



## City Council Meeting

Regular Session Minutes

March 11, 2024

### I. CALL TO ORDER

A regular meeting of the City Council of the City of Liberty, Missouri was held in the Council Chambers at City Hall on March 11, 2024 with Mayor Greg Canuteson presiding. Mayor Canuteson called the meeting to order at 7:00 p.m.

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Council Member 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  
Vicki McClure, Finance Director  
Ashley Comer, Assistant Finance Director  
Andy Noll, Utilities Director  
BJ Staab, Parks and Recreation Director  
Erika Brant, Parks and Recreation Community Engagement Mgr.  
Jim Martin, Police Chief  
John Mills, Fire Chief  
Chris Young, 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  
30 members of the public

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, Mr. Holtzclaw stated his uncle and Mayor of Liberty, Missouri, John Will Hall, sold Block 174 on January 6, 1900. Mr. Holtzclaw's family is buried within ten inches of the grave marker. Mr. Holtzclaw stated the City of Liberty has filed a reversion lawsuit and the Mayor continually says that it is to see who owns that property. Mr. Holtzclaw encourages the audience to look up the definition of reversion as

Mr. Holtzclaw states the definition is to take back something you previously owned. Mr. Holtzclaw states he has the Warranty Deed which is three pages long. Mr. Holtzclaw asks the City Council to please stop the revestment lawsuit.

Gieselle Fest – 1407 Lynette Street, Ms. Fest thanks City Council for the opportunity to speak and with all do respect she asks City Council to withdraw the lawsuit on Block 174. Ms. Fest stated the City has spent \$50,000.00 so far and she has projected the City will spend an additional \$50,000.00. Ms. Fest asked why is that \$50,000.00 important? Ms. Fest stated you can go to the Community Center and look at the theater, \$100,000.00 would do all of those lights. Ms. Fest said that if you go and talk to those people at the Community Center and in the theater, the lights are something they really need. Ms. Fest asks the City Council to do something positive and productive with our money.

Carrie Lonsdale – 1320 Huntington Drive, Ms. Lonsdale would like to address the City Council regarding the \$60M proposal coming up on the ballot on April 2<sup>nd</sup> and the fact that she doesn't know if people are aware that it's going to be a debt levy tax which means it's going to be with us for the next 20 years. Ms. Lonsdale states that the significance of that is, when it's paid in 20 years and the City Council doesn't cancel it at that time, it will remain in effect until it is cancelled. Ms. Lonsdale states that this issue just isn't about us but it is about your kids and grandkids. Ms. Lonsdale is not a Community Center member and she feels like she is being made to pay for something she doesn't utilize. Ms. Lonsdale encourages people to get out and vote and to please vote No.

Gerasim Mayden – 9411 N. Laurel Avenue, Kansas City, Mr. Mayden is here to speak about Block 174. Mr. Mayden stated ignorance of the Council is extremely strong and that ignorance doesn't mean you are uneducated, dumb or slow, it means you are lacking knowledge of a certain subject. Mr. Mayden stated to take private property is not the way we do things in America.

David Sallee – 9531 N. Laurel Avenue, Kansas City, Mr. Sallee stated since October of 2023, there has been an increase in anti-Semitism in America. Mr. Sallee is here to talk about the Confederate Monument in Fairview Cemetery. Mr. Sallee states this is the 86<sup>th</sup> meeting in which this topic has been addressed.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. MOTION TO AUTHORIZE THE PURCHASE OF A 2024 FORKLIFT FROM RIEKES EQUIPMENT COMPANY IN AN AMOUNT NOT EXCEED \$32,902.00

The purchase of a Forklift will help the Water Treatment Plant staff unload pallets of chemicals from a truck that doesn't have an unloading gate.

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

B. TEMPORARY EVENT LIQUOR LICENSES FOR HISTORIC DOWNTOWN LIBERTY, INC. FIRST THURSDAY BLOCK PARTY EVENTS

In 2003, the City Code was amended, adding a temporary liquor license for events of short duration (7 days or less). Patterned after the state's license, this temporary liquor license allows any church, school, civic, service, fraternal, veteran, political or charitable club or organization to sell or serve alcohol, upon approval of the license by the City Council.

Historic Downtown Liberty, Inc. (HDLI) has applied for temporary liquor licenses to serve alcohol at the First Thursday Block Party events on June 6, 2024, and September 5, 2024, from 5 p.m.- 8 p.m. The First Thursday Block Party events will be held at Missouri Street between Franklin and Kansas Streets. As the event locations incorporates both indoor and outdoor areas, the organization contacted the owners/occupants of all properties within one hundred eighty-five (185) feet of the event location, notifying them of the proposed events and the time and place of the Council meeting at which the applications will be considered. In addition, HDLI has submitted a map of the event location and will provide security personnel for these events.

1. RESOLUTION APPROVING A TEMPORARY EVENT LIQUOR LICENSE FOR HISTORIC DOWNTOWN LIBERTY, INC. (HDLI) FOR THE FIRST THURSDAY BLOCK PARTY EVENT ON JUNE 6, 2024

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

Inscribed in Resolution No. 3377.

2. RESOLUTION APPROVING A TEMPORARY EVENT LIQUOR LICENSE FOR HISTORIC DOWNTOWN LIBERTY, INC. (HDLI) FOR THE FIRST THURSDAY BLOCK PARTY EVENT ON SEPTEMBER 5, 2024

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

Inscribed in Resolution No. 3378.

VIII. PUBLIC HEARINGS

A. HISTORIC CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF 11 N. WATER, LIBERTY SQUARE HISTORIC DISTRICT.

Applications for demolition of primary structures within the Historic Districts and Local Landmarks shall be reviewed by the HDRC and forwarded to the City Council with a recommendation. The City Council shall take formal action on the application in the form of a Resolution following a public hearing.

Star Development, the owner of 11 Water Street, has applied for a Certificate of Appropriateness to demolish 11 N. Water Street, a non-contributing primary structure, in the Liberty Square Historic District.

HDRC held a public hearing on March 5, 2024. HDRC voted 5-3 in favor of demolition with the stipulation that the infill plan receives a recommendation of approval by HDRC prior to the approval by City Council.

Applicant, Paul Jenness, with Star Development is in the audience for questions.

Mayor Canuteson opened the Public Hearing.

Jennifer McGuire, owner of The Parlor located at 15 N. Water Street directly next to 11 N. Water. Ms. McGuire states that on December 7, 2023 a chain link fence was put up across the sidewalk and running over into the parking spaces blocking them. Ms. McGuire states retail businesses run off of foot traffic, new customers and visibility. Ms. McGuire states the fence took all of this away from her business during the most important season for them. Ms. McGuire asked when the fence was installed if she could have a sign indicating she is still open and to open up a handicap space that was being blocked by the fence and she was told no. Ms. McGuire states that she voiced her concerns to anyone who would listen and the only way she got someone to listen as a woman owned business owner, is when she said she had an attorney. Ms. McGuire stated they are dealing with the fall out of "being unseen" during the busiest season for them. Ms. McGuire stated the City Council's vote on this item will determine whether or not The Parlor stays in Liberty or she moves her business elsewhere.

Mayor Canuteson closed the Public Hearing.

1. RESOLUTION APPROVING A HISTORIC CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF 11 N. WATER, LIBERTY SQUARE HISTORIC DISTRICT

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

**Vote:** Motion passed 7-1-0

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

**No:** Council Member Ponder

**Abstain:** None

Inscribed in Resolution No. 3379.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ORDINANCE APPROVING VENDOR PAYMENTS FOR THE PERIOD OF FEBRUARY 16, 2024 TO MARCH 1, 2024

Document No. 9724 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. 11889.

B. RESOLUTION FOR A FINAL DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A 1,947 SQ. FT. BUILDING FOR CUBA INSURANCE AGENCY AT 1351 ROUTE H IN LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-05FDP) (**POSTPONED FROM FEBRUARY 26TH**)

The applicant is requesting a variance to the Unified Development Ordinance (UDO) Section 30-97.5(1). The code states, "Where any commercial, industrial, or multi-family development abuts a single or two-family residential development, a buffer shall be provided with sufficient plant material and/ or open space to reduce the impact of a high intensity use on adjacent residential property. Such buffer shall either be a one-hundred-foot landscaped open space corridor or a fifty-foot open space corridor and an earthen berm landscaped with evergreens and trees.

The applicant is requesting that this requirement be lessened as it cannot be met on this existing lot. The proposed building is 23 feet from the property line and meets the setback of the zoning district. There is a public water and public sanitary sewer lines that run along the east side of the lot which prevents the planting of large landscaping. The zoning to the east is A "Agriculture". There is one existing home to the east. That home is approximately 200 feet from the property line.

**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. 3380.

C. **ORDINANCE ACCEPTING AND APPROVING A FINAL PLAT FOR CUBA INSURANCE AGENCY IN THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI (P&Z CASE 24-02FP) (POSTPONED FROM FEBRUARY 26TH)**

This is a proposal for a Final Plat for Cuba Insurance Company at 1351 Route H. This plat contains a single one-acre lot. The platting of this lot has been proposed in preparation for the construction of an insurance office.

At its February 13, 2024 meeting, the Planning Commission voted 6-0-0 to recommend approval of PZ Case 24-02FP as presented in the staff report. Staff finds the application meets the standards of review for a Final Plat in Section 30-28.14 of the UDO and recommends approval of P&Z Case 24-02FP.

Document No. 9725 was read.

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

**Vote:** Motion passed unanimously.

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

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

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11890.

D. **ORDINANCE APPROVING A CONTRACT WITH SUPERIOR BOWEN ASPHALT COMPANY, LLC FOR CITY OF LIBERTY PROJECT 24-002, 2024 STREET MAINTENANCE PAVEMENT RESTORATION IN AN AMOUNT NOT TO EXCEED \$1,417,562.00**

The Capital Improvement Plan includes a Street Restoration Program in order to project expenditures necessary for streets in need of restoration. This memo pertains to the 2024 Street Maintenance Pavement Restoration Project, otherwise known as Public Works Capital Improvement Project 24-002.

In the months prior to bidding, City staff identified areas in need of milling and overlaying and associated work. These locations formed the scope of work for the project. The figures below define the specific project locations.

**Figure 1**

Overlay Depth	Street	From	To
1.5"	B Highway	H Highway	69 Highway
1.5"	H Highway	E Mill St	E City Limits
1.5"	N Lightburne St	E Mill St	Shepherd Rd

The project encompasses approximately 15 miles of lanes. It should be noted that each project location, in addition to the milling and overlaying, includes thermoplastic restriping.

Document No. 9726 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 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. 11891.

- E. ORDINANCE APPROVING AN STBG FUNDING AGREEMENT BETWEEN THE CITY OF LIBERTY, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO PROVIDE FUNDING ASSISTANCE FOR THE CONSTRUCTION OF THE M-291/BLUE JAY TRAFFIC SIGNAL AND STEWART/M-291 INTERSECTION FEDERAL AID PROJECT STBG-3392(407) IN AN AMOUNT NOT TO EXCEED \$800,000.00

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. 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:

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

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 awarded grant provides up to \$800,000.00. MoDOT requires an ordinance from the Local Public Agency (LPA) authorizing the City to enter into a funding agreement.

Document No. 9727 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. 11892.

F. **ORDINANCE ACCEPTING THE ASSIGNMENT OF A PRE-RECORDED PUBLIC SANITARY SEWER EASEMENT FROM PROMINENCE HOLDINGS FOR THE PROMINENCE SANITARY SEWER MAIN EXTENSION PROJECT**

To facilitate a public sanitary sewer main extension for the Prominence Commercial and Residential Developments, a sanitary sewer main easement is needed to allow for its construction. Prominence Holdings, LLC secured an easement for the construction and future maintenance of the public-main extension in 2023. The easement which was secured included language allowing Prominence Holdings, LLC to assign its rights to the City of Liberty at a future date. This report and subsequent Ordinance accept the assignment of an easement from Prominence Holdings LLC to the City of Liberty.

Document No. 9728 was read.

**Action:** Council Member Pozel moved to waive the rules and consider the ordinance on first reading. Council Member Graham seconded the motion.

**Vote:** Motion passed unanimously.

**Action:** Council Member Hagan 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. 11893.

G. ORDINANCE APPROVING A CONTRACT FOR GENERATOR MAINTENANCE WITH CUMMINS SALES AND SERVICE KANSAS CITY MO BRANCH IN AN AMOUNT NOT TO EXCEED \$27,311.51

The City of Liberty owns and operates fourteen generators throughout the City for backup power at various locations and various departments, including: City Hall, Fire Stations, Community Center, Animal Shelter, Street Maintenance Facility, Water Production and Wastewater Treatment Plants, Sanitary Sewer Pump Station, Water Well Field, Water Tower, and Mobile Generators. These generators need routine maintenance inspections and load testing once or twice a year to remain in good working order.

City staff solicited pricing quotes from three maintenance service providers for conducting maintenance on the fourteen generators over three years from 2024-2026, including annual price escalations. Pricing is summarized as three-year grand totals for each:

- Cummins Sales and Service KCMO Branch \$81,934.53
- Central Power \$97,462.69
- Luke Cloyd \$145,984.88

City staff selected Cummins Sales and Service KCMO Branch. The initial contract amount will be for the grand total cost divided by three years in the amount of \$27,311.51 for 2024 generator maintenance work. For each of the subsequent two years, a contract amendment will be presented to City Council for approval accordingly. Generator maintenance costs will be allocated to applicable departments funded under their applicable maintenance budgets established during FY2024 budget development.

Document No. 9729 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. 11894.

H. ORDINANCE APPROVING A COST SHARE AGREEMENT BETWEEN THE CITY OF LIBERTY, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO PROVIDE FUNDING ASSISTANCE FOR THE M-291/BLUE JAY TRAFFIC SIGNAL AND STEWART/M-291 INTERSECTION PROJECT, FEDERAL AID PROJECT STBG-3392(407)

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.

Document No. 9730 was read.

**Action:** Council Member Pozel 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 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. 11895.

I. ORDINANCE APPROVING A CONTRACT WITH JOHNSON GRANITE SUPPLY FOR THE PURCHASE AND INSTALLATION OF A COLUMBARIUM AND CENOTAPH IN FAIRVIEW AND NEW HOPE CEMETERIES IN AN AMOUNT NOT TO EXCEED \$50,412.00

The City of Liberty installed a 64-niche columbarium in Fairview/New Hope Cemeteries in 2011 for a purchase price of \$22,000.00. This unit has sold 31 of the 64 niches and recouped its initial investment. As cremation has become more popular nationwide and reached 59% of funerals in Missouri, the need for diverse interment options has grown. The purchase and installation of a 72 niche round unit will allow the City of Liberty to offer three different options for columbarium interment of cremains and encourage the preservation of in-ground space for traditional burials.

The proposed unit will have 72 double-depth niches that can hold two urns each and an ossuary in the center that provides space for the communal interment of

approximately 275 cremated remains. Paired with our existing unit, the City will offer three columbarium interment options, all housed in a columbarium garden in the center of Fairview and New Hope Cemetery.

Staff proposes purchasing a 72-niche columbarium with an ossuary from Johnson Granite Supply based in North Kansas City. This unit is both the lowest bid and a high-quality product and benefits from a continuing partnership with a local monument company that can provide support should any issues arise in the future. It is also one of two bidders that provided a design with double-depth niches that allow the interment of two sets of cremains. The unit was bid at \$39,249.00 with a combination cenotaph and interment table for an additional \$11,163.00. The cenotaph will provide families with a place to memorialize their loved ones interred in the ossuary with engraved plates. The purchase price for both pieces will total \$50,412.00.

The funding for this project will come from two sources. A Columbarium Reserve Fund, which has been growing since the installation of our first unit in 2011, and was held at \$19,969.00 at the end of 2023. The Cemetery Trust Fund, which is held at Greater Kansas City Community Foundation, has \$467,000.00 in principal. The Columbarium Reserve will be fully spent with the Cemetery Trust Fund providing the remaining funding for this project. The guidelines adopted for good stewardship of the Cemetery Trust Fund require a minimum principal balance of \$350,000.00, which we will remain well above. Additionally, all money spent on this project will be returned to the trust as 50% of each niche sale will be placed back into the principal, resulting in full repayment after approximately 50 double niche sales.

Document No. 9731 was read.

**Action:** Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Gentrup 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. 11896.

J. **ORDINANCE AMENDING CHAPTER 8 "CEMETERIES," OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI**

Chapter 8 – Cemeteries in the City Code of the City of Liberty as well as the companion document City of Liberty Rules and Regulations for City-Owned Cemeteries were both updated on December 18, 2023.

Staff is recommending one additional update to Chapter 8, Section 6. That section deals with the disposition of proceeds from the sales of lots, and requires 25% of lot sales to be placed in the Cemetery Trust Fund. With the addition of a new

columbarium, staff recommends adding language to place 50% of the sale of columbarium niches in the Cemetery Trust Fund as well.

The table below shows the funds that would be invested back into the Cemetery Trust when all of the spaces in the current columbarium and new columbarium are sold:

	Remaining Niches	Sales Price	Trust Donation	Total to Trust
<b>Single Niches</b>	33	\$1,200	\$600	\$19,800
<b>Double Niches</b>	72	\$2,400	\$1,200	\$86,400
<b>Ossuary</b>	275	\$450	\$225	\$61,875
				<b>\$168,075</b>

These funds will help repay the funds removed from the Cemetery Trust to pay for the new columbarium, build a columbarium reserve for future expansion of the Cemeteries, and the interest provided by the funds can be used for ongoing Cemetery maintenance.

Document No. 9732 was read.

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

**Vote:** Motion passed unanimously.

**Action:** Council Member Phillips moved to approve the ordinance. Council Member 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. 11897.

**K ORDINANCE AMENDING CHAPTER 8, "CEMETERIES" OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI, UPDATING AND ADDING FEES FOR THE CEMETERY TO THE CITY'S SCHEDULE OF FEES**

The City of Liberty's burial fees require annual updates to remain regionally competitive, account for changes in contractor pricing and cemetery offerings, and to continue to maintain the cemetery. The contractor used for open/close services updates pricing annually. 98% of the cemetery lots have been sold, leaving approximately 600 spaces remaining for new sales. Staff recommends raising the price of the lots to address the dwindling number of lots available. The suggested price is still less than other local cemeteries by at least \$500.00/lot.

Since the adding of a full-time Sexton, the cemetery budget has seen a rise in maintenance costs as deferred maintenance has been completed, and new issues are being addressed as they arise. The new Sexton has had a year to determine the amount of work required for each type of burial, and recommends adjusting the fees to properly account for staff time.

The addition of a new columbarium will create new niche varieties that require new categories in the cemetery schedule of fees. Staff recommends adding a columbarium open/close fee to account for staff time during services and during the engraving process. Staff also recommends changing the fees for engraving and Clay County Recording Fees to reflect that those prices are set by the County and vendors outside the City.

In order to continue to maintain the cemeteries, Staff is recommending the following fee changes.

<b>Category</b>	<b>Current Fee</b>	<b>Proposed Range</b>	<b>Proposed Fee</b>
Spaces	\$900	\$1,500-\$2,000	\$1,500
Columbarium Niche (Single)	\$1,200	\$1,200-\$1,500	\$1,200
Columbarium Niche (Double)	N/A	\$2,400-\$3,000	\$2,400
Ossuary Space	N/A	\$450-\$700	\$450
Clay County Deed Recording Fee*	\$24	Fee Set by Clay County	Fee Set by Clay County
Lot Open/Close – Cremains/Ashes*	\$550	\$750-\$1,000	\$750
Weekend Lot Open/Close – Cremains/Ashes*	\$750	\$950-\$1,200	\$950
Lot Open/Close – Non-Cremains/Ashes*	\$1,000	\$1,000-\$1,500	\$1,000
Weekend Lot Open/Close – Non-Cremains/Ashes*	\$1,200	\$1,200-\$1,700	\$1,200
Columbarium Open/Close*	N/A	\$150-\$250	\$150
Plaque Engraving	\$155-\$665	Direct Vendor Cost	Direct Vendor Cost
Repurchase of Cemetery Lot	\$75	\$75 OR Original Purchase Price with Proof of Purchase**	\$75 OR Original Purchase Price with Proof of Purchase**

\*Note – Fee set by Clay County for recording of new deeds and is subject to change by the County.

\*Note – Repurchase price will be based on whichever amount is greater. Those interested in returning a cemetery lot or columbarium niche should contact the Cemetery Sexton.

\*Note – No holiday burials

Document No. 9733 was read.

**Action:** Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Travis 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. 11898.

L. ORDINANCE APPROVING A CONTRACT WITH DOWNEY CONSTRUCTION, INC. FOR THE INSTALLATION OF CONCRETE SIDEWALKS AND MONUMENT FOUNDATION IN FAIRVIEW AND NEW HOPE CEMETERIES IN AN AMOUNT NOT TO EXCEED \$17,450.00

The installation of the new columbarium will require a professionally poured foundation. Downey Construction, will also expand the apron around the existing columbarium and will pour new sidewalks to connect the two units and the existing roadway.

City staff intend to perform initial digging and grade work to decrease costs and because there is a presence of a nearby sewer main. The contractor will perform final grade and complete the concrete pour and finishing.

The funding for this project will come from two sources. A Columbarium Reserve fund has been growing since the installation of our first unit in 2011 and held \$19,969.00 at the end of 2023. The Cemetery Trust Fund, held at Greater Kansas City Community Foundation, has \$467,000.00 in principal. The Columbarium Reserve will be fully spent with the Cemetery Trust Fund providing the remaining funding for this project. The guidelines adopted for good stewardship of the Cemetery Trust Fund require a minimum principal balance of \$350,000.00, which we will remain well above. Additionally, all money spent on this project will be returned to the trust as 50% of each niche sale will be placed back into the principal resulting in full repayment after approximately 50 double niche sales.

Document No. 9734 was read.

**Action:** Council Member Pozel moved to waive the rules and consider the ordinance on first reading. Council Member Phillips seconded the motion.

**Vote:** Motion passed unanimously.

**Action:** Council Member Phillips moved to approve the ordinance. Council Member 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. 11899.

M. **ORDINANCE APPROVING A CONTRACT WITH MIKE HAGEN ELECTRIC, INC. FOR ELECTRICAL UPDATES TO THE FLAGPOLE AT THE VETERAN'S MEMORIAL IN FAIRVIEW CEMETERY IN AN AMOUNT NOT TO EXCEED \$6,100.00**

The American flagpole at the Veteran's Memorial will be replaced this year, and as a part of that project, staff recommends updating the lighting for the flag and memorial as well.

The existing lighting solution is mounted on the current flag pole and has been non-functional for over a year due to water damage and a broken mounting. Additionally, the existing electrical service was installed by volunteers 10 years ago and needs an update, including a modern breaker box that is not mounted directly to the utility pole. These updates have been requested by local veteran's organizations and by individual visitors to the cemetery so that proper respect is paid both to our flag and to this memorial.

Two quotes for this project were obtained, and staff recommended the selection of Mike Hagen Electric, Inc. for this project because they are able to complete the project without having to cut through the asphalt on any of the internal cemetery roads.

Mike Hagen Electric, Inc. proposes installing a new breaker box behind the nearby stone fence pillar that will tie into the existing electrical meter and feed the new ground-mounted light to provide overnight lighting on the American flag at the Veteran's Memorial. This quote includes boring under the road (internal Cemetery road, Rachel) to prevent cutting the asphalt to lay new conduit, thereby minimizing disruptions to cemetery visitors.

Mike Hagen Electric, Inc. will be responsible for providing all materials and labor for this project with the cemetery Sexton serving as staff contact and ensuring that all underground work does not disturb nearby graves.

Document No. 9735 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 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. 11900.

N. RESOLUTION APPROVING THE CITY OF LIBERTY RULES AND REGULATIONS FOR CITY-OWNED CEMETERIES

Due to the addition of a new columbarium, staff recommends adopting the revised City of Liberty Rules and Regulations for City-Owned Cemeteries document. A summary of the changes are detailed below.

Introduction

Removed the Cemetery Clerk as a contact for the Cemetery.  
Add a line stating that appeals to decisions made by the Cemetery Sexton should be directed to the office of the Deputy City Clerk for consideration by City Council.

Outer Burial Containers, Memorials, Foundations and Installation

Add rule #3 that a monument permit along with a mock-up of the proposed monument should be submitted to the Cemetery Sexton for approval before the installation of all markers, cornerstones and monuments.

Add rule #4 that an engraving permit along with a mock-up of the proposed engraving should be submitted to the Cemetery Sexton for approval before the engraving of all niche plates and cenotaph plaques.

In rule #6, add nice faceplates and cenotaph plaques, and clarify reasons the installation of those items may be prohibited by the Cemetery Sexton.

**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. 3381.

O. ORDINANCE APPROVING A CONTRACT WITH INCO USA, LLC FOR CITY OF LIBERTY PROJECT 24-003 2024 CONCRETE FLATWORK REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$82,000.00

The Capital Improvement Plan includes a Street Restoration Program in order to project expenditures necessary for streets and related infrastructure, such as curb and gutter and ADA ramps, in need of restoration. This Ordinance pertains to the 2024 Concrete Flatwork Replacement Project, otherwise known as 24-003.

The project involves work on the following streets:

- N. Jewell St.
- S. Jewell St.
- E. Kansas St.
- Lightburne St.
- E. Mill St.

The work consists of approximately 1000+ linear feet of curb and gutter, 180+ square yards of sidewalk, and ADA ramp repairs, additions and modifications.

A Bid Manual was put together using the scope of work established by staff and an engineered plan set which was provided by a professional consultant. A total of (7) bids were received. The bids received were as follows:

JD Bishop	\$242,326.00
Phillips Sitework	\$197,447.51
Prime Time Contracting	\$168,080.00
McConnell	\$163,398.00
Snelling	\$153,830.60
PCC	\$140,680.40
CM Concrete Inc	\$135,290.00
Inco USA	\$68,292.39

INCO USA, LLC was the low qualifying bidder. As Public Works had not previously awarded a contract to INCO USA, LLC, city staff called and spoke with their references. The referrals and subsequent conversation with Inco USA demonstrated that Inco USA is committed and capable of performing the scope of work as defined within the contract, at which point staff notified INCO USA, LLC of their selection.

This report and subsequent Ordinance requests approval of a contract with INCO USA, LLC in the amount of \$68,292.39 with authorization to spend up to \$82,000.00. The amount requested includes the low bid dollar amount and the addition of a roughly 20% contingency fee. Funds requested above the low bid are requested for the following reasons:

- Final payments are based on the actual unit quantities used during the project and may be more or less than estimated, resulting in fluctuations in bid price.
- Current market trends have been deemed highly volatile with rapid escalations in prices. A 20% contingency allows for flexibility in the event of a required unforeseen change order.
- It allows quick action in the event of emergency concrete repair/replacement issues that may develop over the length of the contract.
- The scope of work in this year's contract is more precise than typically prescribed within the City's annual contract.

The 2024 Street Restoration Project base budget was established at \$2,400,000.00 for 2024 during CIP development. This includes \$800,000.00 from Transportation Sales Tax and \$1,600,000.00 from Capital Sales Tax.

Document No. 9736 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 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. 11901.

P. ORDINANCE APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH GEORGE BUTLER ASSOCIATES, INC. FOR THE DESIGN OF A 16" WATER MAIN FROM NATCHEZ AVENUE SOUTH TO SOUTH LIBERTY PARKWAY IN AN AMOUNT NOT TO EXCEED \$98,058.00

This action will provide engineering services for design of approximately 4,500 linear feet of new 16" water main that will connect an existing 16" water main approximately 175 feet south of the intersection of Natchez Avenue and Southview Drive. The new water main will extend south along Southview Drive and eventually connect to an existing 16" water main that currently terminates at Missouri 291 and South Liberty Parkway.

The new water main will provide a loop to the existing distribution system and provide a redundant path for the existing 24" water main. The existing 24" water main is the main conduit for the distribution of drinking water. There have been numerous service issues with the existing 24" water main, which was constructed in the early 1970s. The existing main cannot be inspected while in service. There are inadequate water mains in the distribution system to allow for the removal of the 24" water main from service to perform an inspection. The proposed 16" water main will provide the redundant water main to provide water to the distribution system. Once the 16" water main is constructed and placed into service the process of inspecting the 24" water main will begin with the intent of providing a comprehensive rehabilitation or replacement plan.

The expenses related to the design and construction of the 16" water main will be reimbursed by Clay County as the project is part of the ARPA allocation that the county has allocated to the City of Liberty.

Document No. 9737 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 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. 11902.

**Q. ADOPTION OF 2024 UTILITY RATES**

Based on the review of 2024 Water, Wastewater and Solid Waste Fund expenditure budgets, the Budget Committee and staff are recommending an increase in Utility rates within all three funds. They are as follows:

**Rates**

<u>Water (4.0% Increase)</u>	<u>2023 Rates</u>	<u>Proposed 2024 Rates</u>
Monthly Customer Charge	\$8.32	\$8.65
Volume Charges		
Minimum Volume Charge	\$3.49	\$3.63
1,001 to 2,000 Gallons	\$7.50/1,000 gals	\$7.80/1,000 gals
2,001 to 20,000 Gallons	\$6.16/1,000 gals	\$6.41/1,000 gals
20,001 to 100,000 Gallons	\$5.57/1,000 gals	\$5.79/1,000 gals
Over 100,000 Gallons	\$4.36/1,000 gals	\$4.53/1,000 gals
<u>Wastewater (2.0% Increase)</u>		
<u>Residential and Commercial Accounts</u>		
Monthly Customer Charge	\$9.16	\$9.34
Volume Charges		
Minimum Volume Charge	\$7.79	\$7.95
Over 1,000 Gallons	\$16.95/1,000 gals	\$17.29/1,000 gals
<u>Car Washes</u>		
Monthly Customer Charge	\$9.16	\$9.34
Volume Charges		
Minimum Volume Charge	\$7.79	\$7.95
Over 1,000 Gallons	\$16.95/1,000 gals	\$16.43/1,000gals

While water, wastewater and solid waste rates are recommended to increase in 2024, 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 2024 rate recommendations within the wastewater fund continue to be within the range that 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 appropriately. 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. WATER RATES/ORDINANCE

Document No. 9738 was read.

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

Not approved by the Chair. Ordinance goes into effect April 11, 2024 inscribed in Ordinance No. 11903.

### 2. WASTEWATER RATES/ORDINANCE

Document No. 9739 was read.

**Action:** Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Travis seconded the motion.

**Vote:** Motion passed unanimously.

**Action:** Council Member Hagan moved to approve the ordinance. Council Member Ponder 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

Not approved by the Chair. Ordinance goes into effect April 11, 2024 and inscribed in Ordinance No. 11904.

### 3. SOLID WASTE RATES/RESOLUTION

**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. 3382.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:12 p.m.

\_\_\_\_\_  
Mayor

Attest:

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