

City Council Meeting

Regular Session Minutes

May 26, 2016

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 May 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 Jeff Watt, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: Jeff Moore, Ward II
Kevin Graham, Ward III

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Vicki McClure, Assistant Finance Director
Steve Hansen, Public Works Director
Andy Noll, Assistant Publics Works Director
Janet Bartnik, Parks and Recreation Director
Brian Hess, Utilities Director
Amy Brusven, Human Resources Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Katherine Sharp, Planning Manager
Janet Pittman, Deputy City Clerk

Public Present: Kellie Houx, Liberty Tribune
25 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

- A. Liberty High School students Katie Prendergast, Debra White and Oliver Mulcahy presented their 'Ice Melt Challenge' findings to City Council. The 'Ice Melt Challenge' was a collaboration between Liberty High School and the City's Public Work's Department. More than 200 College Chemistry and Theoretical Chemistry students of

Liberty High School teacher Todd McDonald participated. The students tested a variety of snow melt materials in relation to the following criteria: melting/freezing; environmental impact; corrosion; and traction/friction. The students stated that additional testing is necessary as they were not able to test each substance in each of the criteria areas. The students stated that CaCl₂ mixed with rock salt performed well in a number of areas. The students thanked the City and School District for this hands-on, collaborative testing opportunity and they look forward to participating again next year.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Appoint Bob Huebner to the Liberty Municipal Redevelopment Corporation Board

Council Member Watt moved to approve the appointment. Council Member Phillips seconded the motion, which carried unanimously.

- B. Motion to accept a Resolution passed by the Liberty Economic Development Sales Tax Board on April 15, 2015, recommending to the City Council of the City of Liberty certain Economic Development Related Expenditures be made from the Economic Development Sales Tax Fund consistent with requirements specified by Chapter 67.1305 RSMo

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

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

VIII. PUBLIC HEARINGS

- A. Resolution approving a Special Use Permit to allow Event Center Use for up to 150 guests within the former St. James Church at 342 North Water Street, Liberty, Missouri [P&Z Case 15-03SUP]

Mayor Brenton opened the Public Hearing. He stated that a valid Protest Petition was received from property owners within 185 feet of the proposed location. As a result, passage of the Resolution would require a super majority vote of City Council and two Council Members were absent this evening.

Action: Council Member Hagan moved to postpone the Public Hearing and consideration of the Resolution until June 22, 2015. Council Member Watt seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Mayor Brenton stated the Public Hearing and consideration of the Resolution would be at the Regular Session meeting scheduled for June 22, 2015.

- 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 Lot 2-A, Shoppes at Liberty Triangle, in the City of Liberty, Clay County, Missouri [P&Z Case 15-16SUP]

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 Phillips seconded the motion.

Vote: Motion passed 5-0-1

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

No: None

Abstain: Council Member Graham abstained due to potential of conflict of interest. Inscribed in Resolution No. 2752.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of May 1 to May 15, 2015.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8095 was read.

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

Roll Call

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10384.

2. Ordinance including Westland Landscape payments

Document No. 8096 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 Phillips, Hagan, 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. 10384.

Mayor Brenton resumed as chair of the meeting.

B. Resolution approving an Addendum to the Preliminary Development Plan for North Haven Center, in Liberty, Clay County, Missouri [P&Z Case 15-08PDP-A]

The addendum to the Preliminary Development Plan for North Haven Center is a request to allow for an investment in public art in lieu of tree replacement required for the North Haven Development

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

Ms. Heather Wolesky, 2112 Kara Ct., Liberty, stated she is one of the owners of Brownfig Developments. She stated she has served on the Liberty Arts Foundation and the School District Foundation. These groups have been working together on fundraising for the proposed China Slaughter Reading Park across from Franklin Elementary. It's anticipated that the statue will cost in the range of \$40,000 - \$80,000 and park infrastructure approximately \$30,000 - \$40,000. Brownfig is requesting that they be allowed to use the tree funds for public art provision as outlined in the Unified Development Ordinance for this project. They propose providing \$20,000 towards the sculpture and \$25,000 in-kind work for park infrastructure.

Staff noted that if the Resolution is approved an agreement between the parties will be entered into regarding the funding and proposed infrastructure improvements.

Mr. Bob Steinkamp, President of the Liberty Arts Foundation, stated that Silvia Willoughby donated the property to the School District in honor of China Slaughter. The Foundation has raised approximately \$15,000 towards the project and with these funds the group would be closer to bringing the project to fruition much sooner. Mr. Steinkamp added that Mr. Slaughter, a school crossing guard for Franklin Elementary, taught humility and respect to many school children. He noted that Kent Peters, Liberty School District Foundation, and Steve Anderson, Liberty Public School District, are supportive of this proposal.

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

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2753.

C. Ordinance accepting and approving a Final Plat for North Haven Center, in the City of

Liberty, Clay County, Missouri [P&Z Case No. 15-19FP]

Document No. 8097 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 Watt moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10385.

- D. Resolution approving a Final Development Plan for the Construction of a 48,000 square foot expansion of Attic Storage in Liberty, Clay County, Missouri [P&Z Case 15-18FDP]

The proposal is a 48,000 square foot addition to existing Attic Storage, consisting of two multi-story buildings. The applicant is requesting a variance from Sec. 30-83.2(2) of the UDO which requires one parking stall for every 250 square feet of commercial building area as storage units do not require vehicle owners to leave their vehicles.

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

Mr. Art Aiken, 405 S. Leonard (applicant's representative) stated it is their intent to fill the 50 ft. buffer with evergreens and disiduous trees. They are requesting the parking variance because storage units do not require daily on-site parking for each unit. He noted that the layout was designed prior to their realization of the parking requirements for storage units.

Heather Wolesky, 2112 Kara Ct., Liberty, noted that the trees in the buffer are probably at least 30 ft. tall and will obscure the view of the storage units from the proposed Forest Avenue apartment complex.

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

Action: Council Member Hagan moved to approve the resolution, including the parking variance. Council Member Duncan seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 2754.

E. 2015 Street Maintenance Pavement Restoration Project

1. Ordinance approving a Contract with Metro Asphalt, Inc. for the 2015 Street Maintenance Pavement Restoration Project in an amount not to exceed \$862,338.70.

Document No. 8098 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 Watt moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10386.

2. Ordinance amending Ordinance No. 10386, approving a Contract with Metro Asphalt, Inc. for the 2015 Street Maintenance Pavement Restoration Project increasing the contract amount by \$132,661.30 from \$862,338.70 to a not to exceed amount of \$995,000.00.

Document No. 8099 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 Hagan seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10387.

- F. Ordinance approving a Contract with Havens Construction Co. Inc. for the 2014 Wilshire Estates Storm Sewer Improvement Project in an amount not to exceed \$255,000.

Document No. 8100 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 Jenness moved to approve the ordinance. Council Member Duncan seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10388.

- G. Ordinance approving a Contract with Musselman and Hall, LLC for the reconstruction of an asphalt and concrete trail and parking lots in Westboro-Canterbury Park and including improvements to the Liberty Community Center Parking Lot in an amount not to exceed \$136,520.00

Document No. 8101 was read.

Action: Council Member Phillips 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 Duncan seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10389.

- H. Ordinance approving a Contract with Regents Flooring Co., Inc. for the purchase and installation of flooring on the lower level of the Liberty Community Center in an amount not to exceed \$70,200.00

Document No. 8102 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 Jenness moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10390.

- I. Ordinance Amending Ordinance No. 10365 Approving A Contract With Education Plus For Fire Station No. 3 Roofing Replacement Modifying The Contract To Be Entered Into With Weatherproofing Technologies, Inc., in an amount not to exceed \$230,000.

Document No. 8103 was read.

Action: Council Member Hagan 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 Gentrup seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10391.

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

Document No. 8104 was read.

Action: Council Member Hagan 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 Jenness seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10392.

- K. Ordinance approving a Contract with Property Reserve, Inc. for Property Acquisition, Easements and Related Improvements, related to the Liberty Waste Water Treatment Facility Project [UT-002-14]

Document No. 8105 was read.

Action: Council Member Phillips 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 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10393.

X. OTHER BUSINESS

- A. Motion to authorize payment to Kansas City Freightliner in the amount of \$148,294.00 for the purchase of a 2016 Freightliner 2 ½ ton dump truck with bed and snow removal equipment

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

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

- B. Motion to authorize payment to Chuck Anderson Ford for \$67,004.32 for the purchase of a 2016 Ford F-450 dump truck with bed and snow removal equipment

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

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup

No: None

Abstain: None

- C. Motion to authorize payment to ClearSpan Fabric Structures for \$92,588.76 for the purchase of a 65' wide by 60' long fabric salt storage structure

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

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, 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 8:11 p.m.

Attest:

Mayor

Deputy City Clerk