

City Council Meeting

Regular Session Minutes
September 11, 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 September 11, 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 Rae Moore, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: 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: Harold Phillips, Ward I

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator/Finance Director
James Simpson, Police Chief
Brian Hess, Utilities Director
Andy Noll, Public Works Director
BJ Staab, Interim Parks and Recreation Director
Linda Bell, Assistant Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. Constitution Week Proclamation

Mayor Brenton read the proclamation and presented it to Sharon Bugg, Alexander Doniphan Chapter Regent and Toby Proctor, representing the Sons of the American Revolution.

Cheryl Walton, Liberty resident, provided an update of her previous concerns and stated that she has moved to a safe place. She noted that she will be scheduling a meeting at the Liberty Community Center and would like Planning and Development Director Katherine Sharp to attend, if permissible, regarding the development of the Fulkerson property.

Jeremy Williams, 1214 Nashua Rd, stated he put up a fence on the edge of his property and is now being harassed by developer Ken Personett. He stated Mr. Personett is verbally abusing

him, claiming the fence and property belongs to him. He has sought legal counsel, but stated he knows Council can intervene and have a developer's (Mr. Personett's) building permit revoked.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of August 28, 2017

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

B. Motion to approve an Amusement License for Jones & Co. Carnival to operate a carnival during Fall Festival, September 22-24, 2017

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging vendor payments for the period of August 18, 2017 to September 1, 2017

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

Document No. 8544 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10787.

Mayor Brenton resumed as chair of the meeting.

B. Liberty Wastewater Treatment Facility Project

1. Ordinance approving a Retainage Release Agreement with Goodwin Bros. Construction Co. related to the Liberty Wastewater Treatment Plant Project [UT-002-14] (request approval on first read)

The Earned Performance Fee program established for the project provides for payment to the contractor for excellent performance and incentive for timely completion. The agreement allows the City to authorize the final payment in order to close out and accept the project and hold the payment until resolution of any and all warranty items. This provides the City the ability to close the project with MDNR and SRF funding and provide incentive for the remainder of all items that may come about through the warranty period to be resolved.

Document No. 8545 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10788.

2. Resolution accepting the improvements for the Liberty Wastewater Treatment Facility Project

A new wastewater treatment facility and additional infrastructure was constructed that will provide sanitary sewer treatment services to the City of Liberty.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2922.

- C. An Ordinance Disclaiming and Abandoning of Sanitary Sewer, Water, Storm Sewer, and Utility Easements for North Haven Center.

The developer of North Haven Center has submitted a petition for disclaiming and abandoning sanitary sewer, water, storm sewer, and utility easements to facilitate the re-platting of the property for commercial development

Document No. 8546 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10789.

- D. Ordinance approving a contract with Olsson Associates, Inc. for Emergency Professional Design Services for the Clay County Savings Bank Storm Sewer Repair Project in an amount not to exceed \$20,000.00

A large rainfall event impacted the City of Liberty on August 21, 2017. During the event, a portion of an 84-inch diameter Corrugated Metal Pipe (CMP) running along the west side of the Clay County Savings Bank collapsed. Inspections of the pipe and a history of previous collapses indicate the entire length of storm pipe is in need of replacement or rehabilitation.

Document No. 8547 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 Hagan moved to approve the ordinance. Council Member Graham seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10790.

- E. Ordinance approving a contract with Havens Construction Company, Inc. for Emergency Time and Material work for the Clay County Savings Bank Storm Sewer Repair Project in an amount not to exceed \$100,000.00

Havens Construction will work to address the collapsed Corrugated Metal Pipe (CMP) quickly on a Time and Materials (T&M) basis. T&M is a standard phrase in a contract for construction or any other piece of work in which the owner agrees to pay the

contractor based upon the time spent by the contractor's and subcontractor's employees to perform the work, and for materials used in the construction.

Document No. 8548 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 Duncan moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10791.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:27 p.m.

Mayor

Attest:

Deputy City Clerk