



City Council Meeting

Regular Session Minutes
February 25, 2019

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 February 25, 2019 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Greg Duncan and Rae Moore, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: None

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator/Finance Director
Vicki McClure, Assistant Finance Director
Andy Noll, Public Works Director
Brian Hess, Utilities Director
Donna Kay Taylor, Assistant Parks and Recreation Director
James Simpson, Police Chief
Janet Pittman, Deputy City Clerk

Public Present: Kellie Houx, Liberty Tribune
7 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Special Session Minutes of January 28, 2019

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-2. Council Members Watt and Phillips abstained due to absence.

B. Regular Session Minutes of February 11, 2019

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 5-0-3. Council Members Watt, Jenness and Moore abstained due to absence.

V. CITIZENS' PARTICIPATION - None

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution authorizing the filing of an application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant (Hazardous Moving Violation Grant)

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3032.

- B. Resolution authorizing the filing of an application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant (DUI Enforcement Grant)

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3033.

- C. Resolution approving a Temporary Event Liquor License for the Liberty Hospital Foundation for an event at William Jewell College, Greene Stadium, to be held on Saturday, March 2, 2019

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3034.

- D. Executive Session Minutes of January 28, 2019

Council Member Phillips moved to approve the minutes as distributed. Council Member Watt seconded the motion, which carried unanimously.

- E. Regular Session Minutes of January 28, 2019

Council Member Phillips moved to approve the minutes as distributed. Council Member Watt seconded the motion, which carried unanimously.

F. Boards and Commissions Appointments/Reappointments

1. Park Board

- a. Appoint James Moes to a term expiring June 1, 2022

2. Liberty Preservation and Development Commission

- a. Reappoint Don Altis to a term expiring September 1, 2021
- b. Reappoint Dail Hobbs to a term expiring September 1, 2021

3. Liberty Parks & Recreation Foundation

- a. Reappoint Karen Ridder to a term expiring January 1, 2022
- b. Reappoint Jodi Capps to a term expiring January 1, 2022

4. Planning and Zoning Commission

- a. Reappoint Ken Personnett to a term expiring January 1, 2022
- b. Reappoint Patricia Evans to a term expiring January 1, 2022

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

G. Resolution granting a Certificate of Appropriateness for exterior alterations at 448 E. Mississippi Street, Jewell Historic District, a contributing structure (HDRC Case 19-001J)

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3035.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

Mayor Pro Tem Moore took over as Chair of the meeting.

A. Acknowledgement of vendor payments for the period of February 1 to February 15, 2019

Council Member Hagan requested that check no. 162016, payment to B&B Theatres Operating Co., be removed and considered separately.

1. Ordinance excluding Westland Landscape and B&B Theatres payments

Document No. 8815 was read.

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

Roll Call

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11038.

Action: Council Member Graham moved to approve check no. 162016, payment to B&B Theatres Operating Co., for \$35,919.00. Council Member Watt seconded the motion.

Roll Call

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Hagan, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 11038.

2. Ordinance including Westland Landscape payments.

Document No. 8816 was read.

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

Roll Call

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Jenness, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 11038.

B. Ordinance approving a Guaranteed Pricing Agreement with Kohl Wholesale in an amount not to exceed \$47,385 for FY 2019 Fountain Bluff Sports Complex concession food and supplies

The Parks and Recreation Department operates three concession stands within the Fountain Bluff Sports Complex during programs and events. Independent contractors

are engaged to deliver concession food, beverages, and supplies to the concession stands.

Document No. 8817 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11039.

- C. Ordinance approving Year Two of a five-year Agreement with Pepsi for product sales at Fountain Bluff Sports Complex and the Liberty Community Center in an amount not to exceed \$51,000

The City operates three seasonal concession stands at the Fountain Bluff Sports Complex and provides beverage vending machines at the Liberty Community Center. Products are sold at both locations for a profit, which is reflected in the 2019 Sports Complex and Community Center revenue portions of the budget.

Document No. 8818 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 Jenness seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11040.

- D. Ordinance to authorize an Agreement with TED Systems, LLC for the supply and installation of the Utilities Operation Center gate controls in an amount not-to-exceed \$14,330.00

As the current system at the Utilities Operation Center is presenting signs of the system's failure, the Utilities Department is seeking to replace the existing gate control

at the Utilities Operation Center with the same system that was replaced at the Water Treatment Plant gate. The new system allows for real time gate operation monitoring, keeps a log of all gate remote electronic transmitter attempts, and also logs each remote transmitter gate activation and the ID that was used for the gate actuation. The system provides consistent management within Utilities across both facilities.

Document No. 8819 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11041.

- E. Ordinance approving an Agreement with Park-RN Liberty Investments, LLC for financial considerations regarding a public water main fire line extension for the North Havens Center hotel development.

A water main extension is required in order to provide adequate fire flow protection to the hotel development in North Havens Center. The water main improvements will cross properties outside of the development and will connect to the water main along Forest Avenue to the east. In order to equitably spread the costs amongst the properties that may benefit from the fire flow extension, the agreement provides for payment of half the project costs to the City by the second property in the development that will benefit from the improvements. Once an application is made to construct on the second property that will benefit from a connection to the fire line, half of the original construction costs will be collected at time of fire protection permit issuance and reimbursed to Park-RN Liberty Investments, LLC.

In other words, the payment of portions of the cost to build the new fire line will be collected on permit issuance by the City and reimbursed to Park-RN Liberty Investments, LLC who is paying for the fire line initially. This is a means of providing for the costs of the fire line being equitably spread to those that will benefit.

The City is not paying for any costs of the fire line project only collecting portions of the costs to disperse to Park-RN Liberty Investments, LLC.

Document No. 8820 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 Jenness moved to approve the ordinance. Council Member Duncan seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11042.

- F. Ordinance approving a Developer Agreement with South Withers Road Development, LLC for financial participation in the amount not-to-exceed \$232,597.00 for the Liberty Little Shoal Creek Sanitary Main.

A sanitary sewer main extension is required to serve the development of Homestead Hills in order to tie into the Liberty infrastructure and be serviced at the Liberty Wastewater Treatment Facility. The extension is adjacent to the sanitary main shared with KCMO that provides service under I-35 and is known as the Little Shoal Creek sanitary main. This extension is the first leg in extending the sewer service adjacent to the KCMO shared main and providing service in the basin directly to the Liberty Wastewater Treatment Facility.

City staff worked with the developer's engineer on the Homestead Hills project to make sure the alignment and sizing of the new sanitary main was appropriate to service the basin. The construction will be managed with the Homestead Hills development public improvements by the developer with the City reimbursing for the costs of the construction for the new sanitary main. The City reviewed the bids that were provided for the work and concurred with the selection for the lowest and best bid established by the developer. In addition, the portion of main to be constructed for reimbursement will be constructed using prevailing wage as required by State law and provided for in the agreement.

The construction of the new sanitary main will be completed by Havens Construction at a cost not-to-exceed \$232,597.00. As construction progresses, the developer will submit progress pay applications similar to a City managed public improvement project. The City will reimburse the developer for the costs incurred for project construction on a monthly basis.

Document No. 8821 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11043.

- G. Ordinance allowing a Stream Mitigation payment in the amount of \$36,725 to the Missouri Conservation Heritage Foundation’s Stream Stewardship Trust Fund for the Camelot Swale Stabilization Project

Engineering staff has been working with a design professional, HDR Engineering, to develop a solution for erosion issues related to an existing drainage channel located between Lancelot Drive and North Clayview Drive. The solution involves the enclosure of approximately 370 feet of stream with a 36-inch storm pipe and the relocation of an additional 100 feet of channel to address incision and bank erosion. Staff has been working with neighboring residents to secure temporary easements necessary to facilitate construction of the project. As a condition of permitting the project prior to beginning construction, the Corps of Engineers is requiring the purchase of 1,469 stream credits from an approved compensatory mitigation bank or in-lieu fee program in the service area of the project. The Missouri Department of Natural Resources concurs with the Corps of Engineers requirements.

Document No. 8822 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 Graham moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11044.

X. OTHER BUSINESS

MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XI. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:22 p.m.

Attest:

Mayor

Deputy City Clerk