



City Council Meeting

Regular Session Minutes
March 25, 2013

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 25, 2013 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 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 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
David Jones, Planner
Amy Brusven, Human Resources Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Katherine Sharp, City Planner
Shawwna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

Public Present: 30 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. National Animal Control Officer Appreciation Week Proclamation

Mayor Canuteson read the proclamation and presented it to 2 Animal Control Officers Horne and Weaver.

B. Meals on Wheels Board Recognition

Mayor Canuteson read the proclamation and provided it to Mr. Dan Kerns, congratulating

him on 20 years of service to the program.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Special Regular Session Minutes of March 4, 2013

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

B. Appointments

1. Planning and Zoning Commission
 - a. Reappoint Larry Wepler to a term expiring 1/1/2016
 - b. Reappoint Dee Rosekrans to a term expiring 1/1/2016
2. Liberty Parks and Recreation Charitable Fund Advisory Committee
 - a. Reappoint Anna Marie Martin to a term expiring 1/1/2016
 - b. Reappoint Josiah James to a term expiring 1/1/2016

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

C. Authorize an Executive Session to be held in the Council Conference Room immediately following the City Council Regular Session to discuss Contract Negotiations as authorized by 610.021(12) RSMo

Council Member King moved to authorize the Executive Session. Council Member Watt seconded the motion, which carried unanimously. (Council authorized the Executive Session; however, the meeting was not held)

VIII. PUBLIC HEARINGS

A. Resolution approving a Special Use Permit to allow the temporary sale of fireworks by Belfonte Fireworks, from June 20, 2013 to July 4, 2013, on a 2.44 acre lot in Oakwood Business Park southwest of Clay County Health Center, Liberty, Missouri [P&Z Case 13-06SUP]

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

Action: Council Member King moved to approve the resolution. Council Member Phillips 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. 2593.

- B. Resolution approving a Special Use Permit to allow the temporary sale of Shaved Ice by Iced Out, LLC, from May 15, 2013 to September 15, 2013, at 801 North 291 Highway, Liberty, Missouri [P&Z Case 13-07SUP]

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

Action: Council Member Phillips moved to approve the resolution. 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

Inscribed in Resolution No. 2594.

- C. Resolution approving a Special Use Permit to allow the placement of a utility box in City right-of-way west of Kent Street and south of South 291 Highway right-of-way, in Liberty, Missouri [P&Z Case 13-08SUP]

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

Action: Council Member Jenness moved to approve the resolution. 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

Inscribed in Resolution No. 2595.

- D. Resolution approving a Special Use Permit to allow a 12,470 volt substation north and east of the 431,000 square foot industrial building known as Ford Stamping Plant at 2401 Plummer Road in the City of Liberty, Clay County, Missouri [P&Z Case 13-09SUP]

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

Rick Francis, Kansas City Power & Light, 4400 E. Front Street, Kansas City, MO stated that although the site would be built for an ultimate capacity of a 161 KV substation to accommodate future development, there would be no additional vertical structures added. The site location is easily accessible to both the existing power supply and plant. In response to Council's concerns regarding the location of the substation and its visibility from South Liberty Parkway, staff noted that they discussed various potential locations with KCP&L and worked together to determine the best site that would reduce

disruption and removal of trees that will act as screening. It was noted that there would be a substantial [\$2 million approx.] cost to relocate the substation off of the parkway and legally KCP&L would not be required to comply if it posed an undue additional financial burden.

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

Action: Council Member Moore moved to approve the resolution. Council Member Jenness seconded the motion.

Vote: Motion passed 6-1-1
Yes: Council Members Phillips, Jenness, Moore, Hagan, Duncan and King
No: Council Member Watt
Abstain: Council Member Brenton, due to potential conflict of interest.
Inscribed in Resolution No. 2596.

- E. 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 22 acres located east and south of Glenn Hendren Drive known as the New Liberty Hospital District from Traditional Residential and Traditional High-Density Residential to Business [P&Z Case 13-A]

Mayor Canuteson opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the issue. Seeing no one 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 8-0-0
Yes: Council Members Phillips, Jenness, Moore, Brenton, Hagan, Watt, Duncan and King
No: None
Abstain: None
Inscribed in Resolution No. 2597.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of March 1, 2013 to March 15, 2013.

1. Ordinance excluding KCP&L and Westland Landscape payments

Document No. 7702 was read.

Action: Council Member King moved to approve the vendor payments. Council Member Hagan 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. 10035

2. Ordinance including KCP&L payments

Document No. 7703 was read.

Action: Council Member King moved to approve the vendor payments. Council Member Hagan 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. 10035.

3. Ordinance including Westland Landscape payments

Document No. 7704 was read.

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

Roll Call

Vote: Motion passed 7-0-1
Yes: Council Members Phillips, 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. 10035.

B. Ordinance of the City of Liberty, Missouri allowing a Mobile Food Vending Pilot Program (second reading).

Document No. 7690 was read.

Council Member Phillips moved to amend the ordinance by adding the wording: "Council will review the Pilot Program in January 2014", to the end of Section I, 2a. Council Member Hagan seconded the motion.

Vote: Motion passed unanimously.

Action: Council Member Hagan moved to approve the ordinance as amended. Council Member Jenness 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. 10036.

- C. Ordinance approving a Memorandum of Understanding with the Members of the Fraternal Order of Police Lodge 50 and the City of Liberty, Missouri

Document No. 7705 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 Watt moved to approve the ordinance. Council Member Moore 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. 10037.

- D. Ordinance of the City of Liberty, Missouri, Reaffirming the Gross Receipts Tax to be imposed upon Electric Corporations conducting business within the City and matters related thereto

Document No. 7706 was read.

Action: Council Member King 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 Hagan seconded the motion.

Vote: Motion passed 8-0-0

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. 10038.

- E. Ordinance approving a Missouri Highways and Transportation Commission Cost Apportionment Agreement between the Missouri Highways and Transportation Commission and the City of Liberty, Missouri for the I-35 Interchange at Pleasant Valley Road/S. Liberty Parkway/US 69 Improvement Project in an amount not to exceed \$4.2 million.

Document No. 7707 was read.

Mayor Canuteson stated the ordinance would be considered on second reading at a Special Session meeting on April 1, 2013.

F. Resolution accepting the Water, Sanitary Sewer, and Street Improvements for the Ford Public Improvements Project

Action: Council Member King moved to approve the resolution. Council Member Jenness 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. 2598.

G. Resolution accepting the Rush Creek Parkway Street improvements for the Liberty United Methodist Church Project

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. 2599.

H. An Ordinance approving the First Amendment to the First Amended and Reinstated Tax Increment Financing Contract between the City of Liberty, Missouri and LTD Enterprises, LLC for the Liberty Triangle Tax Increment Financing Plan Projects B-H and authorizing the Mayor to execute the contract.

Document No. 7708 was read.

Mayor Canuteson stated the ordinance would be considered on second reading at a Special Session meeting on April 1, 2013.

X. OTHER BUSINESS

A. Motion to purchase a Mack GU533 Tandem Axle Dump Truck from Westfall O'Dell Truck Sales in the amount of \$119,295.00 (postponed from March 4, 2013)

Action: Council Member King moved to approve the motion. 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

B. Motion to purchase a F-350 Crew Cab chassis with flatbed and crane from Midway

Ford in the amount of \$51,961.00

Action: Council Member King moved to approve the motion. 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

- C. Motion to approve the purchase of a replacement traffic signal control system for the intersection of Kansas Street and Conistor Street from System Controls, Inc. in an amount not to exceed \$32,864.

Action: Council Member King moved to approve the motion. 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

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Mayor

Attest:

Deputy City Clerk