-2022 and bids were opened on 01-27-2023 at 10:00 AM. The two bids received as well as the Consultants Engineered estimate are detailed below:

1. Custom Lighting Services, LLC. in the amount of \$428,349.55
2. Capital Electric Line Builders, Inc. in the amount of \$415,758.00
3. Consulting Engineers in the amount of \$379,033.87

The bids were deemed to be fair and reasonable with Capital Electric Line Builders having the low bid of \$415,758.00. This report and subsequent Ordinance requests approval of a contract with Capital Electric Line Builders, Inc. (attached to this report as an exhibit) in the amount of \$415,758.00, with authorization to spend up to \$457,334.00. The amount requested includes the low bid dollar amount and the addition of an approximate 10% contingency fee. Funds requested above the low bid are requested for the following reasons:

- Final payments are based on actual quantities used during the project and may be more or less than estimated, resulting in fluctuations from bid price.
- Current market trends have been deemed highly volatile with rapid escalations in prices. A 10% contingency allows for flexibility in the event of a required unforeseen change order.

While the \$275,000.00 in federal funds are only available as reimbursement, they will in effect reduce City expenditures to \$140,758.00.

Document No. 9576 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 Watt moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11742.

X. OTHER BUSINESS

A. FAIRVIEW CEMETERY/BLOCK 174

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, MO, asked Council to drop the lawsuit.

Marty Jacobs, 1541 Canterbury Lane, thanked Council for reaching out to the legal system for review of this disputed matter.

Gieselle Fest, 1407 Lynette, asked Council to please withdraw the lawsuit and wasteful expenditure of the tax payer dollars.

Dave Langston, 1920 Carter Court, stated private property is important. Stop the revestment lawsuit.

Carrie Lonsdale, 1320 Huntington Drive, asked "Why attack this private property over a 100 years later?" "The Council Chambers paintings are offensive to me, are you going to paint over them?"

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Mayor

Attest:

Deputy City Clerk