



City Council Meeting

Regular Session Minutes
July 27, 2020

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 July 27, 2020 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:05 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
Andy Noll, Utilities Director
Sherri McIntyre, Public Works Director
BJ Staab, Parks and Recreation Director
James Simpson, Police Chief
John Mills, Fire Chief
Katherine Sharp, Planning Director
Sara Cooke, Assistant City Administrator/Communications
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion authorizing the purchase and delivery of a replacement restroom for City Park from CXT Concrete Buildings in an amount not to exceed \$150,000.

The existing restroom facility near the parking lot at City Park was in poor condition and was removed as part of the renovation of City Park. Replacement of the restroom is included as a part of the City Park master plan.

Action: Council Member Phillips moved to approve the motion. 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

- B. Motion to approve providing physicals through Life Scan that include NFPA 1582 for Fire Department personnel in the amount of \$29,700.

Purchase would include physicals for the entire department in the 1st year to establish a baseline of health with subsequent years being given physicals based on the recommendations in the collective bargaining agreement (18 – 30 every 3 years; 31 – 40 every 2 years; and, 41 and older every year).

Action: Council Member Phillips moved to approve the motion. 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

- C. Motion to authorize payment to Key Equipment and Supply Co. in the amount of \$94,980 for purchase of the Envirosight RovverX Camera system and van upgrades for fitment

The existing camera was purchased in 2013. The usual life expectancy of a camera is a 5 year rotation and the maintenance and repair costs over the last year have increased due to the extended service life. By purchasing and utilizing this camera it allows staff to continually analyze the wastewater collection system for inflow, infiltration, obstructions, debris and structural defects in the piping network.

Action: Council Member Phillips moved to approve the motion. 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

- D. Resolution approving a Temporary Event Liquor License for a St. James School BBQ Contest event at 309 South Stewart Road on Friday, August 28 and Saturday, August 29, 2020

Action: Council Member Phillips moved to approve the resolution. 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

Inscribed in Resolution No. 3127.

VIII. PUBLIC HEARINGS

- A. Resolution approving a Special Use Permit at 124 N. Gallatin (Madison Miller House) to allow a Redevelopment for Office Use, in Liberty, Clay County, Missouri [P&Z Case 20-13SUP]

The proposal is to renovate an existing home into eight offices. Four connected offices sharing a public foyer, lobby, break room and bathroom, on each floor. A new access drive will be provided into a parking lot with 12 spaces.

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

Ken Personett, Capstone Homes, noted that his previous request was for mixed use. Unfortunately, the 1840 construction methods did not jive well with life safety codes required between office and residential use and would have required historical elements being removed, which he didn't want to do. As such, he has elected for all office use, with a number of shared space elements being incorporated.

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

Action: Council Member Phillips moved to approve the resolution. Council Member Moore 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. 3128.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of July 2 to July 17, 2020.

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

Document No. 9078 was read.

Action: Council Member Moore 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. 11275.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance approving a Consulting Services Agreement with Tetra Tech, Inc. for Professional Environmental Services for the City of Liberty in an amount not to exceed \$22,118.47

Tetra Tech has been assisting the City to identify a long term solution for the Lee Chemical Superfund site. Concluding the soil washing system investigation, Tetra Tech submitted a Soil Focused Feasibility Study (FFS) Report to Missouri Department of Natural Resources (MDNR) for review and MDNR has requested additional information. The City and Tetra Tech believe this data collection effort will lead to a permanent solution for the Lee Chemical site and eventual site closure. The proposed scope of services will update the cost estimates for the soil remedial action options evaluated in the Soil FFS Report. The revised cost estimates and a re-evaluation of the remedial action options will be submitted to MDNR.

Document No. 9079 was read.

Action: Council Member Jenness moved to waive the rules and consider the ordinance on first reading. Council Member Moore 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. 11276.

- C. Ordinance approving a contract with Holthouse Construction, LLC in the amount of \$67,250.00 for the Conistor Box Culvert Repair Project

The surrounding slopes at the ends of the existing double 6'x8' reinforced concrete box culvert that runs under Conistor Street between Liberty Commons and B&B Theaters is in need of repair. The creek flow is undermining the downstream end section on the west side of the street, and there is significant settlement of the sidewalks on both sides of the street due to failures of the surrounding slopes from the street down to the creek. It has progressed to where the sidewalk settlements and erosion need to be immediately addressed.

This project will use funds available from a stormwater quality mitigation agreement payment to the City of Liberty related to the B&B Theaters development. The developer agreed to pay a fee in lieu of the value of stormwater quality BMPs for the theater development in the amount of \$87,915.00 to be used for future projects with stormwater quality benefits in the same watershed. This proposed project provides stormwater quality benefits in that watershed by stabilizing the slopes surrounding the creek, preventing sedimentation through soil sluffing into the creek.

Document No. 9080 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Moore 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 7-0-1

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. 11277.

- D. Ordinance amending Ordinance No. 11088, 'Authorizing an Agreement with Core & Main LP for Procurement, Installation and Management for the Automated Meter Infrastructure Project, #UT-001-19', increasing the not-to-exceed amount by \$220,000.00 from \$2,719,750.00. to \$2,939,750.00, for materials needed to complete the project

The project is nearing the end of implementation and installation. The initial contract fee was based upon a count of meters within the water system that was several years old once the contract was executed. The final number of meters has increased due to new construction and remodeling since the count was completed and also due to providing an inventory of meters for future new construction and replacements as necessary. The total count of meters has increased by 640 from 10,641 to 11,281. The increase in meter count has resulted in an increase in cost of \$169,253.96 for water meters and associated radio transmitters.

Document No. 9081 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 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. 11278.

- E. Ordinance approving a guaranteed pricing agreement with Phillips Paving Co., Inc., in an amount not to exceed \$117,456.25 for the replacement of the parking lot at the Liberty Community Center

The primary sections of the parking lot are original to the facility which opened in February 1992. The back row of parking spaces was added in the late 1990s. The service road parking spaces were added with the 2003 expansion. The budget for this project is \$150,000.00 from the Park Sales Tax fund. The Liberty School District will reimburse the City of Liberty \$5,606.25 for their portion of the entry paving (approx. 4485 sf) and replacement

Document No. 9082 was read.

Action: Council Member Jenness moved to waive the rules and consider the ordinance on first reading. Council Member Moore 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. 11279.

- F. Ordinance approving a contract extension with Bridging the Gap for an amount not to exceed \$86,850.00 for the purchase and installation of street trees to replace trees lost to Emerald Ash Borer disease and to provide community tree training

Under the first year of the contract, Park staff worked with Heartland Tree Alliance (Bridging the Gap) and found they successfully worked to obtain homeowner support for planting new trees within the community. The Tree Board and staff are recommending the City move forward with a second replanting program to replace the lost canopy.

Document No. 9083 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Phillips 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. 11280.

G. Ordinance approving an Agreement with the Mid-America Regional Council pertaining to Senior Services

Each year the City is awarded operating contracts by the Mid-America Regional Council (MARC) to support the Community Services division which includes transportation, senior center administration, Meals on Wheels subsidized meals, Meals on Wheels assessments/reassessments, and evidenced based health and wellness programming. The total MARC grant contract for 2020/21 fiscal year is \$80,302.80. Silver Center gold status is determined by the number of evidence based programs offered. All other MARC funding (transportation, MOW delivery, MOW administration, MOW assessments, and evidence-based programs) is based on usage and capped at the grant funded amounts.

Document No. 9084 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 Phillips moved to approve the ordinance. Council Member Moore 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. 11281.

H. Ordinance accepting a Consent Judgement between World Acceptance Corporation of Missouri, Inc., Tower Loan of Missouri, LLC and the City of Liberty, Clay County, Missouri

The City adopted a short-term lender ordinance to regulate the practices of predatory lenders. That ordinance included registration with the City and the payment of a fee to fund that regulation which was approved by a vote of the citizens of Liberty.

World Acceptance Corporation of Missouri, Inc., and Tower Loan of Missouri, LLC contended they were not a short-term lender under the City's ordinance because they were a traditional installment lender under Missouri statutes. Those statutes prohibit further regulation of traditional installment lenders by cities. Since the adoption of the

ordinance by the City, the Missouri legislature has passed, and the Governor has signed, Senate Bill 599 which further strengthens and prohibits cities from regulating traditional installment lenders.

World Acceptance and Tower Loan have proposed a consent judgment that would determine that they are traditional installment lenders under the Missouri statutes and are not regulated by the City's ordinance.

Document No. 9085 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 Hagan moved to approve the ordinance. Council Member Moore 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. 11282.

X. OTHER BUSINESS

A. Cemetery Advisory Committee

1. Resolution adding two alternate members to be appointed to the Cemetery Advisory Committee

The Committee was initially comprised of 7 members; however, that was increased to 9 in December 2013. It is recommended that two (2) alternate member positions be added. The addition of alternate members will allow for greater community participation and assist in achieving meeting quorum requirements.

Action: Council Member Phillips moved to approve the resolution. 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

Inscribed in Resolution No. 3129.

2. Appointment of alternate members:

i. Appoint Jessica Watt to a term expiring 9/1/2022

ii. Appoint Jeremy Parsons to a term expiring 9/1/2023

Action: Council Member Phillips moved to approve the appointments. Council Member Moore seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Watt, potential conflict of interest

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