



City Council Meeting

Regular Session Minutes

August 11, 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 August 11, 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 Council Member Moore, 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
Gene Gentrup, Ward IV

Council Members Absent: Michael Hagan, Ward IV

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Steve Hansen, Public Works Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Shawwna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

Public Present: Stacy Burt, Liberty Tribune
25 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of July 28, 2014

Council Member Watt moved to approve the minutes as distributed. Council Member Jenness seconded the motion, which carried 6-0-1. Council Member Phillips abstained due to absence.

V. CITIZENS' PARTICIPATION

A. Resolution Recognizing the Liberty Youth Chorus as the Children's Chorus for the City of Liberty

Action: Council Member Jenness moved to approve the resolution. Council Member Moore 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. 2695.

Doug Noland, 1516 Wellington Way, stated he has concerns about the high volume of semi-truck traffic on Withers Road/South Liberty Parkway. The traffic is at all hours of the day and night and has gotten worse over the last six months. Mr. Noland stated that he has also witnessed semi-trucks on Holt and Ruth Ewing, streets that are not designed for heavy truck traffic. He also noted that the high volume of trucks is a potentially dangerous issue as trucks sometimes disregard the stop sign by the community center and make U-turns at Progress Street. Mr. Noland stated he understands there needs to be balance; however, balance should go towards the citizen taxpayers and the trucks should be kept on state highways and off residential streets.

Lisa Thomas, 1174 Huntington Drive, Sabrina Swintore and Bruce Ostroff, 1166 Huntington Drive, stated that their yards back onto Withers Road. Semi-trucks travel along the road at all hours of the day making their houses rattle. They are concerned by the volume of trucks, especially as it relates to safety. They noted they are responsible for mowing the right-of-way along Withers Road and it is dangerous with trucks speeding, going through red lights and drivers distracted by cellphones. Ms. Swintore stated she is concerned that someone is going to get hurt and that unfortunately sometimes it takes a tragedy to get something done. She noted that Ceva brings money to the city and that truck volume may be hard to patrol; however, she would like to see a lower speed limit, addition of another stop sign etc. to make it inconvenient for them so they will go a different route.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of July 14, 2014

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

B. Resolution appointing two Directors to the Liberty Corners Community Improvement Board of Directors

In accordance with the Petition, the initial terms for the Board of Directors are staggered. Two of the Board members have terms that expire August 23, 2014. The Petition requires that successor Directors be appointed by the Mayor and City Council.

Action: Council Member Phillips moved to approve the resolution. Council Member Jenness 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. 2696.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of July 18 to August 1, 2014.

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

Document No. 7940 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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. 10244.

Mayor Brenton resumed as chair of the meeting.

- B. 901 South 291 Community Improvement District

1. Ordinance approving a Cooperative Agreement among the City of Liberty, Missouri, the 901 South 291 Community Improvement District and Sutherland Lumber Company of Kansas City, LLC

Document No. 7941 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 Watt moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10245.

2. Ordinance approving a Petition to establish the formation of the 901 South 291 Community Improvement District and declaring the area within the District a Blighted Area (second reading – postponed from July 28, 2014)

A Petition to establish the 901 South 291 CID has been submitted. The only business located on the property is Sutherlands, which is owned by Cimarron Lumber and Supply Company. The CID would impose a 1 cent sales tax levy on receipts from sales within the CID area to reimburse costs relating to construction improvements and provision of services within the district.

Document No. 7928 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10246.

- C. Ordinance accepting easements for Public Sanitary Sewer Mains for Highland Dental Clinic

To facilitate the construction of Highland Dental Clinic, an on-site and off-site public sanitary sewer main is required to be extended to serve the proposed dental clinic on the northeast corner of M-291 and Forest Ave.

Document No. 7942 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10247.

- D. Ordinance calling an election in the City of Liberty, Missouri on the question of adopting an Economic Development Sales Tax in the amount of three-eighths of one percent (0.375%) for a 20-year period – First Reading Only

Section 67.1305, RSMo, provides that any incorporated city may impose an economic development sales tax on all retail sales which are subject to a sales tax under chapter 144. The tax cannot be more than one-half of the one percent and shall not become effective until the voters have approved it. The tax cannot be used to support retail development except for the redevelopment of downtown areas and historic districts. The tax must solely be used for projects related to long-term economic development.

Document No. 7943 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the August 25, 2014 Regular Session meeting.

- E. Ordinance calling an election in the City of Liberty, Missouri on the question of imposing a use tax for general revenue purposes at the rate of two and one-half percent (2.5%) – First Reading Only

Pursuant to Sections 144.600 through 144.761 RSMo, a Use Tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City. Once approved by the voters, the Use Tax rate is established based on the total City sales tax rate. Currently, that rate is 2.5%. While State law categorizes the Use Tax as general revenues, the City plans to predominately use the revenue generated by this tax to build and operate a new animal shelter. Based on available information, a Liberty Use Tax could conservatively produce \$500,000 in annual revenues.

Document No. 7944 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the August 25, 2014 Regular Session meeting.

- F. Ordinance calling an election in the City of Liberty, Missouri on the question of imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in Liberty, Missouri at a rate of five percent (5%) – First Reading Only

Section 94.837, RSMo, provides that a special charter city may impose a tax on the sleeping rooms paid by the transient guests of hotels or motels within the city and shall not be more than 5% per occupied room per night. It shall be effective only after the tax is submitted to the voters of the city. The proceeds of the tax shall be used by the city solely for the promotion of tourism.

Document No. 7945 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the August 25, 2014 Regular Session meeting.

- X. OTHER BUSINESS
- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Mayor

Attest:

Deputy City Clerk