



City Council Meeting

Regular Session Minutes

November 9, 2015

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 November 23, 2015 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 Greg Duncan, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: Harold Phillips, Ward I
Jeff Moore, Ward II

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Steve Hansen, Public Works Director
Vicki McClure, Assistant Finance Director
Brian Hess, Utilities Director
Andy Noll, Assistant Public Works Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Tony Sage, Information Technology Director
Katherine Sharp, City Planner
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of October 12, 2015

Council Member Hagan moved to approve the minutes as distributed. Council Member Watt seconded the motion, which carried 5-0-1. Council Member Jenness abstained due to absence.

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution approving a Liberty Community Center Alcoholic Beverages Service Application for the Liberty Area Chamber of Commerce on December 2, 2015

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2787.

- B. Special Session Minutes of October 19, 2015

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

- C. Executive Session Minutes of October 19, 2015

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

VIII. PUBLIC HEARINGS

- A. Liberty Healthy Living Community

1. Ordinance accepting and approving a Final Plat of the Liberty Healthy Living Community in Liberty, Clay County, Missouri [P&Z Case 15-39FP] (second reading)

The applicant proposes to plat 22 acres along Glen Hendren Drive, creating one tract and four lots for development, containing elements such as a campus green, shared parking, and underground detention. These elements will be governed by a private access easement and codes and covenants put in place for all owners and user of the Liberty Healthy Living Center.

Document No. 8178 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10466.

2. Resolution approving a Final Development Plan for the Construction of a Liberty Healthy Living Center, Phase I, in Liberty, Clay County, Missouri [P&Z Case 15-40FDP] (postponed from October 26, 2015)

This is an application to construct the first of three anticipated phases for a Healthy Living Community near Liberty Hospital.

Mayor Brenton resumed the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Chris Cole, Action Pact, stated he was available to answer questions on behalf of the applicant. Seeing no one else wishing to speak, the Mayor closed the Public Hearing

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

Vote: Motion passed 6-0-0

Yes: Council Members Gendrup, Jenness, Duncan, Hagan, Graham, and Watt

No: None

Abstain: None

Inscribed in Resolution No. 2788.

3. Ordinance approving a Development Agreement with the Liberty Healthy Living Community, LLC. (second reading)

The proposed development will have a substantial impact on the surrounding area and the cost to the public of providing adequate facilities to serve the new development and additional impact created, could not be supported without the agreement of the developer to provide complete traffic signalization and pedestrian bridge, as outlined in the development agreement.

Document No. 8179 was read.

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

Vote: Motion passed 6-0-0

Yes: Council Members Gendrup, Jenness, Duncan, Hagan, Graham, and Watt

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10467.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of October 16 to October 30, 2015.

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

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

Document No. 8187 was read.

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

Roll Call

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10468.

2. Ordinance including Westland Landscape and B&B Theatre payments.

Document No. 8188 was read.

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

Roll Call

Vote: Motion passed 4-0-2

Yes: Council Members Graham, Watt, Duncan and Gentrup

No: None

Abstain: Council Members Jenness and Hagan, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 10468.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri (pertaining to parking)

This is codification of a change to the traffic regulations for restricting parking on Arthur Street.

Document No. 8189 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 Jenness moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10469.

C. Resolution accepting the Sanitary Sewer Improvements for the Fire Station No. 3
Sanitary Sewer Extension Project

The above referenced project has been completed and constructed according to the plans and specifications of the City of Liberty.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2789.

D. Ordinance accepting Right-of-Way Deed dedicating Public Right-of-Way along
Stewart Road

To facilitate the development of Liberty Commons, right-of-way along Stewart Road needs to be dedicated to the City of liberty to allow for the construction of a traffic circle approximately 500 feet west of Conistor Street.

Document No. 8190 was read.

Action: Council Member Jenness 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 Gentrup seconded the motion.

Vote: Motion passed 5-0-1

Yes: Council Members Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: Council Member Graham

Approved by the Chair and inscribed in Ordinance No. 10470.

E. Ordinance accepting Easements for Public Sanitary Sewer Mains and Public Storm
Drainage Facilities for Clay Meadows, 10th Plat

To facilitate the development of Clay Meadows, 10th Plat, a series of four public sanitary sewer easements and two public storm drainage facilities easements were required to be dedicated to the City of Liberty. The easements will allow for the construction of an off-site sanitary sewer main extension and off-site public storm sewer improvements to serve the proposed development.

Document No. 8191 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10471.

F. Resolution accepting the Water, Sanitary Sewer, Storm Sewer, Streets and Grading Improvements for the Clay Meadows, 10th Plat Subdivision Project

The above referenced project has been completed and constructed according to the plans and specifications of the City of Liberty.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2790.

G. Ordinance disclaiming and abandoning of Utility Easement for 2300 E. County Road H

To facilitate the construction of an addition to a house at 2300 E. County Road H, an existing utility easement needs to be disclaimed.

Document No. 8192 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10472.

H. 2015 Street Maintenance Pavement Restoration Project

This action is to finalize the contract for the 2015 Street Maintenance Pavement Restoration Project and to accept the project.

1. Ordinance amending Ordinance No. 10387, Amending an Ordinance approving a Contract with Metro Asphalt, Inc. for the 2015 Street Maintenance Pavement Restoration Project, decreasing the agreement by \$32,041.17 from \$995,000.00 to \$962,958.83

Document No. 8193 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 Watt moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10473.

2. Resolution accepting the 2015 Street Maintenance Pavement Restoration Project

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2791.

I. 2015 Granite Chip Seal Street Maintenance Project

This action is to finalize the contract for the 2015 Granite Chip Seal Street Maintenance project and to accept the project.

1. Ordinance amending Ordinance No. 10434, Approving a Contract with Vance Brothers, Inc. for the 2015 Granite Chip Seal Street Maintenance Project, decreasing the agreement by \$47,584.30 from \$170,905.00 to \$123,320.70

Document No. 8194 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10474.

2. Resolution accepting the 2015 Granite Chip Seal Street Maintenance Project

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2792.

J. Flintlock Overpass Project

Through previous actions by the City Council, various right-of-ways associated with the agreement have been conveyed to the City. Recently, a short section of the northerly portion of Southview Drive from the railroad crossing to M-291 was discovered to have been inadvertently left out of the previous transfers. This will complete the remainder of the conveyances related to the City's obligation to the agreement.

1. Ordinance approving a Missouri Highways and Transportation Commission Acceptance of Conveyance

Document No. 8195 was read.

Action: Council Member Jenness 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 Gentrup seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10475.

2. Ordinance approving a Quitclaim Deed from the Missouri Highways and Transportation Commission

Document No. 8196 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 Graham moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10476.

- K. Ordinance approving Task Order #2, of a Contract with Brian Clark & Associates, Inc. d/b/a Confluence for the Downtown Square Reconstruction Project in an amount not to exceed \$265,700.

This ordinance will provide funding for the preliminary and final design phases of the Downtown Square Reconstruction project which consists of improvements to the streets, crosswalks, sidewalks, water lines and sewer lines in the Downtown Liberty area adjacent the historic square.

Document No. 8197 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10477.

- L. Wastewater Treatment Facility – Birmingham Drainage District

As portions of the City's existing facilities are located within the Birmingham Drainage District (BD) property and under the levee facility, it is necessary to enter into an agreement with BDD to establish the parameters for the new facilities, new easements and to accommodate for the proper abandonment and closure of the existing force main that will be decommissioned after the new infrastructure is operational.

1. Ordinance approving an Agreement with Birmingham Drainage District to allow for the Installation, Maintenance and Operating of a Sanitary Sewer Pipeline related to the Wastewater Treatment Plant Project

Document No. 8198 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 Watt moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10478.

2. Ordinance accepting a Quit Claim Deed from Birmingham Drainage District and authorizing the transfer of property to Birmingham Drainage District in exchange of property related to the Wastewater Treatment Plant

Document No. 8199 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 Jenness moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10479.

- M. Ordinance approving an Agreement with Midway Auto Realty, LLC to vacate and release Sanitary Sewer Easement related to the Wastewater Treatment Plant Project

Goodwin Brothers' original alignment of the new sanitary force main was designed to cross Midway Auto Realty, LLC property adjacent to the existing main. As part of the transaction, Midway Auto Realty, LLC has asked for the existing force main easement to be abandoned after it is decommissioned following the new force main being placed into service.

Document No. 8200 was read.

Action: Council Member Watt 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 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10480.

- N. Ordinance approving a Contract with BKD CPA's & Advisors for the Annual Audit Fiscal Year 2015 in the amount of \$50,400

Best practices recommended that the City issue a Request for Proposal (RFP) every five years for professional auditing services. A committee of five City Staff and Council Member Hagan reviewed the four submitted proposals and interviewed representatives from each of the responding firms. The committee recommended that the professional auditing services contract be awarded to BKD CPA's & Advisors.

Document No. 8201 was read.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10481.

- O. Ordinance approving a Contract with American Digital Security for Purchase and Installation of Access Control Security System in an amount not to exceed \$83,290.80

City Hall's current Access Control System (ACS) is no longer supported by the manufacturer. The current ACS continues to fail leaving certain areas of the building unsecure. Staff received three bids, two of those vendors were selected for technical review. Staff determined that American Digital Security (ADS) provide the best technological platform form for the City Hall facility and offer the lowest cost option.

Document No. 8202 was read.

Action: Council Member Watt 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 Graham seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10482.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Mayor

Attest:

Deputy City Clerk