



City Council Meeting

Regular Session Minutes

June 24, 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 June 24, 2013 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 Paul Jenness, 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
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
Janet Snook, Parks and Recreation Director
Charlie Stevens, Utilities Director
Mike Snider, Fire Chief
Tony Sage, Information Technology Director
Katherine Sharp, City Planner
Karan Johnson, Economic & Business Dev. Manager
Brian Hess, City Engineer
David Jones, Planner
LeAnn Lawlor, Aging Populations Manager
Tim Moore, Police Lt.
Janet Pittman, Deputy City Clerk

Public Present: 12 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of June 10, 2013

Council Member Phillips moved to approve the minutes as distributed. Council Member Jenness seconded the motion, which carried 7-0-1. Council Member Watt abstained due to absence.

V. CITIZENS' PARTICIPATION

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

VIII. PUBLIC HEARINGS

- A. Resolution approving a Special Use Permit to allow the temporary sale of Fireworks by Liberty and Fireworks For All, from June 27, 2013 to July 4, 2013 on a 37.78 acre industrial lot at 405 S. Leonard Street in Liberty, Clay County, Missouri [13-25SUP]

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

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. 2613.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of May 31 to June 14, 2013.

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

1. Ordinance excluding Westland Landscape payments

Document No. 7747 was read.

Action: Council Member Phillips 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, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10072.

2. Ordinance including Westland Landscape payments

Document No. 7748 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Phillips 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. 10072.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance approving the First Amendment to the Amendment to the Liberty Triangle Tax Increment Financing Plan (Clayview Parcel) dated September 3, 2008 (second reading) – [Request to be Tabled]

Document No. 7734 was read.

Action: Council Member Phillips moved to table 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

- C. Public Safety Radio System

The Police and Fire Department, as well as the Public Works Department, Utilities Department, and the Information Technology Services Department have worked together over the last several weeks to configure a public safety radio system that would meet the everyday communications needs of the various departments and allow for interoperability between departments and outside agencies in the event of an emergency.

1. Motion to approve the purchase of a completed UHF radio system and related accessories in an amount not to exceed \$1.5 million

Action: Council Member Gentrup moved to approve the purchase. 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

2. Ordinance approving an agreement with Motorola Solutions, Inc. to provide for the purchase and installation of a public safety radio system in an amount not to exceed \$1,303,018.00. (second reading)

Document No. 7744 was read.

Action: Council Member Phillips 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. 10073.

- D. Resolution approving a Preliminary Plat for Deer Valley, South of White Tail Pond on Ruby Lane, A Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 13-27PP]

Action: Council Member Phillips moved to approve the resolution. 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

Inscribed in Resolution No. 2614.

- E. Resolution approving an amended Preliminary Development Plan for the Liberty Triangle in Liberty, Clay County, Missouri [P&Z Case No. 13-28PDP]

The intent of this plan amendment is both to reflect development that has occurred since the last plan update in 2009, and to maintain a vision for the remainder of the property. The development is zoned commercial C-1 or C-2, with the exception of Lowe's, which is zoned PD.

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. 2615.

- F. Ordinance accepting and approving a Final Plat for Shoppes at Liberty Triangle, Seventh Plat in the City of Liberty, Clay County, Missouri [P&Z Case No. 13-29FP]

The applicant proposes to plat 1.96 acres on the northwest corner of Blue Jay Drive and North 291 Highway, creating one lot from multiple existing lots. If approved, this plat would facilitate development of a 12,000 square foot physical therapy clinic, proposed concurrently as P&Z Case 13-30FDP.

In response to Council's questions, staff stated the maximum square footage for non-sales tax producing businesses within the project area is 24,000 sq. ft. of first floor space [office bldg. is not included.] There is currently approximately 10,000 sq ft. of non-sales tax producing businesses within the project area.

Document No. 7749 was read.

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

Vote: Motion failed to pass unanimously.

Mayor Brenton stated the ordinance would be considered on second reading at the July 8, 2013 Regular Session Meeting.

- G. Resolution approving a Final Development Plan for the construction of a 12,000 square foot Freedom Therapy Medical building in Liberty, Clay County Missouri [P&Z Case 13-30 FDP]

John Parry Liberty resident, noted that at the Planning and Zoning Commission meeting this project was stated as being a competitor to the Mosaic Clinic in Kansas City. He stated that is a test project, and not a good business model to follow. He is concerned with the hospital entering into a long term lease for a facility that is not needed to provide superior healthcare to the community. Liberty Hospital is a valuable asset to our community and with the unknown impacts of healthcare reform, bad decisions such as this may result in the loss of the hospital. Mr. Parry requested that the City Council and Liberty Hospital have a joint study session to discuss where we are going together as community partners. Our community needs good healthcare to thrive.

John Davis, applicant representative, stated that a lot of thought has been put into providing a facility that can compete and keep business within the city. The facility will offer physical and sports therapy/nutrition, all positive attributes to the city. The proposed building would be owned by Triangle East, LLC and the hospital would sign a long term lease for the clinic.

Action: Council Member Duncan moved to postpone consideration of the resolution to the July 8, 2013 Regular Session Meeting. 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

- H. Ordinance amending Ordinance No. 9941 approving an agreement with the Mid-America Regional Council pertaining to Senior Center Administration and Meals on Wheels Administration to increase the amount of reimbursement for Meals on Wheels Administration by \$1,554.00

Document No. 7750 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 Watt moved to approve the ordinance. Council Member Jenness 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. 10074.

- I. Ordinance approving a Missouri Highways and Transportation Commission Statewide Transportation Improvement Program On-Call Work Zone Enforcement Program Agreement

Work Zone Enforcement Program Agreement provides funds to be used for on call work zone enforcement activities for a term of five years. Funding from MHTC will allow the Liberty Police Department to use officers on an overtime basis to perform traffic related duties in Mo DOT work zones.

Document No. 7751 was read.

Action: Council Member Watt 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 Moore 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. 10075.

- J. Ordinance approving a contract with K.W. Boring for services of auger boring and directional drilling operations for watermain installation for the H Highway to LaFrenz Road Watermain project in an amount not to exceed \$68,390.00

The 2011 Water Master Plan Update completed by Burns and McDonnell Engineering guides the Utilities Department in locating and sizing water main extensions and replacements. One project segment within the Plan is looping an extension of a public watermain down La Frenz Road to H Highway. The Project will consist of an 8" watermain.

Document No. 7752 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 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. 10076.

- K. Ordinance approving a contract with Olsson Associates for Engineering Design Services for the Franklin Street Improvement Project in an amount not to exceed \$183,280.00

The Franklin Street Improvement Project design was identified in the CIP development as the next major roadway improvement project and is proposed to be completed using a Design-Bid-Build contracting method. The improvements will consist of roadway, stormwater, sanitary, streetscape and water main improvements along Franklin Street from Gallatin Street to Fairview Avenue. The Engineering Design Agreement will provide the necessary work to survey, complete the engineering design and bid the project for construction.

Document No. 7753 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. 10077.

L. Ordinance amending Ordinance No. 9997, Adoption of the 2013 Budget for the City of Liberty, Missouri

The 2013 adopted budget does not include 2012 open encumbrances. An encumbrance is a binding commitment related to contracts for goods or services approved in 2012 that were not paid in 2012, but, instead, were paid in 2013. The unspent 2012 budget funds are reserved, and then appropriated in 2013, thus matching the revenues and expenses in 2013.

Document No. 7754 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 Hagan moved to approve the ordinance. Council Member Jenness 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. 10078.

M. Resolution authorizing the filing of a grant application with Clay County Senior Services for financial assistance for the Liberty Senior Services Programs within the City of Liberty, Missouri

In November 2003, a ballot issue was passed by the voters of Clay County. The money received from this property tax is used specifically for the purpose of developing programs that will provide meaningful services and activities to improve the quality of life of Clay County Seniors.

City staff estimates Liberty residents pay approximately \$225,000.00 towards this tax. For fiscal year 2014 staff is requesting operating funds of \$200,100.00 for Liberty Access transportation and Silver Center/Senior services as well as \$40,000.00 for pool liner replacement.

Action: Council Member Watt 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. 2616.

- N. Ordinance approving a certain agreement with Terry Snelling Construction, Inc. for the reconstruction of the basketball court located at Ruth Moore Park, Liberty, Missouri in an amount not to exceed \$40,000.00.

The project involves the removal of the existing asphalt court and replacement with concrete, resurfacing product, and color coating/stripping.

Document No. 7755 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 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. 10079.

X. OTHER BUSINESS

- A. Motion to authorize the purchase of construction materials for the H Highway to LaFrenz Road Watermain Extension project from Kansas City Winwater Co. in the amount of \$23,531.51

Action: Council Member Hagan moved to approve the purchase. 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

- B. Motion to authorize the purchase of a 2013 International 2 ½ ton dump truck with bed and snow removal equipment from Diamond International for \$148,396.00

Action: Council Member Jenness moved to approve the purchase. 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

- C. Motion to purchase bridge treatment materials from Cargill Deicing Technology in the amount of \$150,000.00

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

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Moore, due to potential conflict of interest.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Mayor

Attest:

Deputy City Clerk