



## City Council Meeting

Regular Session Minutes  
November 13, 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, November 13, 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 Phillip, Ward I  
Greg Duncan, Ward II  
Kevin Graham and Jeff Watt, Ward III  
Gene Gentrup, Ward IV

Council Members Absent: Paul Jenness, Ward I  
Rae Moore, Ward II  
Michael Hagan, Ward IV

Staff Present: Dan Estes, Assistant City Administrator/Finance Director  
Vicki McClure, Assistant Finance Director  
Andy Noll, Public Works Director  
Brian Hess, Utilities Director  
BJ Staab, Parks and Recreation Director  
James Simpson, Police Chief  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Study Session Summary of October 15, 2018

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

#### B. Regular Session Minutes of October 22, 2018

Council Member Phillips moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 4-0-1. Council Member Graham abstained due to absence.

V. CITIZENS' PARTICIPATION

A. Small Business Saturday Proclamation

Mayor Brenton read the Proclamation and presented it to Cindy Smith and Susan Donnici, owners of More Excuses Boutique.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Resolution accepting the Public Street Improvements to Blue Jay Drive for the B&B Theatre Development Project

The B&B Theatre development is located on the west side of Blue Jay Drive just to the south of Victory Drive. To facilitate better traffic movements, the developer completed public improvements to Blue Jay Drive. The public improvements were constructed in accordance with City plans and specifications.

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

Vote: Motion passed 5-0-0  
Yes: Council Members Phillips, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Inscribed in Resolution No. 3011.

B. Resolution announcing Date for Municipal Election and Dates for Filing by Candidates for Municipal Office

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

Vote: Motion passed 5-0-0  
Yes: Council Members Phillips, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Inscribed in Resolution No. 3012.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

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

A. Acknowledgement of vendor payments for the period of October 12, 2018 to November 2, 2018

1. Ordinance excluding Westland Landscape payments

Document No. 8753 was read.

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

Roll Call

Vote: Motion passed 5-0-0

Yes: Council Members Phillips, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10981.

2. Ordinance including Westland Landscape payments.

Document No. 8754 was read.

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

Roll Call

Vote: Motion passed 5-0-0

Yes: Council Members Phillips, Graham, Watt, Duncan and Gentrup

No: None

Abstain:

Approved by the Chair and inscribed in Ordinance No. 10982.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance accepting a Permanent Drainage Easement from James and Georgia Fox for the Main Court Storm Project

The City has a public storm pipe that collects drainage from Main Court and discharges halfway into a resident's backyard at 17 Main Court. The stormwater discharge flows across the resident's backyard in order to find a low spot in which to cross an existing trail located behind the property. Erosion is occurring downstream from the stormwater discharge point. Public Works staff reviewed the situation and decided the best course of action is to replace and extend the public storm pipe into a creek located behind the resident's backyard and beyond the public trail. To facilitate construction of this in-house project the resident at 17 Main Court donated a public storm drainage easement.

Document No. 8755 was read.

**Action:** Council Member Phillips 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 5-0-0

Yes: Council Members Phillips, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10983.

C. Ordinance accepting a Permanent Sanitary Sewer Easement for a Proposed Public Sanitary Sewer Main as part of the Lillian Hills Development Project

To facilitate the future development of the proposed Lillian Hills Development located on the east side of Birmingham Road between Sharon Drive and Sarah Lane, a public sanitary sewer main must be extended to serve the property. The off-site easement for the future public sewer mains was acquired from 1707 Johnston Street LLC at no cost to the City and recorded in 2017 but not formally accepted by the City.

Document No. 8756 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 Gentrup moved to approve the ordinance. Council Member Graham seconded the motion.

Vote: Motion passed 5-0-0  
Yes: Council Members Phillips, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10984.

D. Ordinance Amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri (school safety zone schedules)

Change to the traffic regulations extending the length of the Withers Road school safety zone to encompass both Liberty Middle School and Liberty Academy.

Document No. 8757 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 Graham moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 5-0-0  
Yes: Council Members Phillips, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10985.

E. Street Restoration Project

1. Approve an Ordinance amending Ordinance No. 10957 approving an amended contract with Superior-Bowen Asphalt Company, LLC for the 2018 Street Maintenance Pavement Restoration Project and decreasing the Contract amount by \$5,416.80.

This action is to finalize the contract for the 2018 Street Maintenance Pavement Restoration Project and to accept the project. The contract with Superior-Bowen Asphalt Company, LLC was approved by Council on March 12, 2018. Necessary additional work was added to the contract, resulting in a contract amendment increasing the original bid amount of \$938,311.00 by \$93,091.63 to \$1,031,402.63 accepted by City Council on August 27, 2018.

Document No. 8758 was read.

**Action:** Council Member Phillips 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 Graham seconded the motion.

**Vote:** Motion passed 5-0-0

**Yes:** Council Members Phillips, Graham, Watt, Duncan and Gentrup

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10986.

2. Approve a Resolution accepting the 2018 Street Maintenance Pavement Restoration Project and authorizing final payment to Superior-Bowen Asphalt Company, LLC.

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

**Vote:** Motion passed 5-0-0

**Yes:** Council Members Phillips, Graham, Watt, Duncan and Gentrup

**No:** None

**Abstain:** None

Inscribed in Resolution No. 3013.

F. Clay County Savings Bank Storm Sewer Repair Project

1. Approve an Ordinance amending Ordinance No. 10877 amending a Contract with Havens Construction Company, Inc. for the Emergency Time and Material work on the Clay County Savings Bank Storm Sewer Repair Project and decreasing the contract amount by \$53,740.16.

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. The Bank is located at 1178 Landmark Avenue. Havens Construction was contracted shortly thereafter to perform emergency T&M work to repair the collapsed pipe. The contract with Havens Construction Company, Inc. was approved by Council on September 11, 2017, and amended on February 26, 2018. This action is to finalize the contract for the Emergency Time and Material (T&M) work on the Clay County Savings Bank Storm Sewer Repair Project.

The project was funded with City Capital Sales Tax funds. A budget amendment was considered by City Council under a separate action to revise the 2018 Budget and 2019 through 2022 budget forecasts to ensure enough funds exist in the City Capital Sales Tax Fund.

Havens Construction, already under contract for the emergency storm sewer repair provided a T&M conceptual high end cost estimate of \$1,210,000 for the sanitary sewer and storm sewer construction. This high end cost estimate was based upon conceptual layout plans prepared the City consultant engineer Olsson & Associates and unknowns associated with the easement negotiation process. This was a soft guaranteed maximum amount since the cost estimate was based on the conceptual design. City Council approved a contract increase with Havens Construction to \$1,210,000 on February 26, 2018 to reflect the high end cost estimate.

The City cooperated with the Contractor in a design-build fashion based upon the conceptual layout and completed construction as funding allowed. This project was completed at a total cost of \$1,156,259.84 resulting in a total savings of \$53,740.16 under the estimated cost of \$1,210,000.00.

Document No. 8759 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 Gentrup moved to approve the ordinance. Council Member Watt seconded the motion.

**Vote:** Motion passed 5-0-0

**Yes:** Council Members Phillips, Graham, Watt, Duncan and Gentrup

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10987.

2. Approve a Resolution accepting the Emergency Time and Material work on the Clay County Savings Bank Storm Sewer Repair Project and authorizing final payment to Havens Construction Company, Inc.

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

**Vote:** Motion passed 5-0-0

**Yes:** Council Members Phillips, Graham, Watt, Duncan and Gentrup

No: None  
Abstain: None  
Inscribed in Resolution No. 3014.

- G. Ordinance Amending Chapter 20, "Motor Vehicles and Traffic", Section 20-120, "Declaration of Emergency Snow Conditions" and 20-171, "Schedule I, Emergency Snow Routes" of the Code of the City of Liberty, Clay County, Missouri

Successful snow removal requires cooperation from citizens, especially on narrower roadways. Cooperation is achieved voluntarily by residents moving vehicles off streets during heavier snow events until plowing operations are completed or involuntarily through the use of designated no parking zones and emergency snow routes.

Summarizing the recommendations:

- Update the person declaring the snow emergency from the Mayor to the "Mayor or designee."
- Add language explaining how a snow emergency is to be declared.
- Add language explaining how a declared snow emergency is to be terminated.
- Add four additional schedules which provide options for restricting parking on the west, east, north, or south sides of designated streets.

Operations and Engineering also recommend adding Maple Street from Mississippi to Corbin to the emergency snow route schedule, restricting parking on the east side of the street during a declared snow emergency. With a road width of 23 feet and vehicles continually parking on both side of the road it is impossible for a snow plow to traverse the street during a snow event.

Document No. 8760 was read.

Mayor Brenton stated the Ordinance would be considered on second reading at the November 26, 2018 Regular Session meeting.

- H. Ordinance authorizing the Mayor to Execute a Lease Purchase Agreement with Landmark Infrastructure Holding Company LLC

The 2018 General Fund revenue budget assumed a lump-sum payment of \$500,000 for the issuance of a long-term telecom lease. The City's telecom counsel, Cunningham, Vogel & Rost, has been working to this end and has brought for Council consideration a two-step arrangement that once approved will provide the City with \$530,000 in 2018 revenues.

Document No. 8761 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 Phillips seconded the motion.

**Vote:** Motion passed 5-0-0

**Yes:** Council Members Phillips, Graham, Watt, Duncan and Gentrup

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10988.

I. Ordinance authorizing \$15,990,000 Principal Amount of Special Obligation Bonds Series 2018, of the City of Liberty, Missouri and Authorizing Certain Other Documents and Actions by the City

The bond proceeds will fund certain projects and be repaid through specific funding sources as shown below:

- Use Tax Projects
  - \$2,542,618 – New Animal Shelter
  - \$3,556,292 – Neighborhood Park and Community Center Improvements
  - Debt Amortization set for 16 years and paid from use tax revenues
  - Totals reflect project costs and associated bond cost of issuance
- General Fund Projects
  - \$272,408 – 2018 purchase of police vehicles and various police capital equipment items
  - \$427,247 – 2018 ITS computer and equipment items
  - Debt Amortization set for 4 years and paid from General Fund revenues
  - Totals reflect project costs and associated bond cost of issuance
- Park Project
  - \$408,737 – Construction of a new Park Maintenance Facility
  - Debt Amortization set for 20 years and paid from the Parks Sales Tax Fund revenues
  - Totals reflect project costs and associated bond cost of issuance
- Utility Project
  - \$4,576,223 – The implementation of a Advanced Metering Infrastructure meter replacement project
  - Debt Amortization set for 20 years and paid pro rata from Water and Wastewater user fee revenues
  - Totals reflect project costs and associated bond cost of issuance
- Kansas Street Project
  - \$3,760,299 – To fund a portion of the City cost associated with the rebuilding and modernization of Kansas Street which is a part of the large I35-Kansas Street-M291 project
  - Debt Amortization set for 14 years and paid from the Economic Development Sales Tax Fund revenues and a transfer in from the Transportation Sales Tax Fund
  - Totals reflect project costs and associated bond cost of issuance
- Street/Contingency

- \$1,019,691 – To ensure fiscal coverage of the above major projects and in the event of additional resource requirements, the City will borrow an additional \$1,000,000. If these funds are not needed then the borrowing will be utilized within the Capital Sales Tax Fund for street infrastructure related projects that match the debt amortization schedule
- Debt Amortization set for 14 years and budgeted to be paid from the Capital Sales Tax Fund. If other projects require use of this resource, the associated debt repayment will be allocated away from the Capital Sales Tax Fund to the appropriate funding source
- Totals reflect project costs and associated bond cost of issuance

Document No. 8762 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 Graham moved to approve the ordinance. Council Member Watt seconded the motion.

**Vote:** Motion passed 5-0-0

**Yes:** Council Members Phillips, Graham, Watt, Duncan and Gentrup

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10989.

## X. OTHER BUSINESS

### A. Neighborhood Parks Project – Presentation

BJ Staab, Parks and Recreation Director, updated City Council on proposed park enhancements made possible as a result of the recently approved Use Tax. Staff hosted 10 neighborhood meetings, encouraging feedback from patrons of each park. Park patrons also had the ability to share and vote through an online survey. Three hundred families/households participated either at a meeting, or online.

The overall budget for neighborhood parks and Community Center upgrades is \$1.5 million, with \$800,000 of that directed for the neighborhood park enhancements. There were a number of common themes/requested amenities at each of the meetings. These included restroom enclosures; new park signs; pet bag stations; brush clearing/maintenance; and the addition of Pickleball courts. Staff outlined the recommended enhancements for each park, based on priority and available funding.

## XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

## XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy City Clerk