

City Council Meeting

Regular Session Minutes

November 27, 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 November 27, 2023 with Mayor Greg Canuteson presiding. Mayor Canuteson called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Council Member Gentrup, 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
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
Jim Martin, Police Chief
Brandon Smith, Economic & Business Dev. Manager
Katherine Sharp, Planning and Development Director
Sherri McIntyre, Public Works Director
Sarah Ranes, Deputy City Clerk

Public Present: 5 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Gieselle Fest – 1407 Lynette Street, Ms. Fest thanked the Council for the opportunity to speak about Block 174. Ms. Fest stated when this all got started, there were a few people that didn't believe there was anyone buried in Block 174. Ms. Fest stated there are poor Clay County Veterans and three wives buried there. Ms. Fest said there are no Generals and no decision makers buried there just poor Veterans. Ms. Fest stated she attends these meetings for the Veterans and the property.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, stated he is here to talk about Block 174. Mr. Holtzclaw has family buried within ten inches of the grave marker. Mr. Holtzclaw stated this is the 80th City Council meeting that he has attended. Mr. Holtzclaw asked the Council to please stop the revestment lawsuit.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF NOVEMBER 3, 2023 TO NOVEMBER 17, 2023

Document No. 9670 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Phillips 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. 11836.

B. ORDINANCE APPROVING A GUARANTEED PRICING AGREEMENT WITH KITCH'S LAWNCARE FOR 2024 MOWING SERVICES AT FAIRVIEW, NEW HOPE AND MOUNT MEMORIAL CEMETERIES IN AN AMOUNT NOT TO EXCEED \$56,000.00

The City of Liberty annually enters into an agreement with a lawn care company for professional mowing services for Fairview, New Hope and Mount Memorial Cemeteries. The services provided include mowing and trimming. The FY2024 cemetery budget includes adequate funding for these services.

Staff recommends renewing Kitch's Lawncare's contract for Cemetery Mowing in 2024.

Given the weather-related variability of service needs year-to-year, the contract guarantees a minimum of 22 mows and all other services will be requested by staff as the budget allows.

Document No. 9671 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, Ponder, Pozel, Travis, Graham, Watt, Gentrup and Hagan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11837.

C. ORDINANCE APPROVING A CONTRACT WITH FLOCK SAFETY FOR THE INSTALLATION, MAINTENANCE, AND ACCESS OF DATA FOR SAFETY CAMERAS IN AN AMOUNT NOT TO EXCEED \$35,000.00

Over the last couple of years, the police department has seen a noticeable increase in shoplifting and organized retail theft at our local shopping centers. We typically get a vague suspect and vehicle description. Due to corporate policies of large retailers, the employees are unable to go out into the parking lot in an attempt to obtain a license plate off of the suspect's vehicle. This leaves us with little investigative leads to follow up on.

During the months of January through October 2022, staff responded to 76 reports of theft, vandalism, motor vehicle thefts, fraud and robberies in just one shopping center, resulting in over \$70,000.00 in losses for those businesses. In November 2022, the Police Department started a high visibility and proactive approach, targeting the shopping centers along Kansas Street between I-35 and Highway 291 and on Highway 291 between Stewart Road and Orchard Avenue. Overtime for one to three officers a day was utilized to saturate the area and aggressively look for and arrest shoplifters. The operation resulted in 21 people being arrested or detained for criminal activity. Officers also checked on 67 suspicious vehicles. Retail theft in that area dropped dramatically during November and December. The store managers and customers made comments to the officers about how they felt safer in Liberty with the extra officers working in the shopping centers.

Due to staff and budgets, it was not feasible for the department to continue this operation on a year-round basis. As a department, staff began looking at different technology that could help identify suspects and combat the issues being experienced. Staff then examined the Flock Safety, which is a nationwide camera database that captures pictures of every motor vehicle which passes by it.

The Flock Safety camera works like a detective to make actionable evidence available when needed that is easily searchable by vehicle type, make, model, color, timeframe or plate details. Flock Safety delivers this detail through AI and Machine Learning technology that scans each image for distinguishing features, instead of traditional metal plates. This means Flock Safety can also detect vehicles with no plates, temporary plates, dirty/covered plates and even get accurate state detection.

By placing Flock Safety cameras around the entrances to shopping centers, staff can then go back and look for suspect vehicle descriptions through the database when making a criminal report. This system allows staff to enter suspect license plates and it will alert staff when they pass a camera in Liberty. Officers can then be immediately sent to that area in an effort to either deter or arrest the suspects if they commit another crime. It will also alert staff when a stolen vehicle passes by, potentially assisting in its recovery for the owner.

Staff plans on placing nine Flock Safety cameras around the Liberty Commons Shopping Center and all entrances to the Liberty Triangle. A tenth camera will be placed at an intersection near another problem location in town.

All the cameras are installed, maintained and owned by Flock Safety. They are placed on poles provided by Flock Safety, or on already existing poles in the area. Flock Safety then grants the City access to their nationwide system of cameras.

Gladstone Police, Kearney Police, Excelsior Springs Police, and the Clay County Sheriff's Department all currently have the Flock Safety camera system in their jurisdictions. By working together, the departments will hopefully be able to reduce criminal activity in Clay County.

The City will have 45 days after the installation of the first camera to terminate the contract without any cost to the City. The money for this contract will be paid out of the 2024 Police Capital Equipment budget.

Document No. 9672 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Ponder 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, Ponder, Pozel, Travis, Graham, Watt, Gentrup and Hagan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11838.

D. ORDINANCE APPROVING A SANITARY SEWER EXTENSION AND COST REIMBURSEMENT AGREEMENT WITH PROMINENCE HOLDINGS, LLC FOR THE CONSTRUCTION OF A GRAVITY SANITARY SEWER INTERCEPTOR IN AN AMOUNT NOT TO EXCEED \$2,500,000.00

Prominence Holdings, LLC desires to develop property generally located at the northeast corner of the intersection of South Liberty Parkway and Plummer Road. The developer has rezoned the property and submitted and received approval of a preliminary development plan that intends to develop the property as multi-family and commercial lots. The development requires the developer to extend gravity sanitary sewer to the development site. The closest downstream sanitary sewer is located to the east of Withers Road and south of South Liberty Parkway and requires the construction of approximately 4,500 linear feet of sanitary sewer.

The construction of the sanitary sewer will provide gravity sanitary sewer to several properties along South Liberty Parkway and is the last significant public improvement

necessary to facilitate development between Plummer Road and Withers Road. The developer has acquired and recorded the necessary public easements for the construction and maintenance of the sanitary sewer; the acquisition of easements by the City for public improvements has been a long and sometimes costly process. The cost reimbursement agreement sets a limit for reimbursement for the design and construction of the gravity sanitary sewer at \$2,500,00.00 and the agreement establishes milestones where the developer will be able to receive partial reimbursements. The final milestone of the development agreement reserves \$500,000.00 of payment until the project is complete and the City Council has accepted that the construction is complete according to the approved plans and specifications. The amount is well above normal and accepted contracting requirements to ensure that the developer will strive to complete the project in a timely manner and not leave any small items lingering for project completion.

The funding for the project will be provided by the Sanitary Sewer Fund in the amount of \$2,500,000.00 and the Economic Development Sales Tax will reimburse the Sanitary Sewer Fund \$1,000,000.00 once the construction of the sanitary sewer is complete. This was reviewed and approved by the Economic Development Sales Tax Committee on March 23, 2023.

Utilities staff believes this reimbursement is a timely and cost-effective way to complete a necessary public improvement that will support proposed and future development along South Liberty Parkway and recommends approval of the supporting ordinance.

Document No. 9673 was read.

Action: Council Member Phillips 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 Hagan 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. 11839.

E. ORDINANCE APPROVING A ONE-MONTH KANSAS CITY AREA TRANSPORTATION AUTHORITY (KCATA) CONTRACT FOR IRIS (ZTRIP) FLEX TRANSPORTATION SERVICE PILOT PROGRAM WITHIN THE CITY OF LIBERTY, EFFECTIVE DECEMBER 1, 2023 THROUGH DECEMBER 31, 2023 IN AN AMOUNT NOT TO EXCEED \$14,000.00

The IRIS service is an on-demand transportation solution with a service from 6 a.m. to 10 p.m. seven days a week. The service includes para-transit services. The contract is for a one-month extension of the IRIS (zTrip) pilot program effective December 1, 2023 through December 31, 2023, for \$14,000.00. During the one-month pilot program

extension, trips within the boundaries of the City of Liberty will have a fare of \$3.00. The entire City of Liberty will be included within the program during the additional one-month trial period. Trips leaving or coming from borders outside of Liberty will follow the IRIS pricing structure within Kansas City, MO. The KCATA will retain all fare revenues.

WHC (zTrip) contracts with KCATA to provide IRIS transportation services in the Kansas City region. According to WHC (zTrip), the IRIS service has steadily seen increasing ridership with a 25% + increase since the program was implemented; the average ride rating is 4.73 stars out of 5 stars; and IRIS drivers have a 95% average on-time performance. WHC (zTrip) has been servicing the Kansas City region since 1987 with trained, professional and courteous drivers; branded, clean and safe vehicles; with ADA-Compliant operators and vehicles.

The goals of the IRIS (zTrip) service are to expand access to public transportation within KCMO and surrounding communities in areas currently underserved by transit; and to create, deploy and operate an innovative mobility system that maximizes transit accessibility by incorporating dynamic, on-demand flex service to complement traditional transit services. Data will continue to be gathered during the one-month pilot program and such data will be used to create an ongoing IRIS (zTrip) service for the City of Liberty, if approved by the City Council. The cost of an annual on-going contract for IRIS (zTrip) service with the KCATA will be dependent upon rider demand, service scope, ride fare structure, etc.

Riders can schedule trips through the "IRIS" App (RideCo, Inc.) which can be downloaded for free on Apple iOS and GooglePlay. The "IRIS" App enables riders to make on-demand and pre-scheduled ride reservations. Riders can pay electronically through the "IRIS" App. Riders not using smart phones can also call a traditional customer service center to schedule an IRIS (zTrip) ride, and arrange payment methods at that time.

City staff will also be working with Gladstone, North Kansas City, Parkville, and Riverside (the Northland Five) to also create and coordinate a "Northland" zTrip (IRIS) transportation service, to be reviewed and approved by each City's respective elected bodies. The IRIS (zTrip) flex transportation solution could also be utilized by employers for workforce transportation needs, if they choose to participate individually with their businesses, or possibly as part of a larger partnership with the City.

Brandon Smith, Economic and Business Development Manager was available for questions.

Document No. 9674 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 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. 11840.

F. ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES & TRAFFIC," OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI

Amendments to traffic regulations are required to update the City Code for any new or modified traffic signage. The changes to traffic signs may be driven by a citizen's request, staff or temporary situations requiring traffic modifications. The codification of the traffic regulations and the addition of appropriate signage allow the enforcement of the regulations.

Traffic regulation changes are generally initiated by a 90-day evaluation period monitored by both Public Works and the Police Department. If the changes are determined by both departments to be warranted, they are then taken to the Council for approval of a permanent regulation change.

The traffic regulations amendments pertaining to this action are summarized as follows:

Prohibit parking on the north side of E. Pine Street from S. Missouri Street to S. Main Street.

Document No. 9675 was read.

Action: Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Ponder 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. 11841.

Mayor Canuteson then turned the meeting over to Council Member Kevin Graham.

G. RESOLUTION ACCEPTING 7 N. WATER STREET FROM 7 N. WATER STREET, LLC

On May 5, 2016, the 130-year old building located at the corner of Kansas and Water Streets collapsed. The collapse and subsequent careful demolition of 3 N. Water

impacted the building to the north (5 North Water) because those buildings shared a common wall and due to the way, the roof joists of 3 N. Water were embedded in that wall. The building at 5 N. Water was eventually demolished, leaving the next exposed exterior wall to be the south wall of the building at 7 N. Water Street. Also impacted by the collapse of 3 N. Water, 7 N. Water is currently standing with the support of extensive interior shoring. This building in its current state is unusable.

The building is owned by 7 N Water LLC. Greg Canuteson, who is president of 7 N Water LLC, wants to help the City and downtown move towards initiating the renewal and revitalization of this blighted corner.

The legal description of the property is: All interest in the South Half of the South Half of Lots numbered on the plat of the Original Town (now City) of Liberty, 110 and 111, also part of Lot numbered on the plat of said Original Town (now City) of Liberty, 122, thus bounded to wit: Beginning at a point on Water Street at the northwest corner of said Lot No. 122; thence by Sough about two feet to the exact center of a brick partition wall between the building formerly owned by Simpson McGoughey, and later owned by Carl Pitts and his wife, and the building former owned by Louise Miller; thence East sixty feet in the center of said wall; thence about North about two feet to the North line of said Lot No. 122. Thence, due West sixty feet to the point of beginning, being a strip six feet long, by about two feet wide of said Lot No. 122, also the North Half of the brick wall standing on that part of said Lot No. 122 thus bounded, to-wit. Beginning at a point on the north line of said Lot No. 122 which is sixty feet east of the northwest corner of said Lot No. 122; thence east in said line thirty feet to the east end of said brick wall; thence south to the southeast corner of said wall; thence West with said South line of said wall to a point opposite to the point of beginning; thence North to the point of beginning; all of the above described property being the same property purchased by Charles H. Sevier and Robert E. Sevier from Louise Miller as described in the Deed recorded Book 148 at Page 18 of the records in the Office of the Recorder of Deeds for Clay County, Missouri.

Acceptance of the acquisition of the building located at 7 N. Water Street for \$1.00 from 7 N Water, LLC, would be the first step in moving towards reclaiming and redeveloping this corner of Liberty's historic square.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3361.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:27 p.m.

Attest:

Mayor

Deputy City Clerk