



City Council Meeting

Regular Session Minutes

February 23, 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 February 23, 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 Paul Jenness, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Jeff Moore, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Greg Duncan, Ward II

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, Planning Manager
Shawwna Funderburk, Asst. to the City Administrator
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Study Session Summary of February 2, 2015

Council Member Watt moved to approve the minutes as distributed. Council Member Phillips 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. Resolution granting a Certificate of Appropriateness for improvements to the exterior of 421 N. Lightburne Street, Jewell Historic District [HDRC Case 15-003J]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2730

- B. Resolution authorizing the filing of an application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant

The grant application requests \$6,379.20 which would allow the Police Department to conduct 180 hours of impaired driver enforcement. The grant is funded 100% by MODOT with no matching or contributory funds by the City of Liberty.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2731

VIII. PUBLIC HEARINGS

- A. 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 8.3 Acres located at 1010 N Lightburne Street from Rural Residential and Conservation to Low-Density Residential [P&Z Case 15-01A]

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

Holly Mills, Real Estate representative for the property, stated this is a nice opportunity to fill a real need in the community.

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

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt, and
Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2732

- B. Resolution Approving a Special Use Permit to allow the Temporary Sale of Fireworks by Liberty Discount Fireworks, from June 20, 2015 to July 4, 2015, on a 2.39 Acre Property known as Liberty Plaza, Lot 3, at the Northeast Corner of the Intersection of S Stewart Road and Wilshire Blvd in the City of Liberty, Clay County, Missouri [P&Z Case 15-02SUP]

Planning Manager Katherine Sharp, stated that a Protest Petition was received from property owners within 185ft of the SUP area. Staff verified that 100% of the surrounding property owners signed the petition. As a result, a super majority vote of Council is required to approve the resolution.

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

Vito Brancato, applicant, stated they have previously had a tent in front of Liberty High School. He feels they meet requirements and their operation won't have a negative impact on traffic. They cut out a curb cut/approach to the site, as recommended by staff. The tent size is 60 x 100 and there will be two security personnel on duty all night.

Trent Hampton, representing Ferrell Gas, 1 Liberty Plaza, stated they are opposed to the application and have brought forth the protest petition. They have traffic and safety concerns, especially if individuals use their lot as "over flow" parking. He noted that this is a gateway location to Liberty, visible from the highway, and questioned if a trailer with a fireworks sign is what the community is looking for.

Bill O'Connor, Real Estate representative of National Marketing Real Estate Holdings (property owner of site) stated he encourages approval of the application as this is a good short term use of the property.

Chelsie Dawn, representative of National Marketing Real Estate Holdings stated Ferrell Gas is infringing on the owner's property rights. Traffic will happen when this property is developed and a fireworks stand won't diminish the area.

Tina Giommalva, 579 Hawthorne Dr., stated this is a family-owned business. It's been well run and organized for over 20 years. The trailer isn't an eyesore and it doesn't always have fireworks in it. It's used to store tables, chairs etc. for use in the tent. She noted there was never any trouble at their previous location in the Triangle.

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

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

Vote: Motion passed 0-7-0
Yes: None
No: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt, and
Gentrup
Abstain: None
Resolution failed to pass.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of January 30 to February 13, 2015.

Document No. 8047 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 Phillips, Jenness, Moore, Hagan, Graham, Watt, and
Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10338.

- B. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri (2nd reading)

Traffic regulation amendments pertain to controlling speeds on Highway H, Southview Drive, Highway B, Highway 33, Lightburne Street and Brown Street and adding stop intersections on Ridge Avenue at Sunset Avenue, Cross Lane at Circle Drive, Cross Lane at Mack Street, and Dains Street at Sunset Avenue.

Document No. 8042 was read.

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, Jenness, Moore, Hagan, Graham, Watt, and
Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10340.

- C. Ordinance approving an Agreement with GP RED pertaining to professional services for the Healthy Communities Project in an amount not to exceed \$25,000.

This three-year project assesses policies, practices, programs, and the built environment as they relate to health and activity, providing an action plan for community improvement.

Document No. 8048 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 Moore seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10341.

- D. Ordinance approving an Agreement with Kansas City Men's Senior Baseball League pertaining to Officiating Services for Baseball and Softball Games at Fountain Bluff Sports Complex, Liberty, Missouri in an amount not to exceed \$66,500.

Document No. 8049 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 Graham seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10342.

- E. Ordinance amending Chapter 22, "Offenses Miscellaneous", of the Code of the City of Liberty, Clay County, Missouri adding Section 22-68 "Violation of Protection Order"

There is no ordinance in the City of Liberty City Code that covers the crime of violating an exparte order or full order of protection. Passage of this ordinance will make it possible to prosecute violations of this nature in municipal court.

Document No. 8050 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10343.

F. Ordinance amending Chapter 3, "Alcoholic Beverages", of the Code of the City of Liberty, Clay County, Missouri related to Liquor Dispensing Permits

This is an update to reflect current business practices as well as changes in State law. Current business practices are that temporary permits are issued for a period of 60 days and not 45 days to allow for completion of the background check. The Code amendment clarifies that out of state license holders must provide the corresponding driver's record and removes the requirement that a Missouri driver's record be provided in that instance. State law now provides for applicants with a prior non-drug or alcohol related felony conviction to apply for a liquor dispensing permit.

Document No. 8051 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 Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10344.

G. Ordinance approving a Contract with Shafer Kline & Warren, Inc. for Engineering Services for the Liberty Drive Waterline Extension in an amount not to exceed \$29,500 [Project #UT-002-15]

The contract provides for the continuance of design services started in 2012 to address improvements in the water distribution system as recommended by the City's Water Master Plan and/or provide more reliable system operations.

Document No. 8052 was read.

Action: Council Member Philips 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 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10345.

- H. Ordinance approving a Communications Site Lease Agreement between the City Of Liberty, Missouri and T-Mobile Central LLC authorizing T-Mobile to continue to operate certain Communications Facilities at the 150 Gordon Street Water Tank Tower.

T-Mobile desires to upgrade their facilities at the Gordon water tank tower. Planning has reviewed these upgrades and finds them acceptable. The new lease will provide the City with annual rents of \$28,800 annually, with rents increasing 20% every five years.

Document No. 8053 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 Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10346.

- I. Resolution approving a Liberty Community Center Alcoholic Beverages Service Application for Terri Parta for a small/private event to be held on Saturday, April 11, 2015

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

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, Watt, and
Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2733

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

The meeting adjourned at 8:08 p.m.

Mayor

Attest:

Deputy City Clerk