



City Council Meeting

Regular Session Minutes
February 13, 2017

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 13, 2017 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 Gene Gentrup, 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
Andy Noll, Public Works Director
Brian Hess, Utilities Director
Janet Bartnik, Parks and Recreation Director
James Simpson, Police Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Assistant Planning Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Special Session Minutes of January 17, 2017

Council Member Phillips moved to approve the minutes as distributed. Council Member Hagan seconded the motion, which carried 7-0-1. Council Member Gentrup abstained due to absence.

B. Executive Session Minutes of January 17, 2017

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, carried 7-0-1. Council Member Gentrup abstained due to absence.

C. Study Session Summary of January 17, 2017

Council Member Watt moved to approve the summary as distributed. Council Member Phillips seconded the motion, which carried 7-0-1. Council Member Gentrup abstained due to absence.

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of January 9, 2017

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

B. Regular Session Minutes of January 23, 2017

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

C. Authorization for payment to BKD CPA's and Advisors LLP for preparation of 2016 Comprehensive Annual Financial Report in an amount not to exceed \$50,960.

Council in 2015 authorized a contract with BKD CPA's and Advisors LLP for five years of auditing services.

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

D. Resolution to Declare the Official Intent of the City of Liberty, Missouri to Finance the Costs of Acquiring Certain Equipment and Building Improvements Using a Tax Exempt Debt Financing

The City contemplates securing in 2017 the following equipment/building improvement items: a Fire Training Tower; Fire Station 3 bay addition; Fire Station 1 expanded classrooms & updated living quarters; station alerting equipment; four new ambulances; minor computer equipment and capital equipment for the IT Department; Police Utility Vehicles with extended warranties and Capital Equipment; and a service van for the Special Populations Department.

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, Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2879.

E. Resolution to Declare the Official Intent of the City of Liberty, Missouri to Refinance Certain Tax Incremental Financing and Special Obligation Bonds

The revenue generated from the retail projects that support both the 2017 TIF Bonds and the Clay County Health Center Relocation Bonds is greater than current debt service requirements and proper bond management practices speak to the appropriateness of seeking refinancing. City staff recommends the engagement of Piper Jaffray & Co. and Gilmore & Bell, P.C. to serve as financial advisor and bond counsel, respectively. The cost of these services will be paid as a cost of issuance from the bond proceeds.

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, Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2880.

F. Resolution authorizing the filing of an application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant

The two main roadways, Kansas Street and Missouri Highway 291, have historically been major contributors to the overall number of vehicular accidents in the City of Liberty. The application for the Hazardous Moving Violation Grant would offset the cost of enforcement of hazardous moving violations in the identified high accident area and would provide funding for POST approved training for traffic personnel.

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, Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2881.

G. Appointments/Reappointments

1. Board of Appeals

- a. Appoint Jared Emmons to a term expiring December 30, 2019

2. Tree Board

- a. Appoint Daniel Allenbaugh to a term expiring December 15, 2019

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

VIII. PUBLIC HEARINGS

- A. A Resolution amending the Future Land Use Map of the Comprehensive General Plan of the City of Liberty by Changing the Land Use Designation of 1,092.26 acres generally located on portions surrounding South Liberty Parkway from I-35 to S Withers Road from Regional Commercial, Neighborhood Commercial, Neighborhood Residential, Mixed Use, Business Park/ Office, and Business Park to Low Density Residential, High Density Residential, Commercial, Business Park, and Industrial [P&Z Case 16-30A] {postponed from January 9, 2017}

Numerous changes and market conditions in the area have occurred since the South Liberty Parkway Corridor Study was completed in 2006. A Mayoral Task Force was assigned to discuss whether the existing future land uses approved in 2006 are still relevant in today’s market and what alternative land uses would be relevant. With the changes in the market since 2006, and possible land use changes, staff recommended that the land uses be general in nature to allow for some flexibility. The land uses discussed and ultimately recommended were: low density residential; high density residential; and, commercial & business.

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

Mr. John Roe, Roe Stoner, spoke on behalf of Liberty Gateway LLC and John Ferguson. He stated that he is in opposition of this plan as a two acre parcel previously included in the update has been removed. He noted that the map presented to Council is different from the one presented to the Planning and Zoning Commission on December 13, 2016. He stated that his client is opposed to the amendment without that two acres being included in the commercially designated area.

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

In response to Council’s questions, staff stated that the two acre parcel was removed from the map as there is an application currently going through the planning process. By not including the parcel on the updated map the land designation remains as is.

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

Vote: Motion passed 7-1-0

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

No: Council Member Watt

Abstain: None

Inscribed in Resolution No. 2882.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgment of vendor payments for the period of January 13, 2017 to February 3, 2017.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8426 was read.

Action: Council Member Hagen moved to approve the vendor payments. Council Member Phillips 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. 10683.

2. Ordinance including Westland Landscape payments.

Document No. 8427 was read.

Action: Council Member Phillips moved to approve the vendor payments. Council Member Gentrup 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. 10683.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance approving an Agreement with J&M Displays for the Liberty4thFest Fireworks Display on July 3, 2017 at Fountain Bluff Sports Complex in an amount not to exceed \$20,000.

In December, staff distributed a request for proposal (RFP) to three vendors that had been recommended by other peer communities and submitted a public notice of the RFP in the Liberty Tribune. From the RFP that was distributed to vendors, two of the three vendors submitted proposals. No proposals were submitted as a result of the public notice. Staff reviewed both proposals and recommends J & M Displays for 2017 Liberty4thFest.

Document No. 8428 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 Jenness 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. 10684.

C. Ordinance allowing the “2017 Show Me Green Sales Tax Holiday” to apply to the Local Sales Taxes of the City of Liberty, Missouri from April 19 to April 25, 2017

The State of Missouri has established a seven day period from April 19th to April 25th as the “Show Me Green Sales Tax Holiday”. During this period, qualifying Energy Star certified new appliances are exempted at the time of purchase from State sales taxes for each item costing up to \$1,500 per appliance.

Document No. 8429 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 Hagan 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. 10685.

D. Ordinance amending Ordinance No. 10155, Approving a Contract with USIC Locating Services, Inc. for Underground Facilities Locating Services for the City of Liberty

The renewal for 2017 of the underground locating services contract with USIC locating Services Inc. includes adjustments in cost to complete the locating of the underground infrastructure in response to Missouri One Call notifications for both water and sanitary sewer systems.

Document No. 8430 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 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. 10686.

- E. Ordinance approving a Guaranteed Pricing Agreement with Kohl Wholesale in an amount not to exceed \$40,000 for FY 2017 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 Fountain Bluff Sports Complex concession stand.

Document No. 8431 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 Phillips 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. 10687.

- F. Ordinance amending Ordinance No. 10638 approving a Contract with Philips Paving Co. for Asphalt Construction Services at the Fountain Bluff Sports Complex by increasing the Contract by \$20,000 from \$196,811 to a not to exceed amount of \$216,811.

The contract provides for the maintenance of asphalt areas in both complexes and the soccer venue as well as the addition of accessible routes to soccer and flag football fields.

Document No. 8432 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 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. 10688.

- G. Ordinance approving an Agreement with Pepsi Beverage Company pertaining to the purchase of non-alcoholic Beverages at Fountain Bluff Sports Complex and Liberty Community Center, Liberty, Missouri

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 profit, thus cost is recouped through sales.

Document No. 8433 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 Phillips 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. 10689.

- H. Ordinance approving a Guaranteed Pricing Agreement with Kansas City Men's Senior and Adult Baseball League Officials Association in the amount of \$66,500 for FY 2017 Adult Softball and Competitive Baseball Officiating Services

The Parks and Recreation Department utilizes independent contractors to manage officiating services for all sports leagues. Services covered by this contract include adult softball and competitive baseball officiating. KC Men's Senior and Adult Baseball League Officials Association has been the City's contractor for many years and is in good standing with the City.

Document No. 8434 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 Janness seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10690.

I. 2017 Adult and Youth Sports Apparel

The Parks and Recreation Department facilitates a wide variety of youth and adult sports leagues and camps throughout the year which require the purchase of uniforms, jerseys, caps, socks, champion apparel, and the like. An RFP was advertised soliciting vendors to provide full service apparel management. The bid was not limited to a single-vendor award and was written with the ability to split the award among vendors offering the best price and service.

1. Ordinance approving a Guaranteed Pricing Agreement with the Axis Sports Group for FY 2017 Adult and Youth Sports Apparel – Youth Soccer in an amount not to exceed \$12,050.

Document No. 8435 was read.

Action: Council Member Jeness 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 Graham seconded the motion.

Vote: Motion passed 7-0-1

Yes: Council Members Phillips, Jeness, Moore, Hagan, Graham, Watt, Duncan

No: None

Abstain: Council Member Gentrup, due to potential conflict of interest.

Approved by the Chair and inscribed in Ordinance No. 10691.

2. Ordinance approving a Guaranteed Pricing Agreement with Custom Graphics for FY 2017 Adult and Youth Sports Apparel – Youth Baseball/Software Jerseys and Hats, Youth Flag Football, Volleyball, Bitty Sports Camp & Adult Sports in an amount not to exceed \$52,000.

Document No. 8436 was read.

Action: Council Member Jeness 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 Phillips seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Gentrup, due to potential conflict of interest.

Approved by the Chair and inscribed in Ordinance No. 10692.

- 3. Ordinance approving a Guaranteed Pricing Agreement with YBA Shirts for FY 2017 Adult and Youth Sports Apparel – Youth Basketball in an amount not to exceed \$9,000.

Document No. 8437 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 Hagan moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Gentrup, due to potential conflict of interest.

Approved by the Chair and inscribed in Ordinance No. 10693.

- J. Ordinance approving an Interim Sewer Services and Settlement Agreement with the City of Kansas City, Missouri

Since May 2014, the cities of Kansas City and Liberty have been in dispute regarding the metered sewer treatment rates charged by KCMO. The interim sewer agreement resolves that dispute and will reduce the amount claimed by KCMO by \$938,951. These payments will be spread over a twelve month period and will not create any additional booked expenditures or additional Liberty user rate requirements.

Document No. 8438 was read.

Action: Council Member Watt moved to waive the rules and consider the ordinance on first reading. Council Member Jenness 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 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. 10694.

- X. OTHER BUSINESS
- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Mayor

Attest:

Deputy City Clerk