



City Council Meeting

Regular Session Minutes

April 28, 2014

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 April 28, 2014 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 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
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
Steve Hansen, Public Works Director
Janet Bartnik, Parks and Recreation Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Katherine Sharp, City Planner
Shawwna Funderburk, Asst. to the City Administrator
Chris Wilson, Open Space Manager
David Jones, Planner
Linda Bell, Assistant Deputy City Clerk

Public Present: 15 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of April 14, 2014

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

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Historic Downtown Liberty, Inc. (HDLI) Temporary Event Liquor Licenses

1. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. (HDLI) for 'Street Party' event to be held on Kansas Street between Water and Missouri Streets on Sunday, June 1, 2014

Action: Council Member Gentrup 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. 2664.

2. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. (HDLI) for the 2014 Kansas City Nanobrew Festival to be held in the City Hall parking lot east of City Hall on Saturday, June 28, 2014

Action: Council Member Gentrup 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. 2665.

B. Knights of Columbus Temporary Event Liquor Licenses

1. Resolution approving a Temporary Event Liquor License for the Knights of Columbus Council 8915 for a Fountain Bluff Sports Complex Adult Softball Tournament to be held on May 31 through June 1, 2014

Action: Council Member Gentrup 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. 2666.

2. Resolution approving a Temporary Event Liquor License for the Knights of Columbus Council 8915 for a Women's 5K Mud Run to be held at Fountain Bluff Sports Complex on August 23, 2014

Action: Council Member Gentrup 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. 2667.

3. Resolution approving a Temporary Event Liquor License for the Knights of Columbus Council 8915 for a Fountain Bluff Sports Complex Adult Softball Tournament to be held on August 28-31, 2014

Action: Council Member Gentrup 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. 2668.

VIII. PUBLIC HEARINGS

- A. Resolution approving a Special Use Permit to allow the Temporary Sale of Shaved Ice by Iced Out, LLC, from May 15, 2014 to September 15, 2014, on an Industrially-zoned Lot East of 2108 College Street, in the City of Liberty, Clay County, Missouri [P&Z Case 14-08SUP]

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

Jim Mancuso, 9923 N. Kentucky Avenue, Kansas City, Missouri, advised he is seeking approval from Council for Iced Out , LLC at the new location.

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

Action: Council Member Jenness moved to approve the resolution. Council Member Duncan 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. 2669.

- B. Resolution approving a Special Use Permit to allow the Temporary Sale of Fireworks by Liberty Discount Fireworks, from June 20, 2014 to July 4, 2014, on Lot 5, Blue Jay Crossing 2nd Plat in the City of Liberty, Clay County, Missouri [P&Z Case 14-05SUP]

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 Watt moved to approve the resolution. Council Member Moore seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

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

Inscribed in Resolution No. 2670.

- C. Resolution approving a Special Use Permit to allow the Temporary Sale of Fireworks by Belfonte Fireworks, from June 20, 2014 to July 4, 2014, on a 2.44 acre lot in Oakwood Business Park Southwest of Clay County Health Center, Liberty, Missouri [P&Z Case 14-04SUP]

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 Moore 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. 2671.

- D. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning Lot 3, Blackberry 1st Plat and Tract C, Blackberry 2nd Plat in the City of Liberty, Clay County, Missouri from MU, Mixed Use District to PD, Planned Development District [P&Z Case 14-06R&PDP]

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

John Davis, Foresight Real Estate, 105 N. Stewart, spoke on behalf of their client/applicant BankLiberty. The applicant is proposing to subject this property to the same declarations/plans that govern Blackberry. While the ranch homes would be consistent, the example of the split level leaves the opportunity for future developers

to build a home that is harmonious with the plan.

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

Document No. 7897 was read.

Action: Council Member Jenness 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 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. 10209.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of April 4 to April 18, 2014.

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

1. Ordinance excluding Westland Landscape payments

Document No. 7898 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Moore 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. 10210.

2. Ordinance including Westland Landscape payments

Document No. 7899 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Hagan 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. 10210.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance accepting and approving a Final Plat for Blackberry, 4th Plat, in the City of Liberty, Clay County, Missouri [P&Z Case 14-07FP]

Document No. 7900 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 Duncan 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. 10211.

C. Ordinance accepting and approving a Final Plat for Camelot Commons, in the City of Liberty, Clay County, Missouri [P&Z Case 14-14FP]

Document No. 7901 was read.

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

Vote: Motion passed 7-0-1
Yes: Council Members Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: Council Member Phillips, due to potential of interest
Approved by the Chair and inscribed in Ordinance No. 10212.

D. Resolution approving a Final Development Plan for the Construction of a 32,000 square foot Field House at Liberty High School in Liberty, Clay County, Missouri [P&Z Case 14-09FDP]

Mayor Brenton stated the removal of the resolution from the agenda and that the resolution would be considered at the May 12th Regular Session meeting.

- E. Resolution approving an amended Preliminary Development Plan for Blue Jay Crossing, In Liberty, Clay County, Missouri [P&Z Case 14-13PDP]

Council Member Hagen recused himself from the meeting due to potential conflict of interest

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, Jenness, Moore, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 2672.

Council Member Hagen returned to the meeting.

- F. Resolution approving a Final Development Plan for the Construction of a 21,000 square foot Building Expansion and Athletic Facilities at Liberty North High School in Liberty, Clay County, Missouri [P&Z Case 14-10FDP]

Action: Council Member Jenness moved to approve the resolution. Council Member Gentrup 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. 2673.

- G. Resolution granting a Certificate of Appropriateness for Improvements at 17E. Kansas Street, Liberty Square Historic District [HDRC Case 14-006LS]

Action: Council Member Duncan moved to approve the resolution. Council Member Graham 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. 2674.

- H. Resolution Granting a Certificate of Appropriateness for the Demolition of the House and Garage at 240 W. Kansas Street, Liberty, Missouri [HDRC Case 14-002D]

Action: Council Member Hagan moved to approve the resolution. 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

Inscribed in Resolution No. 2675.

- I. Resolution approving the relocation of Domino's Pizza into the Liberty Triangle Tax Increment Financing Redevelopment Area

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

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

Inscribed in Resolution No. 2676.

- J. Resolution authorizing the Filing of an Application with the Missouri Department of Conservation for Financial Assistance for the Management, Improvement and Conservation of Trees within the City of Liberty, Missouri

Action: Council Member Moore 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. 2678

- K. Resolution Authorizing the Filing of an Application with the Missouri Department of Natural Resources for Financial Assistance for Trail Renovation and Replacement at Westboro-Canterbury Park in the City of Liberty, Missouri

Action: Council Member Moore moved to approve the resolution. Council Member Graham 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. 2677.

L. Resolution Modifying Various Service Charges in the City's Schedule of Fees for the City of Liberty, Missouri (pertaining to Water Meter Charge)

Staff has reviewed the time and labor costs associated with meter installs. Meter prices and associated installation supplies have increased, necessitating an update to the Schedule of Fees.

Action: Council Member Duncan 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. 2679.

M. Ordinance amending Ordinance No. 10135 Adoption of the 2014 Budget for the City of Liberty, Missouri

The 2014 adopted budget does not include 2013 open encumbrances. Remaining 2013 funds for the commitment are reserved as part of the end of the year close out process. These reserve funds must be appropriated in 2014 and be available to incur the close of expenses associated with the 2013 commitments.

Document No. 7902 was read.

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

Approved by the Chair and inscribed in Ordinance No. 10213.

N. Ordinance approving a Contract with Pierce Manufacturing, of Appleton, Wisconsin for the purchase of three 2014 Pierce Velocity Pumpers in an amount not to exceed \$1,906,893.

Document No. 7903 was read.

Action: Council Member Hagan 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 Graham 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. 10222.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:19 p.m.

Mayor

Attest:

Deputy City Clerk