



City Council Meeting

Special Session Minutes
December 16, 2019

I. CALL TO ORDER

A special session meeting of the City Council of the City of Liberty, Missouri was held in the Council Chambers at City Hall on December 16, 2019 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

II. ROLL CALL

Council Members Present: Harold Phillips, 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: Paul Jenness, Ward I

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator/Finance Director
Shawna Funderburk, Asst. to the City Administrator
Andy Noll, Public Works Director
Sara Cooke, Interim Utilities Director
John Mills, Fire Chief
James Simpson, Police Chief
Katherine Sharp, Planning Director
Vicki McClure, Assistant Finance Director
Janet Pittman, Deputy City Clerk

Public Present: Kellie Houx, Liberty Tribune
3 member of the public

III. CITIZENS' PARTICIPATION

IV. PUBLIC HEARINGS

A. Wellington Senior Living at Liberty Project

1. Resolution approving a Special Use Permit for Senior Apartments in the C-2, General Business, Zoning District on S. Withers Road between Kent St. and Progress Dr., in Liberty, Clay County, Missouri {P&Z Case 19-48SUP} **[Public Hearing]**

The Wellington Senior Living Community will consist of 91 independent living apartments, 44 assisted living apartments, and 18 memory care apartments. The community is age restricted to those 65 years and older, and the units are designed to provide a comfortable residential feel.

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

Scott Auman, Stark Wilson Duncan Architects, 315 Nichols Road, Suite 228, Kansas City, Missouri, stated that he represented O'Reilly Development, the applicant. The developer has built this prototype in various communities across the state. They are selective in choosing a property that is located in a community with economic growth, good infrastructure, and residential quality around the site.

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

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3083.

2. Resolution approving a Preliminary Plat, the Wellington Senior Living at Liberty, 939 acres on S. Withers Road between Kent St. and Progress Dr., a Subdivision of Land in Liberty, Clay County, Missouri {P&Z Case 19-47PP}

The property is approximately 9.39 acres and will contain one 160,000 square foot building.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3084.

V. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of November 29 to December 6, 2019

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

Document No. 8987 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11190.

Mayor Brenton resumed as chair of the meeting.

B. 2020 Annual Budgets

1. Ordinance adopting the Annual Budget for the City of Liberty, Clay County, Missouri for the Fiscal Year 2020 (second reading)

Document No. 8977 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11191.

2. Ordinance adopting the Annual Park and Parks Sales Tax Budgets for the City of Liberty, Clay County, Missouri for the Fiscal Year 2020 (second reading)

Document No. 8978 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11192.

C. Resolution approving the 2020-2025 Street Infrastructure Capital Improvement Plan for the City of Liberty, Missouri

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3085.

D. 2020 Utility Rates

- 1. Ordinance amending Section 29-25 (a) "Water Rates" of the City Code of the City of Liberty, Missouri (second reading)

Document No. 8979 was read.

Effective with January 2020 water usage, the water rates for residential and commercial customers shall be:

Monthly Customer Charge	\$6.80
Volume Charges	
Minimum Volume Charge	\$3.26
1,001 to 2,000 Gallons	\$7.00 per 1,000 gallons
2,001 to 20,000 Gallons	\$5.75 per 1,000 gallons
20,001 to 100,000 Gallons	\$5.20 per 1,000 gallons
Over 100,000 Gallons	\$4.07 per 1,000 gallons

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

Vote: Motion passed 7-0-0
 Yes: Council Members Phillips, Moore, Hagan, Graham, Watt, Duncan and Gentrup
 No: None
 Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11193.

- 2. Ordinance amending Section 29-49.1 "Sanitary Sewer Rates" of the City Code of the City of Liberty, Missouri (second reading)

Document No. 8980 was read.

Effective with January 2020 water usage, the wastewater (sanitary sewer) user rates (per 1,000 gallons of water used) shall be:

Residential and Commercial Accounts	
Monthly Customer Charge	\$8.32
Volume Charges	
Minimum Volume Charge	\$7.08
1,001 and above Gallons	\$15.40 per 1,000 gallons
Car Washes	
Monthly Customer Charge	\$8.32
Volume Charges	
Minimum Volume Charge	\$7.08
1,001 and above Gallons	\$14.69 per 1,000 gallons

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11194.

3. Resolution adopting Solid Waste (Sanitation) Service

The rate for weekly residential curbside collection of solid waste materials shall be \$17.70 per month. The solid waste exemption rate for individuals eligible under section 17-8 of the City Code shall be 50% of the non-recycling waste element of the solid waste rate.

Action: Council Member Moore moved to approve the resolution. Council Member Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3086.

4. Resolution Modifying the Monthly Utility Infrastructure Repair and Maintenance Fee

The two dollar (\$2.00) fee is proposed to remain in place for 2020.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 3087.

E. Ordinance approving an Agreement between City of Liberty and Kirberg Company for the Restoration of Fire Station No. 1's Administration and Bay Roofs in an amount not to exceed \$105,300.00

With the City moving forward with the solar power project, it was found that the bay roof at Fire Station 1 would also need to be restored before panels could be installed on it. The Fire Sales Tax currently has an unbudgeted fund balance of \$65,300.00 available to fund this project. This coverage is accounted for in the 2019 Forecast and is a component of the 2020 Budget.

Staff asked Tremco, who the City currently uses for roof repairs, to prepare a Request for Proposal (RFP), in late 2019. The request was based off of restoring the Administration roof that had been leaking. Also, the addition of the solar panels

necessitates restoring the bay roof before installation of the solar panels. This will ensure the roof is stable enough to support the panels.

Document No. 8988 was read.

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11195.

- F. Ordinance approving an Agreement with IT Pipes for Software as a Service Agreement in an amount not to exceed \$48,000.00

This system is used by the Collections crew to inspect the condition of the City's sewer system. This information is used to determine the cause of backups and to assess the condition of pipes for scheduling repairs and maintenance. It is also used for storm sewer assessments occasionally when needed.

The upgrade provides for a web based platform and better integration with GIS software. The upgrade also provides installation and training on the new software version. This upgrade replaces the current software that will no longer be supported. This agreement provides for up to 3 terabytes of cloud-based storage, which eliminates the need for future on premises server purchases and upgrades related to this product.

Document No. 8989 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 Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11196.

- G. Ordinance approving a Contract with Strata for the Professional Services for a Building Assessment of the Frank Hughes Library located at 210 E. Franklin, Liberty, Missouri in an amount not to exceed \$22,200.00

Mr. Frank Hughes' estate provided a fund to build a reading room for the City of Liberty in 1940. A trust fund established by Mr. Hughes' estate has provided approximately \$500 dollars per year for minor repairs. With minimal other funding available, City staff is concerned that the age of the building will soon require major repairs. Staff contacted the State of Missouri Preservation division to determine if any grant funds were available for upgrades and repairs. Staff was advised the first step to any grant funding for repairs would require completion of a building assessment. Staff applied for and received a matching grant to complete the facility assessment. The state grant provides \$10,000.00 with the City of Liberty available funding of \$13,550.00 for a total project funding available of \$23,550.00. A committee of three City staff members reviewed the proposals and selected STRATA as the firm with the best qualifications and the best plan for the project.

Document No. 8990 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 Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11197

- H. Ordinance approving a Guaranteed Pricing Agreement with Liberty Sports Officials for 2020 Youth and Adult Sports Officiation Services in an amount not to exceed \$150,000.00

The Parks and Recreation Department utilizes independent contractors to manage officiating services for all sports leagues. Services covered by this contract include youth recreational baseball, youth recreational softball, youth competitive softball, youth recreational basketball, youth competitive basketball, youth recreational soccer, youth competitive soccer, youth recreational flag football, youth competitive flag football, youth recreational volleyball and adult basketball.

Document No. 8991 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 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11198.

- I. Ordinance approving a Contract with A+ Insulation for the Purchase, Delivery and Installation of Foam Insulation for the New Maintenance Building in an amount not to exceed \$30,950.00

Document No. 8992 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 Moore seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11199.

- J. Ordinance authorizing the execution of a Pipeline License Agreement with BNSF Railway Company and a Development Agreement with Star Development Corporation for the Construction of Public Sanitary Sewers associated with the Ella's Crossing Development Project

Star Development Corporation has been approved to construct a 52 single family lot development known as Ella's Crossing on the east side of Route H at Spring Avenue. To provide sanitary sewers necessary to support the Ella's Crossing development and future undeveloped areas in the sewer basin, a Pipeline License Agreement by and between BNSF Railway Company and the City of Liberty must be executed to allow a sanitary sewer crossing underneath BNSF's rail. As this sanitary sewer will be maintained by the City of Liberty in the future, the agreement must be between the City and BNSF Railway Company. There are several conditions in the Pipeline License Agreement that must be passed on to the developer and the City's mechanism for achieving this is a Development Agreement between the City and developer. Most important are the license fee cost, potential flagger fees, and insurance requirements. An account will be set up to collect these fees up front from the developer ensuring no net cost to the City. Both the Pipeline License and Development Agreement must be approved by the City Council before the development can move forward.

Document No. 8993 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11200.

- VI. OTHER BUSINESS
- VII. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- VIII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- IX. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Mayor

Attest:

Deputy City Clerk