



City Council Meeting

Regular Session Minutes
May 29, 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 Tuesday, May 29, 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 Kevin Graham, 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: Dan Estes, Assistant City Administrator/Finance Director
Andy Noll, Public Works Director
Brian Hess, Utilities Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
Katherine Sharp, Planning Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to authorize payment to Denali Water Solutions, LLC for the disposal of Wastewater Treatment Plant Biosolid Residuals in the amount of \$125,000.00

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

- B. Resolution authorizing the Filing of a Grant Application with the Missouri Department of Natural Resources for recycled rubber tires used for playground surfacing at various parks in the City

Action: Council Member Watt moved to approve the resolution. 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
Inscribed in Resolution No. 2979.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

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

- A. Acknowledgement of vendor payments for the period of May 4 to May 18, 2018.

1. Ordinance excluding Westland Landscape payments

Document No. 8692 was read.

Action: Council Member Graham moved to approve the vendor payments. Council Member Watt 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. 10924.

2. Ordinance including Westland Landscape payments

Document No. 8693 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Gentrup 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. 10924.

Mayor Brenton resumed as chair of the meeting.

B. Park Place at Liberty Square

The use is proposed as a 38 multifamily unit apartment development consisting of seven buildings, for a total building square footage of 47,752 sq.ft. The use as multifamily development is appropriate in this zoning district, per the approved Preliminary Development Plan. The development was approved with 76 parking spaces.

1. Resolution approving the Final Development Plan for Park Place at Liberty Square at the Southwest Corner of Mississippi and Prairie Streets, in Liberty, Clay County, Missouri [P&Z Case 18-04FDP]

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. 2980.

2. Ordinance accepting and approving a Final Plat for Park Place at Liberty Square, in the City of Liberty, Clay County, Missouri [P&Z Case 18-05FP]

Document No. 8694 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. 10925.

C. Ordinance to add a new section, Article II – Construction, to Chapter 23A, Public Works, of the City Code of the City of Liberty, Missouri, for procedures to construct public improvements using Design-Build Procurement

Within the last few years the State of Missouri has enacted legislation that has allowed for the use of design-build procurement for municipalities. Because of the success of various projects throughout the state, including those of Liberty's, the state legislature enacted legislation in August 2016 to allow design-build. The design-build law enables the design-build procurement process in a much prescribed manner and limits some of the projects that may be completed by dollar amounts.

The law did include a provision that states that the section RsMO 67.5060 shall not apply to: "Any special charter city, or any city or county governed by home rule under Article VI, Section 18 or 19 of the Constitution of Missouri that has adopted a design-build process via ordinance, rule, or regulation." This provision allows the special charter city to adopt a design-build process to meet their needs. As such, staff has developed the subject ordinance to allow for design-build procurement on projects. It is to be included in the Public Works section of the City Code.

Document No. 8695 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 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. 10926.

D. Ordinance approving a Public Highway Overpass Agreement with the Union Pacific Railroad Company for the construction of the South Liberty Parkway Phase II Project

The South Liberty Parkway Phase II project crosses two railroads. One of the railroads is jointly owned by the Union Pacific Railroad Company and the Canadian Pacific. The Union Pacific Railroad Company requires an overpass agreement that outlines each agency's obligations and responsibilities for construction and maintenance of a bridge. The agreement also provides for temporary construction rights for the construction of the proposed bridge.

There are two fees associated with the agreement. The first is a fee of \$17,100 to allow the construction, maintenance and repair of the proposed bridge; the second fee of \$7,200 provides for the temporary utilization of railroad property during the construction of the bridge. The total fee for the agreement due from the city is \$24,300.

Document No. 8696 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 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. 10927.

E. Ordinance approving a Stipulation Agreement with the Dakota, Minnesota & Eastern Railroad Corp. d.b.a. Canadian Pacific for the Construction of a Bridge as Part of the South Liberty Parkway Phase II Project

The South Liberty Parkway Phase II project crosses two railroads. One of the railroads is jointly owned by the Union Pacific Railroad Company and the Canadian Pacific. The City has previously received and approved the Overhead Highway Bridge Easement and Temporary Limited Easement. The two easements provide the right to construct the bridge and an easement for utilization of railroad property during construction. The last needed agreement outlines each agency's obligations and responsibilities for construction and maintenance of the proposed bridge.

There are no fees associated with the stipulation agreement.

Document No. 8697 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 Jenness 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. 10928.

X. OTHER BUSINESS

MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XI. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Attest:

Mayor

Deputy City Clerk