



## City Council Meeting

Regular Session Minutes

September 9, 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 September 9, 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 Gentrup, who then led the pledge of allegiance.

### III. ROLL CALL

Council Members Present: 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: Harold Phillips, Ward I

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  
Sarah Ranes, Deputy City Clerk

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

### IV. PROCLAMATIONS

Constitution Week Proclamation - Mayor Canuteson proclaimed September 17 through September 23, 2024 as Constitution Week in the City of Liberty.

### V. APPROVE MINUTES AND SUMMARIES

### VI. MEETING SCHEDULE

### VII. CONSENT AGENDA

A. Resolution Appointing Directors to the Liberty Corners Community Improvement District Board of Directors

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

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

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3409.

**B. Amusement License For Fall Festival (Jones & Co.)**

Council Member Watt moved to approve the license. Council Member Hagan seconded the motion, which carried unanimously.

**C. Resolution Approving a Liberty Community Center Alcoholic Beverage Service Application for a Large/Private Event to be held on September 21, 2024**

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

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

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3410.

**D. Board/Commission Appointments**

**1. Liberty Community Christmas Tree Advisory Commission**

a. Appoint Allison Kenealy to a Term Expiring 5/1/2027.

b. Appoint Jennifer Stipetich to an Auxiliary position with no expiration date.

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

**VIII. PUBLIC HEARINGS**

**A. Ordinance Establishing the 2024 Ad Valorem Tax Levies for City Operations for the 2025 Budget Year**

The City of Liberty property tax is a vital component of the City's budget that helps to support police, fire /emergency medical services, street maintenance, building and project inspections, planning, senior citizen programs, park maintenance, recreation programs and more. Of the City's property tax levy, 85% supports general operations and 15% supports Parks & Rec. When compared to sales taxes, property taxes typically provide a more consistent and stable funding source for budget planning, especially for ongoing operational costs.

Each year, the City Council has options when setting the Ad Valorem Levy Rate. According to the State of Missouri's Hancock Amendment, the City of Liberty is required to follow an established formula when calculating its maximum levy. Beyond small inflationary adjustments allowed by the formula, increases in revenue from the property tax are a result of new construction and/or increases in personal property in Liberty. Because property taxes provide a more stable and consistent funding source for ongoing City operations, staff typically recommends setting the annual levy rate based on the maximum allowed by the Hancock Amendment. The Hancock Maximum is the highest levy rate you can set in any given year based on the current year's assessed valuations and the prior year's levy rate. For the City of Liberty, this option allows revenue growth within the general fund and parks fund based on the Hancock Amendment.

Looking to the future, beyond current funding needs, property taxes will be vital as continued residential and commercial growth increases the demand for City services across all departments.

Levy Calculations

The County has provided the City with preliminary June 2024 assessments for all categories of property exclusive of the State-assessed railroad and utilities. State assessed railroad and utility values are obtained from the State of Missouri. The Public Hearing notice was published using a preliminary assessment and is as follows:

Impact of City Operating and Parks Funds and Illustration of Impact on Bills: Based on the average individual real estate property assessment value of \$299,103 for 2024. Individual property assessments will vary from average, some higher and some lower.

Residential Impact - Hancock Maximum	Current 2024 Levy	Proposed Levy	Annual Difference
	0.8751	0.8751	
Home Value	300,000	299,108	
19% Assessment Factor	57,000	56,831	
Taxes	498.81	497.32	(1.48)

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Residential Impact - Revenue Neutral	Current 2024 Levy	Proposed Levy	Annual Difference
	0.8751	0.8592	
Home Value	300,000	299,108	
19% Assessment Factor	57,000	56,831	
Taxes	498.81	488.29	(10.52)

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

Document No. 9806 was read.

Mayor Canuteson stated the ordinance will be considered on second reading at the September 23, 2024 Regular Session meeting.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance Acknowledging Vendor Payments for the Period of August 16, 2024 to August 30, 2024

Document No. 9800 was read.

**Action:** Council Member Watt moved to approve the vendor payments. Council Member Ponder seconded the motion.

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11965.

B. Ordinance Accepting the Temporary and Permanent Public Easements for the M-291/Blue Jay Traffic Signal and Stewart/M-291 Intersection Project

To facilitate the M-291/Blue Jay Traffic Signal and Stewart/M-291 intersection project, a number of public construction easements; permanent sidewalk and storm sewer easements are needed to be acquired from various property owners along the project length. The acquisition of private property needed in connection with all Federally funded projects is governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (commonly referred to as the Uniform Act). Local Public Agencies (LPAs) are responsible for acquisition of all necessary property to permit construction.

Property owners may donate property to be acquired for public use, or they have the right to request just compensation. The City of Liberty, through its project design contract, accepted by Council on November 14, 2022, retained the services of Donoho Appraisals, to determine the value of the property to be acquired from those owners requesting compensation and handle subsequent acquisition negotiations.

Six properties are impacted by property acquisition on this project. Thus far, easements have been acquired from 4 out of 6 property owners. Staff continues to work in conjunction with Donoho Appraisals in negotiation easement acquisition from the remaining 2 property owners.

The following construction easements and permanent easements were acquired at a negotiated cost to the City of Liberty:

Attic Storage of Liberty, LLC	TCE	\$1,150.00
Hawthorn Bank	TCE, SWE	\$15,300.00
100 Route 291, LLC	SDE	\$450.00
Minor-Colerick, Inc	SWE	\$2,600.00

TCE = Temporary Construction Easement  
 SWE = Permanent Sidewalk Easement  
 SDE = Permanent Storm Drainage Easement

Document No. 9801 was read.

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

**Vote:** Motion passed unanimously.

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

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

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11966.

C. Ordinance Disclaiming and Abandoning Water Easements Along Route H Highway for the City of Liberty, Clay County, Missouri

The City in coordination with Clay County Water District #4 (PWSD #4) planned and completed a capital improvement project that installed a 12-inch water main to replace a 5-inch water main. The 5-inch water main was one of two that provided water to PWSD #4 and often experienced water main breaks and needed upgrade to improve the pressure characteristics of PWSD #4. The water main capital improvement project required easements to complete the installation of the new 12-inch water main. The adjacent property owners were concerned about the existing water main easement that was over the old 5-inch water main and wanted it disclaimed and abandoned as part of granting easements for the construction of the new 12-inch water main. Staff agreed that the original easements would no longer be necessary and agreed that the request to disclaim and abandon the easement was a reasonable request and agreed to pursue the abandonment of the water easement once the construction of the new 12-inch water main was complete. The construction is complete, and the proposed ordinance completes the disclaiming and abandonment of the water easement over the 5-inch water main.

Document No. 9802 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 Watt seconded the motion.

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

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11967.

- D. Ordinance Approving an Engineering Services Agreement with Tetra Tech, Inc. for soil remediation at the Lee Chemical Site in an amount not to exceed \$126,576.00

Tetra Tech, Inc. has been assisting the City in the process of remediating the Lee Chemical Site. The initial soil remediation technique that was implemented in the 1990s was effective at removing a bulk of the contamination of concern but was ineffective at treating all the contaminated soil. A preliminary report that addresses the process for final remediation steps of all contaminated soil has been approved by The Missouri Department of Natural Resources and the Environmental Protection Agency. The final step in the approval process of the report and remediation steps is the publication of the proposed remediation steps as a "Record of Decision" and receiving public comments, evaluation of the public comments and publishing of the final "Record of Decision". The final step is managed jointly by MoDNR and EPA and could take up to six months to complete.

While staff waits for the record of decision to be finalized, we propose moving forward with the design necessary for the final design of the soil remediation. The proposed engineering services agreement is for ongoing monitoring tasks, final design of the proposed remediation and bid support for the project as approved in the preliminary report.

Document No. 9803 was read.

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

**Vote:** Motion passed unanimously.

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

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

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

**No:** None

Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 11968.

E. Ordinance Amending Ordinance No. 11855, 2024 Budget for the City of Liberty, Missouri

The General Fund balance has continued to increase due to financial stewardship and financial prudence. As seen in the fund balance recap below, the General Fund balance percentage continues to grow each year. The current 37.9% General Fund balance is the result of prudent and conservative expenditure decisions each year, in addition to periodic incremental revenue increases. During the 2024 budget development discussions with the City Council, staff indicated they would undertake a mid-year review to determine if additional steps to manage the fund balance were warranted.

Below is a list of three one-time funding expenditures recommended by the Budget Committee on August 7, 2024.

- Decrease the future liability of Other Post-Employment Benefits (OPEB).
- Enhance health benefits for City employees by providing LifeScan physicals.
- Provide additional operational support to the Public Safety Sales Tax.

The one-time expenditure opportunities for approval are listed below:

Vacation Buyback	\$354,000
LifeScan Physicals for Employees	\$180,000
Additional Transfer from GF to PSST	\$3,000,000
<b>TOTAL</b>	<b>\$3,534,000</b>

Document No. 9804 was read.

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

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

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 11969.

X. OTHER BUSINESS

XI. CITIZENS' PARTICIPATION

Gieselle Fest – 1407 Lynette Street, Ms. Fest thanked the Mayor and City Council for the opportunity to speak. Ms. Fest asked the City Council to please stop the legal action against the poor Clay Countians buried in Block 174. Ms. Fest asked the City Council to please let the people buried in Block 174 rest in peace.

Dwayne Holtzclaw – 113 Kevin Street, Excelsior Springs, Mr. Holtzclaw stated he has family members buried in Block 174 and he has the deed. Mr. Holtzclaw stated this is the 97<sup>th</sup> meeting where he has asked the City Council to please stop the revestment lawsuit as the City isn't the owner of Block 174.

XII. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XIII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIV. ADJOURNMENT

The meeting adjourned at 7:37 p.m.

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Mayor

Attest:

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Deputy City Clerk