



City Council Meeting

Regular Session Minutes

October 23, 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 October 23, 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 Graham, 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
Shawna Funderburk, Chief Strategic Operations Officer
Brandon Smith, Director of Economic Development
Vicki McClure, Finance Director
Andy Noll, Utilities Director
BJ Staab, Parks and Recreation Director
Jim Martin, Police Chief
Sherri McIntyre, Public Works Director
Sarah Ranes, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

1. Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, MO stated he has family members buried 10 inches from the grave marker of Block 174. He stated this is his 78th meeting. Mr. Holtzclaw stated he is the nephew of John Lincoln who was Abraham Lincoln's first cousin once removed. He has family on both sides of this issue. Leave his family members alone.

2. Richard Rudd – 901 Sunset Avenue, stated he is here to talk about Block 174. He stated Block 174 is a memorial to the veterans who fought in the war between the states.
3. Miss Goodpasture – 234 S. Missouri Street. Ms. Goodpasture stated this is her first council meeting and she is here to talk about city ethics.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. BOARDS AND COMMISSIONS APPOINTMENTS

1. PARKS & RECREATION BOARD
 - a. APPOINT RACHEL HOLLINBERGER TO A TERM EXPIRING 6/1/2025.
2. TIF COMMISSION
 - a. APPOINT COUNCIL MEMBER JEFF WATT AS THE CHAIRMAN TO A TERM EXPIRING 10/31/2026.

BOARDS AND COMMISSIONS REAPPOINTMENTS

1. LIBERTY PRESERVATION AND DEVELOPMENT COMMISSION
 - a. REAPPOINT JERRY BRANT TO A TERM EXPIRING 9/1/2026.
 - b. REAPPOINT MIKE MUNDY TO A TERM EXPIRING 9/1/2026.

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

B. MOTION TO AUTHORIZE PAYMENT TO PRIME ASPHALT FOR CODY'S PARKING LOT REPAIRS IN AN AMOUNT NOT TO EXCEED \$23,100.00

Action: Council Member Hagan moved to approve the motion. 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

C. MOTION TO AUTHORIZE THE PURCHASE OF CONSTRUCTION MATERIALS FROM CORE & MAIN FOR MATERIALS FOR THE ROUTE H WATER MAIN IMPROVEMENTS PHASE II IN AN AMOUNT NOT TO EXCEED \$156,859.15

Action: Council Member Hagan moved to approve the motion. 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

D. MOTION TO AUTHORIZE PAYMENT TO REPUBLIC SERVICES FOR DISPOSAL OF LIME SLUDGE IN AN AMOUNT NOT TO EXCEED \$156,511.94

Action: Council Member Hagan moved to approve the motion. 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

VIII. PUBLIC HEARINGS

A. APPROVING THE PETITION TO ESTABLISH THE STEWART AND WILSHIRE COMMUNITY IMPROVEMENT DISTRICT; ESTABLISHING THE STEWART AND WILSHIRE COMMUNITY IMPROVEMENT DISTRICT GENERALLY LOCATED ALONG THE NORTHEAST CORNER OF SOUTH STEWART ROAD AND WILSHIRE BOULEVARD; DETERMINING THAT CERTAIN ACTIONS ARE REASONABLY ANTICIPATED TO SERVE A PUBLIC PURPOSE; AND DIRECTING THE DEPUTY CITY CLERK TO REPORT THE CREATION OF THE STEWART AND WILSHIRE COMMUNITY IMPROVEMENT DISTRICT TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT.

The request for the District is for an InterContinental Hotel Group (IHG) Brand Hotel. The property encompassed one owner for the petition.

A Community Improvement District is a self-imposed tax and is not a tax abatement. The District will fund itself based on real property levy and sales tax not to exceed one percent. The District may levy a special assessment on all real property within the District equal to one percent (1.0%) of the total assessed value of each respective tax parcel on an annual basis. The District may, by Resolution of the Board, impose a District Sales Tax, not to exceed one percent (1.0%) upon all eligible retail sales within the District. The estimated expenses in the five-year plan for this district are \$262,556.00. The projected revenue in the five-year plan is \$128,680.00 (Special Assessment on Real Property) and \$133,876.00 (1% sales tax) for a total of \$262,556.00.

Mayor Canuteson opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance.

Brandon Smith, Director of Economic and Business Development was available for any questions.

Seeing no one wishing to speak, the Mayor closed the Public Hearing.

Document No. 9660 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 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. 11826.

A. ORDINANCE ACKNOWLEDGING VENDOR PAYMENTS FOR THE PERIOD OF SEPTEMBER 29, 2023 TO OCTOBER 13, 2023

Document No. 9661 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. 11827.

B. ORDINANCE AMENDING ORDINANCE NO. 11722 APPROVING A CONTRACT WITH SUPERIOR BOWEN ASPHALT COMPANY, LLC FOR CITY OF LIBERTY PROJECT PW-CIP-23-003 2023 STREET MAINTENANCE PAVEMENT RESTORATION

The 2023 Street Maintenance Pavement Restoration Project for the amount of \$838,315.00 was awarded to Superior Bowen Asphalt Company, LLC, on February 27, 2023 (Ordinance No. 11722).

The project involved the milling and overlaying of City streets with over 7,500 tons of asphaltic concrete material. City streets restored included Park Ln., Broadmore Ln., Liberty Dr. Terrace, Manchester Rd., Barford Rd., N. Church Rd., Brooks Ct., S. Main

St., E. Kansas St., S. Jewell St., N. Jewell St., N. Ridge Ave., S. Water St., S. Main St., Georgia Ln., Eastwood Ln., Manor Ln., Missouri St., Cherokee St., Shepherd Rd., and Chandler Rd.

A contract amendment raising the contract amount to \$1,082,007.15 was approved by the City Council on May 08, 2023 (Ordinance No. 11769). The amendment increased the project scope to include the removal of existing medians and installation of turn lanes at the intersection of Withers Rd. and Holt Dr.

This action increases the contract amount by \$14,560.40 from \$1,082,007.15 to \$1,096,567.55. The increase is required due to the difference in estimated versus final installed quantities.

Document No. 9662 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 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. 11828.

C. RESOLUTION ACCEPTING THE 2023 STREET MAINTENANCE PAVEMENT RESTORATION PROJECT WITH SUPERIOR BOWEN ASPHALT COMPANY, LCC

The 2023 Street Maintenance Pavement Restoration Project was awarded to Superior Bowen Asphalt Company, LLC, on February 27, 2023 (Ordinance No. 11721). The project involved the milling and overlaying of City streets with over 7,500 tons of asphaltic concrete material. City streets restored included Park Ln., Broadmore Ln., Liberty Dr. Terrace, Manchester Rd., Barford Rd., N. Church Rd., Brooks Ct., S. Main St., E. Kansas St., S. Jewell St., N. Jewell St., N. Ridge Ave., S. Water St., S. Main St., Georgia Ln., Eastwood Ln., Manor Ln., Missouri St., Cherokee St., Shepherd Rd., and Chandler Rd.

A contract amendment was approved by the City Council on May 08, 2023 (Ordinance No. 11769), increasing the project scope to include the removal of existing medians and installation of turn lanes at the intersection of Withers Rd. and Holt Dr., thereby allowing a complete project delivery for the Withers and Holt signalization project. All contract work has been completed by Superior Bowen in accordance with City standards, specifications and contract requirements.

This action accepts the 2023 Street Maintenance Pavement Restoration 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. 3357.

D. **ORDINANCE ACCEPTING MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION ROAD RELINQUISHMENT AGREEMENT AND QUIT CLAIM DEED FOR THE DEDICATION OF PUBLIC RIGHT-OF-WAY ALONG EDGAR PETTY ROAD**

To facilitate the development of the North Liberty Logistics Center located north of US 69 and southeast of I-35, a small segment of right-of-way needs to be dedicated to the City of Liberty to provide for the necessary improvements of Edgar Petty Road on the northeast side of the proposed development.

Approving this Ordinance will acknowledge the City of Liberty's willingness to accept the right-of-way as defined by MoDOT. MoDOT shall only sign the attached Missouri Highways and Transportation Commission Road Relinquishment Agreement after acceptance and signature by the City of Liberty. The transfer of the right-of-way shall be done by Quit Claim Deed. The Quit Claim Deed shall not be signed by MoDOT until the City acceptance and signature of the attached Missouri Highways and Transportation Commission Road Relinquishment Agreement. The transfer of public right-of-way to the City of Liberty shall be done at no cost to the City.

Document No. 9663 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 Hagan 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. 11829.

E. ORDINANCE APPROVING AN AGREEMENT WITH PLATINUM PAVING AND CONCRETE FOR ASPHALT IMPROVEMENTS FOR LIBERTY UTILITY CENTER IN AN AMOUNT NOT TO EXCEED \$34,660.00

Platinum Paving and Concrete can provide asphalt installation for the Liberty Utility Center to improve parking, driving conditions and storage.

Asphalt Installation 1: Improves the turning radius to the maintenance building that is used by Utility Maintenance for truck and equipment storage. Installation would address the tight turn just before the Utility Maintenance Building, improving access to the building.

Asphalt Installation 2: Extension of parking lot behind the Cold Storage building for utility maintenance. Current cold storage parking will be lost due to eventually being converted to storage for equipment. Installation allows for equipment storage to maintain needed equipment resiliency needs.

Asphalt Installation 3: Add an extension in front of the WWTP operations control room. It allows for WWTP vehicles to be parked behind buildings. The bay that was previously used for WWTP trucks can be used for other equipment storage needs or equipment resiliency needs.

Document No. 9664 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 Hagan 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. 11830.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Attest:

Mayor

Deputy City Clerk