



City Council Meeting

Regular Session Minutes
June 10, 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 Monday, June 10, 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 Michael Hagan, 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
Shawwna Funderburk, Asst. to the City Administrator
Andy Noll, Public Works Director
Tom Garland, Assistant Public Works Director
Matt Kellogg, Police Lt.
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Planning 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 April 22, 2019

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

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Split Session Minutes of April 8, 2019

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

B. Special Session Minutes of April 15, 2019

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

C. Executive Session Minutes of April 15, 2019

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

D. Study Session Summary of April 15, 2019

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

E. Special Session Minutes of May 13, 2019

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

F. Executive Session Minutes of May 13, 2019

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

G. Regular Session Minutes of May 13, 2019

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

H. Resolution approving a Temporary Event Liquor License for the Liberty Area Chamber of Commerce for the Liberty Fest event to be held on July 3, 2019 at 2200 Old State Highway 210 (Fountain Bluff Sports Complex)

Action: Council Member Gentrup 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. 3046

- I. Approve a purchase order with Independent Salt Company in an amount not to exceed \$27,000

Council Member Gentrup moved to approve the purchase. Council Member Phillips seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

- A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 2.23 Acres at 8301 NE 69 Highway, South of South Liberty Parkway from R-1A, Suburban Residential District to PD, Planned Development District for a Commercial Parking Lot [P&Z Case #19-03R&PDP]

The applicant is requesting to rezone the property to PD, Planned Development District to allow the development of a parking lot.

Document No. 8876 was read.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the application. Luke Demaree, representing Bulldog Assets, LLC (First Missouri Bank), stated that they are trying to get the property zoned as something other than residential so that the bank can sell it. The property was formerly a junkyard, and they thought the property could be used as a logistics site. They have faced opposition by the developer of a nearby property as they want it to be retail. Unfortunately, they have not been able to sell it as a retail development. Industrial uses surround this property and it could be used as a parking lot (not storage lot) for a nearby concrete plant. They propose overlay and striping of the lot, improving the appearance so that it will be more marketable. They noted that other properties in the vicinity do not have lot lighting, and they are not looking at adding additional lights on this lot either.

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

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

Vote: Motion did not pass unanimously.

Mayor Brenton stated this item would be considered on second reading at the June 24th Regular Session Meeting.

- B. Resolution approving a Final Development Plan for a 2,945 Sq. Ft. Building at 1132 W. Kansas Street, in Liberty, Clay County, Missouri [P&Z Case #19-10FDP] {to be postponed to June 24, 2019}

Action: Council Member Hagan requested to postpone the public hearing and consideration of the resolution to the June 24, 2019 Regular Session.

Council Member Graham seconded the motion, which carried unanimously.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

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

A. Appropriations

1. Acknowledgement of vendor payments for the period of May 3 to May 17, 2019

a. Ordinance excluding Westland Landscape payments

Document No. 8877 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Graham 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. 11094.

b. Ordinance including Westland Landscape payments.

Document No. 8878 was read.

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

Roll Call

Vote: Motion passed 7-0-1

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. 11094.

2. Acknowledgement of vendor payments for the period of May 17 to May 31, 2019

Document No. 8879 was read.

a. Ordinance excluding Westland Landscape payments

Action: Council Member Hagan moved to approve the vendor payments. Council Member Gentrup 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. 11095.

b. Ordinance including Westland Landscape payments.

Document No. 8880 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Gentrup 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. 11095.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance accepting and approving a Final Plat for Pacific Dental, in the City of Liberty, Clay County, Missouri [P&Z Case #19-11FP] {to be postponed to June 24, 2019}

Action: Council Member Watt requested to postpone consideration of the ordinance to the June 24, 2019 Regular Session. Council Member Graham seconded the motion, which carried unanimously.

C. Ordinance accepting and approving a Final Plat for Ella's Crossing, in the City of Liberty, Clay County, Missouri [P&Z Case #19-09FP]

The applicant proposes to plat 17.58 acres for the development of 52 single family lots. There are two tracts in this development designated to address stormwater quality. Approval of the rezoning and preliminary plat included the following variances and stipulation.

1. Allowance to be relieved from fully upgrading Route H to current City standards.
2. Allowance to have a reduced buffer abutting commercial zoning on the south property line.
3. Stipulation that a fee-in-lieu of sidewalks shall be paid for the length of sidewalk adjacent to Tract B (prior to the meeting, the applicant presented a letter stating they would be willing to build a sidewalk of equivalent length/construction at this time, in an alternate approved location vs. paying the fee-in-lieu of).

Document No. 8881 was read.

Mayor Brenton stated this item would be considered on second reading at the June 24th Regular Session Meeting.

- D. Resolution approving a Final Development Plan for a 101,000 Sq. Ft. Expansion at the Ford Motor Stamping Plant at Plummer Road, in Liberty, Clay County, Missouri [P&Z Case 19-14PDP]

Action: Council Member Graham 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. 3047

- E. Ordinance approving an Agreement with Downey Construction for Concrete Base for Four Pickle Ball Courts at Westboro/Canterbury Park in an amount not to exceed \$61,800.

The addition of four pickle ball courts was included as a project for Use Tax funds approved by voters in 2018. This amenity was rated highly by the participants of the Westboro/Canterbury neighborhood meeting and was also included by neighbors in other park meetings as an amenity that would be welcome as a new addition to the park system. Westboro/Canterbury was selected by the board with citizen support as the best location for the courts.

Document No. 8882 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 Phillips 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. 11096.

- F. Ordinance approving an Agreement with Midwest Construction Services & Products LLC for Purchase and Installation of Fence for Four Pickle Ball Courts at Westboro/Canterbury Park in an amount not to exceed \$20,952.40

Document No. 8883 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 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. 11097.

- G. Ordinance approving an Agreement with McConnell & Associates for Court Surfacing for Four Pickle Ball Courts at Westboro/Canterbury Park in an amount not to exceed \$15,489.

Document No. 8884 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 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. 11098.

- H. Ordinance amending Ordinance No. 10996, approving a Contract Change Order for Professional Consultant and Design Services with Vireo, for civil engineering and geotechnical analysis services in a not-to-exceed amount of \$26,510 as it relates to City Park Use Tax projects

With the passage of the Use Tax, Council provided designated funds to develop a portion of the City Park redesign project. Staff negotiated a final scope of services and contract with Vireo for Council consideration on November 28, 2018. At the time of the original negotiated contract, the scope of civil engineering needs was unknown and was not included as a part of the original contract. This change order is a not-to-exceed amount of \$21,510.00 that includes all consultant services and reimbursable expenses. The additional change order request brings the Vireo contract to a not-to-exceed total of \$81,755.00.

Document No. 8885 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 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. 11099.

I. South Liberty Parkway

1. Ordinance amending Ordinance No. 11056, Approving a Contract with Vance Brothers, Inc. for the 2019 Chip Seal of South Liberty Parkway, increasing the agreement by \$2,357.27 from \$106,180.43 to a not to exceed amount of \$108,537.70

The project included placement of polymer modified water based asphalt that will act as a sealer of cracks and as a binder for the granite chips that were placed on the roadway. The combined chip seal will extend the service life of the roadway and reduce life cycle costs associated with pavement management. Completing the chip seal on this portion of South Liberty Parkway also prepares the roadway for the additional traffic volumes anticipated during upcoming construction on Kansas Street.

The contract amount for the base bid was determined from estimates of the materials required to chip seal South Liberty Parkway. Following project completion, the actual material quantities used resulted in adjustments to the estimated bid quantities.

Document No. 8886 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. 11100.

2. Resolution accepting the 2019 Chip Seal of South Liberty Parkway

Action: Council Member Hagan moved to approve the resolution. Council Member Graham 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. 3048

- J. Ordinance approving a Contract with Tom Burge Fence & Iron, Inc. for the Withers Road Fence Replacement in an amount not to exceed \$44,427

The fence that is to be replaced was constructed in the late 1980's as part of the Liberty Shopping Mall Development, and was a requirement of the approved development. The maintenance responsibilities of the fence were not clearly defined and the fence has fallen into disrepair and needs replaced. The resolution of the maintenance of the fence will be resolved with the City funding the replacement of the fence and the adjacent property owners will be responsible for future maintenance and replacement when needed.

Document No. 8887 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. 11101.

- K. Ordinance approving a Six Month Kansas City Area Transportation Authority (KCATA) Agreement for Route 535 Liberty Express/Shoal Creek Bus Service, Effective July 1, 2019 through December 31, 2019

The 2019 total contract cost is \$49,709, which is \$1,859 more than the budget ceiling set at \$47,850. in the Transportation Sales Tax Fund. Prior discussions set a maximum City contribution at \$47,850. Staff has established a process where in the event the contract amount comes in less than \$47,850, the City reserves the difference for potential future contract increases. Based on the current 2019 contract amount, the City will reduce the reserves by \$1,859. The ending value of the reserve for 2019 is expected to be \$20,309.

Document No. 8888 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 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. 11102.

L. Resolution of the City of Liberty Establishing the City's Debt Management Policy

The development of a debt policy is a recommended practice by the Government Finance Officers Association, and is recognized as a key to sound financial management by bond rating agencies. It establishes the parameters for issuing debt and managing the debt portfolio. This policy will be used in conjunction with the Capital improvement Programs and Fund Balance Policy. Adherence to this policy will help assure maintenance of the City's credit rating.

Action: Council Member Graham 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. 3049

M. Ordinance to approve an Engineering Services Contract with McClure Engineering Company for 2019 Waterline Improvements – Route H. #UT-002-10, Project in an amount not to exceed \$58,900.

The City's Water Master Plan was completed July 2016 and provides information related to the water system and a Capital Improvement Plan. Staff evaluates the conditions and criticality of infrastructure when planning for upgrades or other improvements. The water main along Route H was partially replaced in 2013 to make a connection loop at LaFrenz Road. The remaining portion of the Route H main is undersized and constructed of pipe material that is difficult to repair and maintain. This same water main is also a main supply line to provide water to the City's wholesale customer, Clay County Public Water Supply District #4.

McClure Engineering Company has provided a proposal to complete the engineering design necessary to complete the construction of the Route H waterline replacement. McClure Engineering Company is formerly Shafer, Kline and Warren (SKW) who were the engineering firm that completed the design of the first phase of water main improvements along Route H. Their staff has worked with Liberty in the past and has

knowledge of the infrastructure along Route H.

Document No. 8889 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 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. 11103.

N. Ordinance establishing a Mutual Aid Agreement between the City of Liberty and the County of Platte, Missouri

Occasionally, exigent circumstances arise which require more staffing and/or resources than law enforcement agencies have available. During these times, it may be necessary to call on other police departments for assistance. Because of civil liability and insurance considerations, it is not legally prudent to provide assistance without a Mutual Aid Agreement in force. The State of Missouri has enacted legislation (Sections 70.815, 70.820, & 70.835 RSMo.) which authorizes Intergovernmental Police Services and Assistance agreements. Pursuant to these statutes, the City of Liberty has previously entered into mutual aid agreements with other cities and counties.

Document No. 8890 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 7-0-1

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

No: None

Abstain: Council Member Hagan, potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 11104.

O. Ordinance accepting a Contract with Earthscapes of Liberty, Inc. for the Glen Brook Lane Emergency Stream Stabilization Project in an amount not to exceed \$40,000.

The recent winter snowfall and spring rainfall have been much higher than normal. This combined with development within storm water watersheds and the associated increases in storm water velocities has resulted in erosion along streams. In some cases, significant streambank instability has developed. Stream bank instability is threatening one home on Glen Brook Lane and staff is recommending emergency action. City staff gathered proposals from three contractors to address the issue. In consultation with the homeowner affected by the stream bank instability, City staff is recommending a contract with Earthscapes of Liberty, Inc. for work to stabilize the stream bank and repair a slope failure in the backyard.

Document No. 8891 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. 11105.

X. OTHER BUSINESS

XI MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Mayor

Attest:

Deputy City Clerk