



## City Council Meeting

Regular Session Minutes  
March 25, 2019

### 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 March 25, 2019 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  
Shawwna Funderburk, Asst. to the City Administrator  
Brian Hess, Utilities Director  
BJ Staab, Parks and Recreation Director  
James Simpson, Police Chief  
Mike Snider, Fire Chief  
Katherine Sharp, Planning Director  
Tony Sage, Information Technology Director  
Tom Garland, Assistant Parks and Recreation Director  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Regular Session Minutes of March 11, 2019

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

### V. CITIZENS' PARTICIPATION

Robert Hedrick, 1858 Loughrey Street, stated that on April 2<sup>nd</sup> citizens will be asked to vote on repealing the pit bull ban. He noted that citizens are campaigning using social media and

in person discussions to promote removing the ban. He is opposed to repealing the ban, and that a no vote is a vote for public safety.

Mark Giddens, 1867 Claywoods Parkway, stated that any dog can bite and that this is breed discrimination. The pit pull has been characterized as a dangerous dog and there has been misinformation regarding their 'locking jaw'. He noted that his advocacy group has been trying for 2 ½ years to get the ban lifted and City Council wouldn't. He is appreciative that Council did put it on the ballot. He stated that times have changed and characteristics of each dog are different.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Purchase of thirteen (13) sets of Bunker Gear (coat and pant) from Conrad Fire Equipment in a not to exceed amount of \$32,873.49

**Action:** Council Member Watt moved to approve the purchase. 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

- B. Approve the purchase of laboratory services from Pace Analytical for the year 2019 for an amount not to exceed \$32,000.00

**Action:** Council Member Watt moved to approve the purchase. 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

- C. 2019 Computer Equipment Purchases

1. Approve the purchase of IBM equipment from High Plains in an amount not to exceed \$25,712.75

**Action:** Council Member Watt moved to approve the purchase. 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

2. Approve the purchase of laptop equipment from TGS in an amount not to exceed \$53,125.00

**Action:** Council Member Watt moved to approve the purchase. 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

3. Approve the purchase of desktop equipment from TGS in an amount not to exceed \$85,488.20

**Action:** Council Member Watt moved to approve the purchase. 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

## VIII. PUBLIC HEARINGS

- 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 approximately 2.23 Acres located East side of 69 Highway at 8301 NE 69 Hwy. to Business [P&Z Case 19-02A]

The existing site currently does not have a clear land use designation. It is believed that when the South Liberty Parkway Section Study was being developed, this area was intended for a street connection from the north. When the South Liberty Parkway study was updated in 2016, this site was being considered in a rezoning application and so this area was left out of the larger corridor update. The applicant requests that the Future Land Use map designation for the property be amended to Business.

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

Luke Demaree, Kessinger Law Firm, spoke on behalf of the bank that owns the property. He stated the owner has cleaned up the property, which used to be a junk yard, and is trying to turn it into a useful property. Because of its proximity to Ford, they believe a marketable use is for a logistics use. They are requesting a change in land use designation to business because it will not sell as a residential property.

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

**Action:** Council Member Watt 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. 3037.

- B. Ordinance amending Chapter 30, "Unified Development Ordinance", of the Code of the City of Liberty, Clay County, Missouri (pertaining to Commercial Uses in Industrial Districts) [P&Z Case 19-05A]

The amendment being proposed at this time is to change the allowance of a commercial use by special permit only in the General Industrial "M-2" zoning district to be allowed, by special use permit, in all industrial districts (Light Industrial "M-1" and General Industrial "M-2").

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

Document No. 8837 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 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. 11058.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

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

- A. Acknowledgement of vendor payments for the period of March 1 to March 15, 2019

- 1. Ordinance excluding Westland Landscape payments

Document No. 8838 was read.

**Action:** Council Member Graham 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. 11059.

2. Ordinance including Westland Landscape payments

Document No. 8839 was read.

**Action:** Council Member Graham moved to approve the vendor payments. Council Member Hagan 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. 11059.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance approving an Agreement with American Digital Security for the Purchase and Installation of an Access Control System for Fire Stations No. 1, No. 2, and No. 3 in an amount not to exceed \$62,704.89

Access control will enhance the Department’s safety and security at Fire Administration by providing an upgraded point of access controlled internally by personnel. As staff improves the access control, the system being controlled centrally will also allow for immediate lock down and system wide changes as needed. In addition to the improved security, the upgraded system will drastically reduce maintenance time of the system as we are transitioning from a multiple battery controlled lock on each door to locks that are hardwired. The new system will also have a single point of update versus our current system that requires update be provided to each individual lock.

Document No. 8840 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 Watt 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. 11060.

- C. Ordinance approving a Contract with Play & Park Structures of Missouri and South Illinois for the Purchase and Installation of two play structures for Ruth Moore Park in an amount not to exceed \$36,817.54

As part of the funding from the Use Tax approved by voters in April 2018, 10 parks were identified for upgrades. The neighborhood meeting for Ruth Moore Park identified a need to upgrade outdated play structures.

During the fall it was found that an underground storm drain had collapsed and would need to be rebuilt. The line runs under the existing playground. This required removal of the old playground to replace the storm line. Since the old structure must be removed, Park staff proposes adding more funds to the playground project to increase the play features at Ruth Moore with a new play structures and a zip line. Play & Park provided staff with a winter sale that will allow the City to purchase and install two play structures for \$36,817.54, a price slightly more than the original budget of \$25,000. The overage will be funded through savings in other neighborhood Use Tax projects.

Document No. 8841 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 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. 11061.

- D. Ordinance approving an Artwork Purchase and Exhibition Agreement for the acquisition of artwork from Apiary Collective, LLC to be used for Public Exhibition in an amount not to exceed \$15,000

The City of Liberty's Arts Commission invited artists to submit artwork proposals for the 2018-2019 Revolving Sculpture Program. The Arts Commission appointed a selection panel. The panel issued a call for artists seeking original, three-dimensional works of art to be displayed for a one-year period at pre-selected sites within Liberty's downtown area. Six sculptures were selected and installed in July of 2018 and will be on display until July 2019. With funds from the Transient Guest Tax, the City of Liberty has the option to purchase at least one piece of art from the art pieces on display each cycle, which would become a part of the City's permanent art collection.

Document No. 8842 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 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. 11062.

- E. Ordinance amending Ordinance No. 10619, approving an Agreement with Denali Water Solutions, LLC for the Disposal of Water Plant Residuals by changing the cost to \$49/wet ton for a not to exceed amount of \$90,000.00

Wastewater biosolids are produced in the wastewater treatment process and are the end product that is created from processing the collected liquid wastes. The process is continuous and requires a disposal solution which may include land application on farm fields or in a landfill.

The initial contract amendment to add the wastewater biosolids included language to renegotiate pricing once sufficient biosolids removal was complete. The initial year of removal allowed the contractor to determine key cost components based on the volume the wastewater plant produced and the consistency of the waste material, as the biosolid material had not yet been produced by the Liberty facility prior to the commencement of the original removal contract. Utilities staff consulted with the contractor on costs involved in the removal of the material and an increase in costs is warranted. With this contract amendment, the wastewater biosolids removal rate per wet ton will increase to \$49/wet ton from \$39/wet ton and biosolids removal will continue on an as needed basis from the wastewater treatment plant.

Document No. 8843 was read.

**Action:** Council Member Phillips 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 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. 11063.

F. Ordinance amending Chapter 29, "Water and Sewers," Division 3, "Commercial and Industrial Waste," of the Code of the City of Liberty, Clay County, Missouri

The Commercial and Industrial Waste regulations for sanitary waste of the City Code are in place to protect the wastewater treatment facilities that ultimately treat the sanitary waste from harmful pollutants that may be introduced by commercial and industrial facilities. The existing Code was set up with the City of Kansas City providing the wastewater treatment and Liberty served as a local authority in the assistance of regulating the Commercial and Industrial facilities that discharged within our sanitary system. Because of the movement from Kansas City treatment to Liberty treatment, the MDNR required a new program of Liberty in order to provide all of the elements of an Industrial Pretreatment Program. Utilities staff, along with Liberty's engineering consultant Veenstra & Kimm, have been working with MDNR for the past two years to develop and implement the new program. Recently the new program has been approved by MDNR and the City Code changes are required to implement the program.

Document No. 8844 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 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. 11064.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

\_\_\_\_\_  
Mayor

Attest:

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