



City Council Meeting
Regular Session Minutes
March 26, 2012

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 26, 2012 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 Harold Phillips, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: None

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Steve Hansen, Public Works Director
Anna Slocum, Assistant Parks and Recreation Director
Amy Brusven, Human Resources Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Katherine Sharp, City Planner
Shawwna Funderburk, Asst. to the City Administrator
Janet Pittman, Deputy City Clerk
David Jones, Planner

Public Present: Angie Borgedalen, Liberty Tribune
50 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Leroy Coe, 719 W. Brown St., stated he is a member of the Cemetery Advisory Committee and he is concerned about a problem. Proud committee members and volunteers have spent countless hours in the cemetery repairing damaged headstones, clearing leaves and sprucing up the grounds. To assist with directing visitors they have requested street signs for the roads within the cemetery but were told by staff they would be responsible for covering the \$500 cost from the donations they have received. The Committee doesn't think the donations should be used for that and that the City should cover the cost.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of March 12, 2012

Council Member King moved to approve the minutes as distributed. 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 approximately 19.85 Acres of Hallmark Property in Heartland Meadows Industrial Park, South of US 69 Highway, Northeast of Heartland Drive, and West of Burlington Northern Railroad in the City of Liberty, Clay County, Missouri, from R-1A, Suburban Residential to M-1, Light Industrial [P&Z Case 12-07R] {Public Hearing}

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

Document No. 7490 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 Watt moved to approve the ordinance. Council Member Moore seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Jenness, due to potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 9858.

B. Resolution approving a Special Use Permit to allow the temporary sale of fireworks by Belfonte Fireworks, from June 20 to July 4, 2012, on a 2.44 acre lot in Oakwood Business Park, southwest of the Clay County Health Center, Liberty, Missouri [P&Z Case 12-09SUP] {Public Hearing}

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

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

Vote: Motion passed 8-0-0

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

No: None
Abstain: None
Inscribed in Resolution No. 2549

C. Ridgeway Drive Estates

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

1. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning approximately 2.59 acres at 1520 Ridgeway Drive from R-1A, Suburban Residential to R-1C, Standard Single Family Residential [P&Z Case 12-04R&PDP]{Public Hearing}

Document No. 7491 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 King seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9859.

2. Ordinance accepting and approving a Final Plat for Ridgeway Drive Estates, in the City of Liberty, Clay County, Missouri [12-05FP]

Document No. 7492 was read.

Action: Council Member King 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 Watt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9860.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging vendor payments for the period of March 2, 2012 to March 16, 2012

1. Ordinance excluding KCP&L payments

Document No. 7493 was read.

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

Roll Call

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9861

2. Ordinance including KCP&L payments

Document No. 7494 was read.

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

Roll Call

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Brenton, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 9861

B. Resolution approving a Final Development Plan for the construction of a 25,261 square foot Pryor Learning Commons building on the campus of William Jewell College in Liberty, Clay County, Missouri [P&Z Case 12-08FDP]

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2550

C. Liberty Animal Shelter

1. Ordinance accepting and approving a Final Plat for the Liberty Animal Shelter in the City of Liberty, Clay County, Missouri [P&Z Case No. 12-10FP]

Document No. 7495 was read.

Although this item does not require a public hearing, Mayor Canuteson allowed for public comment.

Citizens speaking in favor of the proposed animal shelter:

Dr. Lori Rohlfing, a Liberty Veterinarian, stated many reasons for being proud of Liberty's animal control; the animal control officers and staff are compassionate and the animals are well cared for but the facility is aging. Despite the adoption efforts, too many animals are being euthanized. A new shelter is warranted due to Liberty's continued growth. The location has good road access and proximity to the city makes it highly visible for adoption efforts and it meets the Dept. of Agriculture Animal Facility Act standards for care and space.

Joe Howard, a Liberty Veterinarian, stated he has never had any complaints regarding odor or noise and doesn't think that will be a problem within a modern facility, inside or outside, if designed right.

Shawn Peter, 1200 Lake Rd., stated he doesn't feel the dog runs at the old facility are safe to walk through and supports the new facility where dog runs will all be inside and the dogs will be outside only when supervised for exercise.

Robert Steinkamp, 838 Blueberry Lane, stated Dr. Rohlfing has been extremely supportive of the City of Liberty and the animal shelter. This city has an opportunity to construct a facility that will be beneficial to those animals and the citizens of Liberty where it is proposed to be located. He supports Dr. Rohlfing's proposal and hopes Council will support it as well.

Dr. Jim Cantek, a local Physician, stated Dr. Rohlfing is their family veterinarian and they have been able to get 3 stray kittens and 1 dog adopted out through her practice which he was very glad about because he knew they wouldn't be able to stay very long at the shelter before being euthanized. The present shelter is an embarrassment and he believes our community can do better.

Ron Cowger, AGC Engineers, 405 S. Leonard, stated the crematory is a replacement of an existing 15-20 year old crematory which will be decommissioned. The new facility will be constructed on H Highway up to DNR standards for emissions and air quality, which will also monitor the site annually and every three years conduct end of pipe testing. This is a state level permitted item. He noted that as a result of the neighbors' concerns regarding the dog runs, Dr. Rohlfing has redesigned the facility and now those cages/dog runs are inside to satisfy the adjacent neighbors.

Citizens speaking in opposition of the proposed animal shelter:

Ronald Reber, at 660 Spring, stated he lives right across from the proposed location.

His neighbor's dog barks and keeps him awake at night. He stated that there is no way a facility with 24 rooms of dogs won't be noisy. He asked if anyone in the audience would like a house torn down next door to them and an animal shelter built within 100-300 ft. of their home.

John Roe, Attorney with Roe and Epstein, 10 Main Center 920 Main Street, Kansas City, MO spoke as a representative of Mr. & Mrs. Al McKinley, who own property on 2 sides of the proposed location. He requested that Council deny applications for the final plat and the final development plan. He stated that all 6 criteria for approval of a final plat according to Liberty's UDO are not met by the applicant. This application does not conform to form and function of this neighborhood. It's not an auto oriented use and dog kennels dog runs, whether they are inside or out, and a crematory are uses that you would not normally put in a location where people live, work and play. The "Open Space" should be considered a legitimate use for "infill" of this area, not development. There is no proof of ownership by the applicant or affidavit from the owner on file. There is no indication on the final plat of a "riparian buffer", which is a requirement. The primary facade placement provision isn't met; window articulation on all elevations provision isn't met; requirement for approaches provision isn't met; parking lot design standards and screening provision isn't met; there is inadequate parking space for floor area for a C3 district. With regards to the crematory there is not enough information regarding minimal air contaminant to deal intelligently with that particular use and stated Council should not approve this final plat until they have that information. The final development plan must comply with the provisions of the UDO. He stated that this is an inappropriate land use at this location. There is a zoning reason not to approve the development plan. The riparian buffer and inadequate parking spaces is also a development issue. This is not a public facility but a private applicant using private funds, with a private architect, and private engineer bringing a private application before Council. The client is concerned about the effect, psychological or otherwise, that this crematory will have on property values; the ability to retain the current tenant or the ability to attract another good tenant as the emissions from the proposed facility may have a negative impact on adjoining businesses. Pollutants released from this combustion process need to be controlled.

Tom Goodpasture, President/Owner of Pride Manufacturing, stated his business is 25 yards from the dog runs. The company is a high tech business, just the type of jobs the City wants to attract, and they are attracting these high tech jobs and government agencies. He doesn't believe this animal shelter is conducive to what they do. Dr. Rohlifing is very passionate about her endeavor and he applauds her efforts. He noted the City has an obligation to help her find a piece of property. He hopes the City can find her the right place, but this location is not the right place.

Mr. Al McKinley, 1320 A Highway, stated his counsel has addressed the issues concerning the codes. He congratulates Dr. Rohlifing on her efforts, but doesn't think this is the right location. He stated he has more invested in infrastructure in the neighborhood between those two railroad bridges than all of the other businesses put together. He alleged the application was kept low-keyed and no consideration was given to the businesses in the area during this process and he opposes it adamantly.

Mayor Canuteson stated the ordinance will be considered on second reading at the April 9 Regular Session.

2. Resolution approving a Final Development Plan for the construction of a 9,072 square

foot Liberty Animal Shelter building on a 1.19 acre parcel northwest of the B Highway and H Highway Junction in the City of Liberty, Clay County, Missouri [P&Z Case No. 12-11FDP]

Mayor Canuteson stated the resolution will be considered on second reading at the April 9 Regular Session.

- D. Ordinance approving an Agreement with Kitch's Lawncare & Landscaping Services, Inc. pertaining to Mowing and Perennial Removal at Fairview / New Hope and Mount Memorial Cemeteries in the City of Liberty, Clay County, Missouri in an amount not to exceed \$27,980.

Document No. 7496 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 Duncan moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9862.

- E. Ordinance amending Ordinance No. 9752, Approving a Contract with Burns and McDonnell for Engineering Services for 2011 Water Distribution System Enhancement Program in the amount of \$186,500

Document No. 7497 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 Jenness moved to approve the ordinance. Council Member King seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9863.

- F. Ordinance approving an Agreement with Terra Technologies, Inc. for Mitigation Credits in the amount of \$91,980.

Document No. 7498 was read.

Mayor Canuteson stated the ordinance will be considered on second reading at the April 9 Regular Session.

- G. Ordinance approving a Contract with System Controls, Inc. for the purchase and installation of Traffic Signal Mast Arms and Poles in the amount of \$32,598.

Document No. 7499 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 King moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9864.

- H. Ordinance approving an Agreement between the City of Liberty and Ford Motor Company for Water Main Reimbursement

Document No. 7500 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9865.

X. OTHER BUSINESS

- A. Motion approving the purchase of a Control Valve system from Engineered Fluid, Inc. in the amount of \$31,680.

Action: Council Member Hagan moved to approve the purchase. Council Member

King seconded the motion.

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Moore, Brenton, Hagan, Watt, Duncan
and King
No: None
Abstain: None

- B. Motion approving the purchase of a 400 HP Motor from R/S Electric Motors for \$27,364.67.

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

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Moore, 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 8:50 p.m.

Mayor

Attest:

Deputy City Clerk