



## City Council Meeting

Regular Session Minutes

October 13, 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 October 13, 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 Greg Duncan, 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  
BJ Staab, Assistant Parks and Recreation Director  
Brian Hess, Utilities Director  
Jonna Wensel, Community Development Manager  
James Simpson, Police Chief  
Mike Snider, Fire 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  
20 members of the public

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Special Session Minutes of September 22, 2014

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

B. Executive Session Minutes of September 22, 2014

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

C. Regular Session Minutes of September 22, 2014

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

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Special Session Minutes of September 29, 2014

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

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging vendor payments for the period of September 12 to October 3, 2014.

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

1. Ordinance excluding Westland Landscape payments

Document No. 7970 was read.

**Action:** Council Member Watt 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. 10272.

2. Ordinance including Westland Landscape payments.

Document No. 7971 was read.

**Action:** Council Member Hagan moved to approve the vendor payments. Council Member Watt 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. 10272.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance amending Chapter 30, "Unified Development Ordinance", of the Code of the City of Liberty, Clay County, Missouri (pertaining to residential livestock and the keeping of backyard hens) [P&Z Case 14-37A] – Second Reading

Document No. 7957 was read.

**Action:** Council Member Hagan moved to amend the ordinance by adding the words 'and Guinea Hens' after the word roosters in section 7. b. (ii). 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

**Action:** Council Member Hagan moved to amend the ordinance by increasing the number of chickens (hens) allowed from four to six in section 7. b. Council Member Phillips seconded the motion.

Vote: Motion passed 7-1-0

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

No: Council Member Watt

Abstain: None

**Action:** Council Member Hagan moved to approve the ordinance as amended. Council Member Phillips seconded the motion.

Vote: Motion passed 7-1-0

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

No: Council Member Watt

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10273.

- C. Resolution granting a certificate of appropriateness for a new driveway at 424 Wilson St., Jewell Historic District [HDRC Case 14-006J]

The owner is planning to take advantage of the City's Chapter 353 tax abatement program to replace the driveway with stamped and stained concrete. The certificate of appropriateness also includes a new brick and granite retaining wall across the front yard, which is not part of the Chapter 353 application.

**Action:** Council Member Jenness 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. 2704.

- D. Resolution granting a certificate of appropriateness for a new deck and other improvements at 233 W. Kansas St., Dougherty Historic District [HDRC Case 14-010D]

The owner is planning to take advantage of the City's Chapter 353 tax abatement program to replace the rear deck, cellar doors and gutters, and make other improvements.

**Action:** Council Member Hagan 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. 2705.

- E. Ordinance accepting Public Temporary Construction and Permanent Sanitary Sewer Easements for the Brookview Gardens Wastewater Trunk Collection System Relocation Project

To facilitate the Brookside Gardens Wastewater Trunk Collection System Relocation project, a number of public temporary construction easements and permanent sanitary sewer easements need to be acquired from various property owners along the project. The project is located in the Brookview Gardens neighborhood and replaces a problematic section of sanitary sewer trunk main along the creek north of Circle Drive to west of Crossroads West Shopping Center at 200 S. M-291 Highway. The sanitary sewer replacement will be constructed by the City Utilities Construction Division in late 2014 and early 2015.

Document No. 7972 was read.

**Action:** Council Member Jenness 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 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. 10274.

F. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri

Codify a change to traffic regulations prohibiting parking on Woodridge lane on both sides from Ridge to Nashua and codifying a change to the traffic regulations updating and establishing the speed limit at 35 mph on North Church Road from Highway 291 to Place Liberte Drive; and at 45 mph from Place Liberte Drive to the north city limits.

Document No. 7973 was read.

**Action:** Council Member Phillips 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 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

Approved by the Chair and inscribed in Ordinance No. 10275.

G. Heartland Meadows Industrial Park

1. Ordinance amending Ordinance No. 10204, Approving a Contract with JA Lillig Excavating, Inc. for the CDBG Public Improvements – Tier II in Heartland Meadows Industrial Park, increasing the Contract by \$1,603.58 from \$641,612.35 to \$643,215.93

Document No. 7974 was read.

**Action:** Council Member Phillips 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 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. 10276.

2. Resolution accepting the CDBG Public Improvements – Tier II in Heartland Meadows Industrial Park

**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. 2706.

H. Ordinance approving an Agreement with Missouri Department of Natural Resources to receive land and water conservation funds for the Westboro-Canterbury Trail Redevelopment Project, Liberty, Missouri in the amount of \$58,500.00

Westboro-Canterbury Park includes 2 miles of asphalt trail that was built more than a decade ago and all of the trails segments need renovation or replacement. The grant will help pay for trail overlay on some segments, and total removal and replacement on other segments.

Document No. 7975 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 Jenness moved to approve 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

Approved by the Chair and inscribed in Ordinance No. 10277.

I. Resolution authorizing the Filing of a Grant Application with Mid-America Regional Council for Financial Assistance for the Purchase of a New Vehicle for Liberty Access

**Action:** Council Member Hagan moved to approve the resolution. 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

Inscribed in Resolution No. 2707.

J. Resolution approving an Alcoholic Beverages Service Application for the Liberty Area Chamber of Commerce event to be held at the Liberty Community Center on October 21, 2014

**Action:** Council Member Watt 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. 2708.

X. OTHER BUSINESS

A. Motion to direct that the City of Liberty opt out of the CenturyLink Class action (City of O'Fallon, Missouri, et al. v. CenturyLink, et al., Cause No. 12SL-CC01723) litigation pursuant to the official notices received and authorize the City Administrator to execute the Opt Out Request provided by Cunningham, Vogel & Rost (CVR) as special legal counsel to the City and authorize CVR and City Administrator to take other actions to preserve the City's rights in effecting this Opt Out.

**Action:** Council Member Hagan moved to approve the motion to Opt Out. 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

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:

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Deputy City Clerk