



## City Council Meeting

Split Session of Outgoing and Incoming City Council  
Regular Session Minutes  
April 8, 2019

### 1<sup>st</sup> Session

#### 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 April 8, 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 Jeff Watt, 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  
Vicki McClure, Assistant Finance Director  
Andy Noll, Public Works Director  
Brian Hess, Utilities Director  
BJ Staab, Parks and Recreation Director  
James Simpson, Police Chief  
Mike Snider, Fire Chief  
Claire Rodgers, Communications Specialist  
Janet Pittman, Deputy City Clerk

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

#### IV. APPROVE MINUTES AND SUMMARIES

##### A. Regular Session Minutes of March 25, 2019

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

#### V. CITIZENS' PARTICIPATION

A. National Telecommunicator's Week Proclamation

Mayor Brenton read and presented the Proclamation to Dispatcher Chondra Bethards.

B. National Animal Control Week Proclamation

Mayor Brenton read and presented the Proclamation to Animal Control Officers Samantha Lehmann and Alyssa Jacobs.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

VIII. PUBLIC HEARINGS

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 15 to March 29, 2019

1. Ordinance excluding Westland Landscape payments

Document No. 8845 was read.

**Action:** Council Member Hagan 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. 11065.

2. Ordinance including Westland Landscape payments.

Document No. 8846 was read.

**Action:** Council Member Hagan moved to approve the vendor payments. Council Member Phillips 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. 11065.

X. OTHER BUSINESS

A. Certification of results of the April 2, 2019 Municipal Election – Motion

The Election Board has provided the results of the April 2, 2019 election as shown on the attached document. The elected officials are:

	<u>Votes</u>
Lyndell Brenton, Mayor	2,246
Paul Jenness, Council Member Ward I	482
Greg Duncan, Council Member Ward II	675
Kevin Graham, Council Member Ward III	757
Michael Hagan, Council Member Ward IV	479
David Fulk, City Clerk	2,408
Harvey Seely, Constable	2,441
Terry Mills, Auditor	2,319
Margaret James, Treasurer	2,283

<u>Question:</u>	<u>Yes</u>	<u>No</u>
‘Shall the City of Liberty, Missouri repeal Section 4-29, “Keeping of pit bull dogs prohibited”, removing the pit bull ban within Liberty City limits?’	1,615 (52.11%)	1,484 (47.89%)

**Action:** Council Member Gentrup moved to approve the motion. Council Member Watt 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

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B. Oath administered to elected officials

The Deputy City Clerk administered the Oath of Office to the following individuals:

- Lyndell Brenton, Mayor
- Paul Jenness, Council Member Ward I
- Greg Duncan, Council Member Ward II
- Kevin Graham, Council Member Ward III
- Michael Hagan, Council Member Ward IV
- David Fulk, City Clerk

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT OF 1<sup>st</sup> SESSION

The meeting adjourned at 7:30 p.m.

Attest: \_\_\_\_\_  
Mayor

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

**2<sup>nd</sup> Session**

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 April 8, 2019 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:35 p.m.

II. 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  
Vicki McClure, Assistant Finance Director  
Andy Noll, Public Works Director  
Brian Hess, Utilities Director  
BJ Staab, Parks and Recreation Director  
James Simpson, Police Chief  
Mike Snider, Fire Chief  
Claire Rodgers, Communications Specialist  
Janet Pittman, Deputy City Clerk

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

III. CONSENT AGENDA

A. Resolution to Declare the Official Intent of the City of Liberty, Missouri to Finance the Cost of Acquiring Certain Equipment and Vehicles using Tax Exempt Debt Financing

**Action:** Council Member Hagan moved to approve the resolution. Council Member Watt 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. 3038.

- B. Resolution approving a Temporary Event Liquor License for a Knights of Columbus Fish Fry event at St. James Church, 309 South Stewart Road on Friday, April 12, 2019

**Action:** Council Member Hagan moved to approve the resolution. Council Member Watt 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. 3039.

- C. Motion to purchase three (3) Police Vehicles from Shawnee Mission Ford in an amount not to exceed \$140,000.00

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

- D. Boards and Commissions Appointment/Reappointments

1. Planning and Zoning Commission
  - a. Reappoint Dee Rosekrans to a term expiring 1-1-2022
2. Parks and Recreation Foundation
  - a. Reappoint Vern Windsor (Park Board rep) to a term expiring 1-1-2023

Council Member Hagan moved to approve the appointments. Council Member Watt seconded the motion, which carried unanimously.

## VIII. PUBLIC HEARINGS

## IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance accepting a Public Sanitary Sewer Easement for 2265 Richfield Road, Liberty, Missouri

Document No. 8847 was read.

To facilitate the construction of a new single family residential house, an on-site 15' wide public sanitary sewer easement is required to be dedicated to the City of Liberty. A public sanitary sewer extension is required to be built in order to serve the house and property with sanitary sewer service.

The on-site public sanitary sewer easement was acquired from Douglas G and Deanne D Walker at no cost to the City. Easements for public mains allow for their construction and maintenance.

**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 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. 11066.

- B. Ordinance approving a Contract with J&M Displays for the Liberty Fest Fireworks Display located at Fountain Bluff Sports Complex in an amount not to exceed \$25,000.00

This is the fourth year that the City of Liberty and the Liberty Area Chamber of Commerce have hosted the Liberty's Independence Day celebration at the Fountain Bluff Sports Complex. In 2017 we partnered with a new fireworks company, J&M Displays, to provide the fireworks for the event. The pyro-musical show was a big hit, lighting up the sky for a full 20 minutes. Staff recommends contracting with J&M Displays to provide the fireworks for the 2019 event. Funding comes from the Transient Guest Tax,

Document No. 8848 was read.

**Action:** Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Phillips seconded the motion.

**Vote:** Motion passed unanimously.

**Action:** Council Member Jenness 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. 11067.

- C. Ordinance approving the Cancellation of the MC Power Agreement approved by Council through Ordinance 10969 and approving a contract with Liberty Solar, LLC for solar power in an amount not to exceed \$132,444.00 annually

Since the approval of the contract with MC Power, the City has been advised that due to investor concerns on the ability of the original contract to pass the Federal solar tax credits to the investor, MC Power cannot perform under the signed contract and there is a need for the City to consider a new contract with Liberty Solar. Staff review has found the underlying economics closely parallel the original contract and the new contract provides for a guaranteed minimum level of power production. The City has the potential of earning between \$150,000.00 - \$400,000.00 in rebates. Timing of construction is essential to earning the maximum level of rebates.

Document No. 8849 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 Hagan 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. 11068.

- D. Ordinance Amending Chapter 4, "Animals," Section 4-29, "Keeping of Pit Bull Dogs Prohibited" of the Code of the City of Liberty, Clay County, Missouri

At the Municipal Election on April 2, 2019 the following question was submitted to the voters of the City of Liberty: 'Shall the City of Liberty, Missouri repeal Section 4-29, "Keeping of pit bull dogs prohibited", removing the pit bull ban within Liberty City limits?'. Of 3,097 votes cast, 1,615 votes (52.15%) were in favor and 1,482 (47.85%) were opposed.

City Council action is now required to formally repeal Section 4-29 of the City Code.

Document No. 8850 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 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. 11069.

X. OTHER BUSINESS

MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XIII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT OF 2<sup>nd</sup> SESSION

The meeting adjourned at 7:55 p.m.

\_\_\_\_\_  
Mayor

Attest:

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