



City Council Meeting

Regular Session Minutes

January 26, 2015

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 January 26, 2015 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 Gene Gentrup, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: 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: Council Member Harold Phillips, Ward I

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Vicki McClure, Assistant Finance Director
Steve Hansen, Public Works Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Mike Snider, Fire Chief
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: Stacy Burt, Liberty Tribune
25 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Special Session Minutes of November 24, 2014

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

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of January 12, 2015

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

VIII. PUBLIC HEARINGS

A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning Liberty Commons in the City of Liberty, Clay County, Missouri from CP-1, CP-2, CP-3 and MU to PD Planned Development District (2nd reading – postponed from January 12, 2015)

Council Member Moore stated he owns property in the proposed area and recused himself from the dais.

Document No. 7987 was read.

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

Bart Lowen, RED Legacy, stated there was one minor change to the proposed rezoning area as there is one property (approx. 1 acre) that they are unable to get under contract and is being removed from the area (the upcoming preliminary plat shows that modification as well).

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

Action: Council Member Duncan moved to amend the ordinance by removing lot 5 as reflected in the ordinance in front of Council. Council Member Hagan seconded the motion.

Vote: Motion passed 5-0-1
Yes: Council Members Jenness, Graham, Watt, Duncan and Gentrup
No: None
Abstain: Council Member Hagan, potential conflict of interest.

Action: Council Member Watt moved to approve the ordinance as amended. Council Member Duncan seconded the motion.

Vote: Motion passed 5-0-1
Yes: Council Members Jenness, Graham, Watt, Duncan and Gentrup
No: None
Abstain: Council Member Hagan, potential conflict of interest.
Approved by the Chair and inscribed in Ordinance No. 10322.

Council Member Moore returned to the dais.

- B. Resolution amending the Future Land Use Map of the Comprehensive General Plan of the City of Liberty by changing the Land Use Designation of approximately 22 acres located East and South of Glenn Hendren Drive known as the New Liberty Hospital District from Business to Mixed-Use [P&Z Case 14-49A]

The designation would facilitate a fully integrated mixed use wellness community consisting of a healthy living center, independent senior living, dependent senior living, retail space and office space.

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 Jenness moved to approve the resolution. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2725

- C. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 1.71 acres Southwest of the Intersection of W. Mississippi Street and N. Prairie Street, in the City of Liberty, Clay County, Missouri from RNC and CBS to PD, Planned Development District [P&Z Case No. 14-50R&PDP]

Mayor Brenton opened the Public Hearing and stated the applicant had requested that the Public Hearing and consideration of the ordinance be postponed until February 9, 2015 so that the applicant can meet with the neighbors of the proposed project.

Action: Council Member Graham moved to postpone the Public Hearing and first reading of the ordinance until February 9, 2015. Council Member Hagan seconded the motion.

Vote: Motion passed unanimously.

- D. Ordinance approving a Plan for Industrial Development Project for the Forest Ave. Apartments, consisting of the Construction and Improvement of a Commercial Facility for Forest Ave Apartments, LLC, a Missouri Limited Liability Company

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

Document No. 8027 was read.

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

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

E. Ordinance amending Chapter 30, "Unified Development Ordinance" of the Code of the City of Liberty, Clay County, Missouri (Signage on Fixed Canopies and Umbrellas)

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

Document No. 8028 was read.

Action: Council Member Jenness moved to waive the rules and consider the ordinance on first reading. Council Member Gentrup 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 6-0-1
Yes: Council Members Jenness, Moore, Hagan, Watt, Duncan and Gentrup
No: None
Abstain: Council Member Graham, potential conflict of interest.
Approved by the Chair and inscribed in Ordinance No. 10323.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging vendor payments for the period of December 31 to January 16, 2015.

Mayor Brenton recused himself from the meeting and left the room. Mayor Pro Tem Duncan took over as Chair of the meeting.

1. Ordinance excluding Westland Landscape payments

Document No. 8029 was read.

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

Roll Call

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

Approved by the Chair and inscribed in Ordinance No. 10324.

2. Ordinance including Westland Landscape payments.

Document No. 8030 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Gentrup seconded the motion.

Roll Call

Vote: Motion passed 6-0-1

Yes: Council Members 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. 10324.

B. Franchise Agreement with Kansas City Power & Light Company

1. Ordinance amending Chapter 18, "Licenses", Article VI, "Light and Power Companies" of the Code of the City of Liberty, Clay County, Missouri

In response to Council's question regarding KCP&L's plans to upgrade aging infrastructure, Ryan Mulvany, Senior Manager of KCP&L Distribution System Operations, stated they have investigated complaints of non-storm related outages. The majority of which were attributed to varmint interference. They will continue tree trimming & installation of squirrel guards to address this issue. KCP&L also reviews the reliability of each circuit, and will work with staff to provide city outage information to Council.

Bill Taylor, 509 Camelot Drive, stated he has experienced 9 outages in the last 17 months (1 was weather related and 0 were related to trees). According to Missouri Public Energy these outages affected 244 homes or less. Outages have also been caused by feeder cable failures, lock outs etc. Response time to outages has also increased since KCP&L relocated its service center from A Hwy. to Barry Road/Platte Purchase. Given there seems to be a pattern to the outages (7:30 am on Mondays) these outages are indicative of "power switching" and not animals. Mr. Taylor requested a prompt & sustainable solution to this problem.

Document No. 8031 was read.

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

Vote: Motion passed unanimously.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10325.

2. Ordinance granting Kansas City Power & Light Company, its Successors and Assigns, a Power Utility Franchise for a period of Twenty (20) Years and the Authority to Construct, Operate, Maintain, and Extend a Power Utility Distribution Plant and System, and Granting the Right to Use the Streets, Alleys, and Other Public Places within the Present or Future Corporate Limits of the City of Liberty, Missouri

Document No. 8032 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 amend the ordinance by striking the words "twenty (20) years" and replace with "ten (10) years, with an automatic 10 year renewal unless either party provides written notice of non-renewal at least one (1) year before the expiration of the initial ten year period." Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10326.

3. Ordinance granting KCP&L Greater Missouri Operations Company, its Successors and Assigns, a Power Utility Franchise for a period of Twenty (20) Years and the Authority to Construct, Operate, Maintain, and Extend a Power Utility Distribution Plant and System, and Granting the Right to Use the Streets, Alleys, and Other Public Places within the Present or Future Corporate Limits of the City of Liberty, Missouri

Document No. 8033 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 Moore moved to amend the ordinance by striking the words “twenty (20) years” and replace with “ten (10) years, with an automatic 10 year renewal unless either party provides written notice of non-renewal at least one (1) year before the expiration of the initial ten year period.” Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Roll Call

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10327.

Mayor Brenton re-entered the room and resumed as chair of the meeting

- C. Resolution approving a Preliminary Plat for Liberty Commons along S. Stewart Road, West of Conistor Street, a subdivision of land in Liberty, Clay County, Missouri (postponed from January 12, 2015)

Council Member Moore stated he owns property in the proposed area and recused himself from the dais.

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

Vote: Motion passed 5-0-1

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

No: None

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

Inscribed in Resolution No. 2726

- D. Ordinance approving a Development Agreement with RED Legacy for the Liberty Commons Project

Proposed redevelopment area is located at the southeast corner of I-35 and Kansas

Street. Project consists of demolition of a portion of an existing shopping center and construction of approx. 240,000 sq. ft. commercial center, pad sites and a hotel.

Document No. 8034 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the February 9, 2014 Regular Session meeting.

Council Member Moore returned to the dais.

E. Resolution authorizing the Filing of an Application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant

Application for a Hazardous Moving Violation Grant to provide enhanced enforcement on Kansas St. and M-291. These two roadways are major contributors to the overall number of accidents in the city.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2727

F. Ordinance amending Chapter 7, "Businesses and Occupations Generally", Adopting Article XVI, 'Transient Guest Tax', of the Code of the City of Liberty, Clay County, Missouri

This will incorporate operating & collection requirements of the recently enacted tax into the City Code.

Document No. 8035 was read.

Action: Council Member Hagan 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 Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10328.

- G. Ordinance approving a Contract with Douglas Pump Service, Inc. for the purchase of Wellfield Services for 2015 in an amount not to exceed \$62,192.00

This contract will provide for annual cleaning and inspection services of the drinking water supply wells

Document No. 8036 was read.

Action: Council Member Watt 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 Moore seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10329.

- H. Ordinance approving a certain Agreement with American Paramedical Services, Inc. to be authorized to provide certain non-emergency Transport Services within the City of Liberty

Document No. 8037 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 Jenness moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10330.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:12 p.m.

Mayor

Attest:

Deputy City Clerk