



City Council Meeting

Regular Session Minutes

August 26, 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 August 26, 2013 with Mayor Pro Tem Greg Duncan presiding. Mayor Pro Tem Duncan 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, 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: Lyndell Brenton, Mayor
Paul Jenness, Ward I

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Brian Hess, Assistant Public Works Director
Janet Snook, Parks and Recreation Director
James Simpson, Police Chief
Tony Sage, Information Technology Director
Katherine Sharp, City Planner
David Jones, Planner
Shawwna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

Public Present: 6 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. Mayor Pro Tem Duncan presented the 2013 Civic Leadership Award to In As Much Ministry

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of August 12, 2013

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

B. Executive Session Minutes of August 12, 2013

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

C. Special Session Minutes of August 19, 2013

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

VIII. PUBLIC HEARINGS

A. Unified Development Ordinance Amendments

1. Ordinance amending Chapter 30, "Unified Development Ordinance", of the Code of the City of Liberty, Clay County, Missouri pertaining to Temporary Use Permits [P&Z Case No. 13-11A]

The proposed changes are in response to the increased number and locations of events such as run, bike, or walk events, commonly known as "fun runs."

Document No. 7777 was read.

The Mayor Pro Tem opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the proposed amendment. Seeing no wishing to speak, the Mayor Pro Tem closed the Public Hearing

Action: Council Member Hagan moved to postpone second reading of the ordinance to September 23, 2013. Council Member Moore seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Mayor Pro Tem Duncan stated the ordinance would be considered at the September 23, 2013 Regular Session meeting.

2. Ordinance amending Chapter 30, "Unified Development Ordinance", of the Code of the City of Liberty, Clay County, Missouri – pertaining to Commercial Landscaping [P&Z Case No. 13-35A]

The current landscaping requirements ensure that the impact of the development is reduced with the planting of trees, but does not include the

provision for other landscaping materials such as shrubs, perennials and annuals. The proposed amendment includes replacement trees and a fee-in-lieu of provision.

Document No. 7778 was read.

The Mayor Pro Tem opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the proposed amendment. Seeing no wishing to speak, the Mayor Pro Tem closed the Public Hearing

Action: Council Member Watt moved to table the ordinance. Council Member Moore seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of August 2 to August 16, 2013.

Document No. 7779 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10099.

- B. Ordinance establishing the 2013 Ad Valorem Tax Levies for City operations for 2014 Budget year (second reading)

Budget Committee and Council's recommendation to set the levy at \$1.0084 per \$100 assessed valuation [revenue neutral], to be adopted in 2013 for 2014 revenue.

Document No. 7774 was read.

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

Vote: Motion passed 7-0-0

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

No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10100.

- C. Ordinance authorizing the Director of Public Works to accept conveyance of easements and real property from the Missouri Highways and Transportation Commission (second reading)

The City Council has approved agreements with the Missouri Highways and Transportation Commission to accept State owned property in the form of right-of-ways in association with various Municipal agreements. The Agreements include the Flintlock Overpass agreement and the I-35/US69/M33 project agreement.

Document No. 7771 was read.

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None

- D. Ordinance approving a Development Agreement with Deer Valley, LLC pertaining to the Final Plat for Deer Valley, a subdivision of land in Liberty, Clay County, Missouri

The developer of the Deer Valley subdivision proposes the exchange of key property (10.76 acres) for certain reductions of permit fees for the residential development of 10 lots. This property would facilitate expansion of the City-wide trail system, continued preservation of high quality, forested conservation areas and establishment of well-planned public access points to the trail system.

Document No. 7780 was read.

Action: Council Member Moore 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 Hagan seconded the motion.

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10101.

- E. Ordinance accepting and approving a Final Plat for Deer Valley, in the City of Liberty, Clay County, Missouri [P&Z Case No. 13-34FP]

Final plat application for Deer Valley residential subdivisions, 10 lots and 1 tract on 13.84 acres immediately south of White Tail Pond.

Document No. 7781 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10102.

- F. Liberty Manor East

1. Ordinance amending Ordinance No. 9926 approving a design-build construction agreement with Havens Construction, Inc. for the Liberty Manor East and miscellaneous stormwater improvements project decreasing the amount by \$95,421.59 to \$463,578.42

A Design-Build preliminary agreement was approved by City Council for staff to work with Havens Construction to develop a Design-Build construction project to provide storm water improvements in the Liberty Manor East neighborhood and investigate other areas for appropriate improvements within the funding allocation.

Document No. 7782 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 Hagan moved to approve the ordinance. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10103.

2. Resolution accepting the Liberty Manor East and miscellaneous stormwater improvement project (#11-022)

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2626

- G. Resolution of Support for Greenway Estates Apartments, a proposed development for senior citizens

Greenway Estates would consist of 12 one-bedroom and 30 two-bedroom units within a 3 story building and 12 units within a two six-plex building. All units would be available to senior citizens. The project is very similar to the existing Residences at Liberty Place senior project located along Withers Road just north of Kent Street.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2627

- H. Resolution of the City Council of the City of Liberty, Missouri, accepting the 2013 Community Forestry Conservation Assessment Report and Establishing the Report as a tool for Community Planning, Stormwater Management, Parks Planning, and Development Review

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2628

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Attest:

Mayor

Deputy City Clerk