



City Council Meeting

Regular Session Minutes
February 26, 2018

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 26, 2018 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: Harold Phillips, Ward I

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

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Study Session Summary of February 5, 2018

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

B. Motion to authorize the purchase of a Ford F250 4x4 Truck Crew Cab from Shawnee Mission Ford in an amount not to exceed \$32,156.00

Action: Council Member Watt moved to approve the purchase. 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

- C. Motion to authorize payment of \$51,480 to BKD CPAs and Advisors LLP for the preparation of the annual audit CAFR

Action: Council Member Watt moved to approve the payment. 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

- D. Motion to purchase four (4) Police vehicles from Shawnee Mission Ford in an amount not to exceed \$140,000.00

Action: Council Member Watt moved to approve the purchase. 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

- E. Resolution accepting the Water, Sanitary Sewer, and Storm Sewer Improvements for the Oakwood Business Park Tracts 13-15 Project

Action: Council Member Watt moved to approve the resolution. 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

Inscribed in Resolution No. 2961.

- F. Resolution accepting the Water, Sanitary Sewer, Storm Sewer, Streets and Grading Improvements for the Forest Avenue Apartments Project

Action: Council Member Watt moved to approve the resolution. 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
Inscribed in Resolution No. 2962.

G. Resolution accepting the Public Sanitary Sewer Relocation for the Liberty Academy Security Addition Project

Action: Council Member Watt moved to approve the resolution. 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
Inscribed in Resolution No. 2963.

VIII. PUBLIC HEARINGS

A. Ordinance Amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 64 Acres on the West Side of S. Withers Road, North of South Liberty Parkway from R-1A, Suburban Residential District to R-1C, Standard Single-Family District and PD, Planned Development District to Allow the Development of 121 Single Family Lots [P&Z Case No. 17-58R&PDP] (postponed from December 18/17 and January 22/18) [to be further postponed to March 12, 2018]

Document No. 8637 was read.

Action: Council Member Hagan requested to further postpone the Public Hearing to the March 12, 2018 Regular Session. Council Member Graham seconded the motion, which carried unanimously.

Mayor Brenton stated the Public Hearing and second reading of the ordinance will be held on March 12, 2018.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of February 2 to February 16, 2018.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8638 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Jenness 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. 10873.

2. Ordinance including Westland Landscape payments.

Document No. 8639 was read.

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

Roll Call

Vote: Motion passed 6-0-1

Yes: Council Members 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. 10873.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance approving a Contract with ABCreative in an amount not to exceed \$49,587.00 for the purchase and installation of a Play Structure for the Liberty Community Center

As part of the special obligation bond, plans were made to add a play structure to the parks system. At the September 2017 meeting, the Park Board planned to utilize any funds remaining from cost savings on other projects to pay for the playground. Now that all the projects that were part of the bond are complete, the Park Board selected the Community Center as the location for a new play structure which could be utilized by child watch and open to the public outside of the hours of child watch.

Document No. 8640 was read.

Action: Council Member Jenness 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 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. 10874.

C. Liberty Community Center Outdoor Pool

1. Ordinance approving a Contract with Nate Apple Concrete, Inc. in an amount not to exceed \$90,873.00 for services pertaining to the replacement of the Outdoor Pool Concrete Deck at the Liberty Community Center

The concrete surrounding the large outdoor pool at the Liberty Community Center is original to the building which opened in 1992. Over the last 26 years the ground has settled. Over the winter months the past two years, staff has observed the concrete upheaving 1-2” then adjusting back to the correct level in the spring, signaling a concrete concern. In addition to the upheaving concerns created by freezing and thawing, staff has also observed the concrete “veining” over the past several years. Another concern is the impact the upheaving has on the stainless steel gutter surrounding the outdoor pool. Staff reviewed all of the outdoor pool deck concerns with two pool consultants and determined concrete replacement was needed. The grading work around the pool will be repaired by staff; the concrete replacement will be outsourced.

Document No. 8641 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 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. 10875.

2. Motion to approve the purchase of brass fittings and before-and-after repair pressure test of lines in an amount not to exceed \$5,000.

Action: Council Member Hagan moved to approve the purchase. 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

D. Ordinance amending Ordinance No. 10837 Adoption of the 2018 Budget for the City of Liberty, Missouri

During a significant rain event, a storm water drainage pipe located adjacent to Clay County Savings Bank failed. A companion ordinance from Public Works will specify the needed repairs and project scope. This ordinance will speak to the budgetary requirements attached to the project.

Cost estimates for the project range from \$977,000 to \$1,350,000. To ensure adequate budget coverage, staff is requesting realignment of the Capital and Transportation Sales Tax budgets based on the high-end estimate. If that full amount of the high-end estimate is not required, any unspent funds will fall to 2018 ending funding balance.

Document No. 8642 was read.

Action: Council Member Gentrup 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 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. 10876.

- E. Ordinance amending Ordinance No. 10791 Amending an Ordinance approving a Contract with Havens Construction Company, Inc. for Emergency Time and Material Work on the Clay County Savings Bank Storm Sewer Repair Project by increasing the Contract by \$1,110,000.00, from \$100,000.00 to a not to exceed amount of \$1,210,000.00

City Council approved a time and materials (T&M) contract with Havens Construction in the amount of \$100,000 at the September 11, 2017 City Council meeting. This contract was intended to be used for work performed by the contractor to stabilize the collapsed pipe, temporarily restore the pavement to allow the Bank entrance on Landmark Avenue to re-open, and perform necessary investigation of the existing pipe system to help evaluate potential cost effective short-term and long-term solutions.

With the aid of consultant engineer Olsson & Associates, Inc., City staff determined that the most feasible and safest solution involves constructing new storm sewer pipe and abandoning the existing deteriorated pipe. The new reinforced concrete pipe (RCP) will be constructed in a new alignment beneficial for constructability and future maintenance. An existing public sanitary sewer main will be required to be relocated to facilitate the realignment of the storm sewer.

Document No. 8643 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 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. 10877.

- F. Ordinance approving an Intergovernmental Agreement with the Mid-America Regional Council Solid Waste Management District for Participation in the Regional Household Hazardous Waste program in the amount of \$32,144.70

Participation in the program allows Liberty residents to use permanent collection facilities located at 4707 Deramus, Kansas City, MO and 2101 S.E. Hamblen Road, Lee's Summit, MO, as well as to participate in mobile collection events throughout the metropolitan area without additional charge.

The cost to participate in this program in 2018 is \$32,144.70 which is up from the 2017 cost of \$31,668.00. Participation cost is dependent on population size with each community being charged \$1.05 per resident based upon 2016 U.S. census population estimates. The cost per resident has increased from \$1.04 per resident and the 2016 population estimate for Liberty has increased from the 2010 population estimate.

Document No. 8644 was read.

Action: Council Member Jenness 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 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. 10878.

- G. Ordinance accepting a Permanent Drainage Easement, a Permanent Sanitary Sewer Easement, and a Temporary Construction Easement from Commerce Bank for the Clay County Savings Bank Storm Project

Document No. 8645 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 Gentrup moved to approve the ordinance. Council Member Watt 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. 10879.

H. Ordinance amending Ordinance No. 10633, Approving a Dedication Agreement with Property Reserve, Inc. pertaining to the Construction of South Liberty Parkway Phase II

The City and Property Reserve Inc. (PRI) entered into a development agreement in October of 2011 that set out general terms for the dedication of ROW for the future South Liberty Parkway project. Subsequently on October 20, 2016 the City and PRI entered into a dedication agreement that detailed the conditions upon which PRI would execute a quit claim deed and provide the right of way for the second phase of the South Liberty Parkway

The amendment modifies subsection 8(ii) of a previous agreement whereby the City will pay the property owner \$30,000. for property improvements in lieu of the City constructing a cattle corral.

Document No. 8646 was read.

Action: Council Member Jenness 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 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. 10880.

I. Ordinance approving an Agreement for services with Brotcke Well & Pump for the purchase of 2018 Wellfield Services for an amount not to exceed \$39,681.00.

Document No. 8647 was read.

Action: Council Member Graham 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. 10881.

- J. Ordinance accepting and approving a Final Plat for Wilshire Plaza, 6th Plat, in the City of Liberty, Clay County, Missouri (P&Z Case 18-01FP)

Document No. 8648 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 Graham moved to approve the ordinance. Council Member Watt 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. 10882.

- K. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri

The traffic regulation amendments pertaining to this action were identified by city staff and are summarized as follows:

- Section 20-175 and Section 20-177: Convert the existing yield signs to stop signs at the following locations:
 - Cemco Drive at Conistor Street - northeast corner
 - Middlemarch Terrace at Conistor Street - northeast corner

Document No. 8649 was read.

Action: Council Member Jenness 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 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. 10883.

L. Ordinance accepting an Easement for Public Water Mains for the Water Main Replacement near Miller's Kampark, Project #UT-003-18

The water main located adjacent to Miller's Kampark off of Stewart Road, north of Lowe's, has had multiple, major breaks over the past few years. Utilities staff believes this main should be replaced based on the condition of the main and frequent breaks that have been experienced.

In order to replace the water main, the new water main must be moved north of the existing main so that the existing main may remain in service for the duration of construction. The location of the new main requires additional easement to encompass the new infrastructure. This water main is deemed to be in substandard condition and the Utilities Department is taking a proactive action to maintain the integrity of the piping system. This action accepts the required easements for construction and ongoing maintenance of the water main project.

The easements for the public water main are to encompass the area of new water main piping. The property owner, Richard H. Gercken, has dedicated the water main easement to the City at no cost.

Document No. 8650 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 Graham moved to approve the ordinance. Council Member Jenness 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. 10884.

M. Ordinance allowing the "2018 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, 2018

Document No. 8651 was read.

Action: Council Member Graham 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. 10885.

N. Resolution approving a Certificate of Appropriateness for new residential construction at 119 S Terrace Ave., Prospect Heights Historic District, Liberty (HDRC Case #18-002PH)

Action: Council Member Jenness moved to approve the resolution. Council Member Watt 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. 2964.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Mayor

Attest:

Deputy City Clerk