



City Council Meeting

Regular Session Minutes
July 25, 2011

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 25 with Mayor Greg Canuteson presiding. Mayor Canuteson called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Nick King, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Greg Duncan, Ward II
Lyndell Brenton and Jeff Watt, Ward III
Michael Hagan and Nick King, Ward IV

Council Members Absent: Jeff Moore, Ward II

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Steve Hansen, Public Works Director
Dennis Dovel, Parks and Recreation Director
Dave Tedesco, Police Captain
Dustin Paddack, Assistant Chief
Mike Snider, Fire Chief
Tony Sage, Information Technology Director
Katherine Sharp, Planner
Shawna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Sara Cooke, Communications Manager
Janet Pittman, Deputy City Clerk

Public Present: 20 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Mayor Canuteson welcomed Boy Scout troops 134 and 214.

Stephanie Pugh, 400 SW 4th Street, St Joseph, volunteer with the Missouri Pitbull Rescue and Wayside Waifs, spoke regarding breed specific legislation laws. Ms. Pugh provided an informational handout and requested that Council consider replacing current breed specific legislation with a dangerous dog ordinance.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of July 11, 2011

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

VIII. PUBLIC HEARINGS

A. Blackberry Residential Development

1. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by rezoning approximately 1.94 acres of Blackberry, West of Withers Road in the City of Liberty, Clay County, Missouri, from MU, Mixed Use to PD, Planned Development [P&Z#11-24R] [Public Hearing]

Mayor Canuteson opened the public hearing and asked if anyone wished to speak either in favor or against the amendment. Steve Warger, Warger and Associates, stated in response to a question raised at the Planning & Zoning Commission, the proposed lots would be under that same home owners association as the current homes.

Seeing no one else wishing to speak, Mayor Canuteson closed the public hearing.

Document No. 7356 was read.

Action: Council Member King 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 King moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9744.

Council Member Phillips stated for the record, that he wished the city would have future housing that would focus on the front of the home, where people live, instead of on the garage.

2. Ordinance accepting and approving a Final Plat of Blackberry, Third Plat in Liberty, Clay County, Missouri [P&Z11-25FP].

Document No. 7357 was read.

Action: Council Member Watt 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 King moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9745.

- B. 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 164 acres located East of South Missouri 291 Highway known as the Odd Fellows property from Civic, Institutional and Conservation to Mixed Use and Parks[P&Z#11-27A]

Mayor Canuteson opened the public hearing and asked if anyone wished to speak either in favor or against the amendment. Seeing no one wishing to speak, Mayor Canuteson closed the public hearing.

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

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Inscribed in Resolution No. 2514.

- C. Resolution approving a Special Use Permit to allow the adaptive reuse of the property at 400 North Missouri Street as office space [P&Z#11-28SUP]

Mayor Canuteson opened the public hearing and asked if anyone wished to speak either in favor or against the amendment. Wendy Baldwin, Woople, LLC, 131 E. Washington, Kearney, stated the company is looking at hiring additional personnel. There are currently 21 parking stalls and they are looking at reconfiguration of the lot in order to increase the number of available stalls. Alicia Stephens, Liberty EDC, stated this is a good reuse of the building, and once the lot is reconfigured there should be approximately 28 parking stalls.

Seeing no one else wishing to speak, Mayor Canuteson closed the public hearing.

Action: Council Member King moved to approve the resolution. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King
No: None
Abstain: None
Inscribed in Resolution No. 2515.

- D. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning approximately 294.23 acres of Ford property, east of US 69 Highway, South of South Liberty Parkway, North of the City Limits and West of Hughes Road in the City of Liberty, Clay County, Missouri, from R-1A, Suburban Residential to BP, Business Park [P&Z#11-29R]

Mayor Canuteson opened the public hearing and asked if anyone wished to speak either in favor or against the amendment. Seeing no one wishing to speak, Mayor Canuteson closed the public hearing.

Document No. 7358 was read.

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

Vote: Motion passed unanimously.

Action: Council Member King moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 9746.

- E. Resolution approving a Final Development Plan for the construction of a 2,832 square foot Hy-Vee Gas Station and Convenience store on Lot D1, Shoppes at Liberty Triangle Sixth Plat in Liberty, Clay County, Missouri [P&Z#11-30FDP]

Mayor Canuteson opened the public hearing and asked if anyone wished to speak either in favor or against the amendment. John Brehm, HyVee Engineering Dept., stated that the fuel trucks will not block the ingress/egress of the site. He noted that the variance requested is to allow for HyVee to apply its typical signage to the gas pump canopy. The signage includes the logo and digital LED price signage so that motorists can easily identify it. Typically, when there is canopy signage, an additional monument sign is not constructed. He stated that they believe that monument signage alone isn't effective enough.

Seeing no one else wishing to speak, Mayor Canuteson closed the public hearing.

Action: Council Member Duncan moved to amend the resolution, removing the variance, by inserting a period and striking the words: with the following

variances: 1. Variance from Sec. 30-90.8 to allow signage on a fixed canopy. Council Member Brenton seconded the motion.

Vote: Motion passed 4-3-0
Yes: Council Members Phillips, Brenton, Hagan, Duncan
No: Jenness, Watt and King
Abstain: None

Action: Council Member King moved to approve the resolution as amended. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King
No: None
Abstain: None
Inscribed in Resolution No. 2516.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of July 1 to July 15, 2011.

1. Ordinance excluding KCP&L and Westland Landscape payments

Document No. 7359 was read.

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 9747.

2. Ordinance including KCP&L payments

Document No. 7360 was read.

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

Vote: Motion passed 7-0-1
Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and King
No: None
Abstain: Council Member Brenton, due to a potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 9747.

3. Ordinance including Westland Landscape payments

Document No. 7361 was read.

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

Vote: Motion passed 7-0-1

Yes: Council Members Phillips, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: Council Member Jenness, due to a potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 9747.

B. Amendments to Chapter 30, "Unified Development Ordinance" (UDO)

1. Ordinance amending the UDO pertaining to signs on stand-alone buildings (second reading)

Document No. 7345 was read.

Action: Council Member King moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 4-3-0

Yes: Council Members Jenness, Watt, Duncan and King

No: Council Members Phillips, Brenton and Hagan

Abstain: None

Not approved by the Chair and inscribed in Ordinance No. 9748.

2. Ordinance amending the UDO pertaining to signs on strip centers (second reading)

Document No. 7346 was read.

Action: Council Member Watt moved to approve the ordinance. Council Member King seconded the motion.

Vote: Motion passed 7-1-0

Yes: Council Members Jenness, Brenton, Hagan, Watt, Duncan and King

No: Council Member Phillips

Abstain: None

Not approved by the Chair and inscribed in Ordinance No. 9749.

C. Fairview Cemetery Storm Improvement project

1. Ordinance amending Ordinance No. 9696 approving a contract with Clay County Sanitary & Ditching Service, Inc. (second reading)

Document No. 7350 was read.

Action: Council Member Phillips moved to approve the ordinance. Council Member Brenton seconded the motion.

Vote: Motion passed 7-1-0
Yes: Council Members Phillips, Jenness, Brenton, Hagan, Duncan and King
No: Council Member Watt
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 9750.

2. Resolution accepting the project

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King
No: None
Abstain: None
Inscribed in Resolution No. 2517.

- D. Ordinance approving a Contract with Arcadis U.S., Inc. for engineering services for a water treatment plant optimization study (second reading)

Document No. 7352 was read.

Action: Council Member Hagan moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 7-1-0
Yes: Council Members Jenness, Brenton, Hagan, Watt, Duncan and King
No: Council Member Phillips
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 9751.

- E. Ordinance approving a Contract with Burns & McDonnell for engineering services for developing and assisting in the implementation of the Liberty drinking water distribution system – uni-directional flushing program (second reading)

Document No. 7353 was read.

Action: Council Member Hagan moved to approve the ordinance. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 9752.

- F. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty Inc. for the September 10, 2011, Old Liberty High School Class Reunion on the downtown square

Action: Council Member Brenton moved to approve the resolution. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Inscribed in Resolution No. 2518.

G. Ordinance approving an agreement with the Kansas City Area Transportation Authority for financial assistance for the Liberty Access Bus Service

Document No. 7362 was read.

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

Vote: Motion passed unanimously.

Action: Council Member King moved to approve the ordinance. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9753.

H. Mid-America Regional Council Contracts for Senior Services

1. Ordinance amending an agreement with the Mid-America Regional Council pertaining to special transportation lift/ramp trips, special transportation reserved trips, scheduled transportation persons

Document No. 7363 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 Phillips seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9754.

2. Ordinance approving an agreement with Mid-America Regional Council pertaining to Senior Center Administration and Meals on Wheels Administration

Document No. 7364 was read.

Action: Council Member King 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 Phillips moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9755.

I. Department of Natural Resources Solid Waste Management Program Grant Acceptance

1. Ordinance approving an agreement with Missouri Department of Natural Resources Solid Waste Management Program for the installation of pour-in-place rubber surface material at City Park playground, Liberty, Missouri

Document No. 7365 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 Jenness moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9756.

2. Ordinance amending Ordinance No. 9652, Adoption of the 2011 Budget for the City of Liberty, Missouri

Document No. 7366 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Phillips moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9757.

J. Ordinance disclaiming and abandoning sanitary sewer easement – Shoppes at Liberty Triangle, First Plat

Document No. 7367 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 Watt moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9758.

K. Heartland Meadows Project

1. Ordinance amending the contract for engineering services with AGC Engineers, Inc. for the Upper Rush Creek Hallmark to Shepherd Sanitary Sewer Extension project.

Document No. 7368 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 failed to pass unanimously. The Mayor stated the ordinance would be heard on second reading at a Special Session on Monday, August 1 at 6:00 p.m.

2. Ordinance amending Ordinance No. 9652, Adoption of the 2011 Budget for the City of Liberty, Missouri

Document No. 7369 was read.

The Mayor stated the ordinance would be heard on second reading at a Special Session on Monday, August 1 at 6:00 p.m.

L. Network Routing and Switching Equipment

1. Ordinance approving a lease purchase agreement with Key Government Finance, Inc. of Superior, Colorado for Network Routing and Switching Equipment in an amount not to exceed \$174,253.46

Document No. 7370 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 Hagan seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9759.

2. Ordinance approving an agreement with Alexander Open Systems of Overland Park, Kansas for Installation and Configuration Services Related to Network Routers and Switching Infrastructure

Document No. 7371 was read.

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

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9760.

X. OTHER BUSINESS

- A. Motion to approve the purchase of radio equipment from Midwest Mobile Radio in the amount of \$31,810.45

Action: Council Member Phillips moved to approve the purchase. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:25 p.m.

Mayor

Attest:

Deputy City Clerk