



City Council Meeting

Regular Session Minutes

October 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 October 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 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, Ward IV

Council Members Absent: Greg Duncan, Ward II
Gene Gentrup, Ward IV

Staff Present: Curt Wenson, City Administrator
Vicki McClure, Assistant Finance Director
Steve Hansen, Public Works Director
Janet Bartnik, Parks and Recreation Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Katherine Sharp, City Planner
Shawwna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Mr. Kevin Linney, 630 Davis Street, stated his home is connected to a septic system; however, since 2001 he has been charged sewer fees. He is aware there is an ordinance but doesn't see why he needs to pay when he's not connected.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution approving a Liberty Community Center Alcoholic Beverages Service Application for Christina Monaco for a small/private Event to be held on Saturday, November 14, 2015

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2784.

VIII. PUBLIC HEARINGS

- A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning approximately 6.5 acres generally West of Conistor Street, East of Little Shoal Creek, and South of EPiC Elementary School, in the City of Liberty, Clay County, Missouri, from R-1C, Standard Single-family Residential District to PD, Planned Development District [P&Z Case 15-29R&PDP]

The purpose of this proposal is to allow Hearthside Home to plat and sell 22 lots for construction of detached single-family dwellings. The applicant has requested the following two variances.

1. A variance from Section 30-93.2 of the UDO, which requires that sidewalks be built on both sides of a residential street.
2. A variance from Section 93-94.1 of the UDO, which requires that a developer construct and dedicate a public trail in fulfillment of the Trails and Open Space Master Plan where such trail segment is indicated by the Plan to be constructed on the developer's property.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Chris Chancellor, Lutjen, spoke on behalf of the applicant. He noted that they were requesting a variance to not build the trail because the City still needs to acquire a lot of property, and it doesn't make sense to build this portion now. The applicant is willing to provide an easement and pay a fee in lieu of amount of \$6,800 so the City could build it in the future. The approximate cost to build the trail is \$15,000.

Janet Bartnik, Parks and Recreation Director, stated that the Park Board felt the residents could use the sidewalk within the development to connect to the trail to utilize it now. Additionally, the developer could probably construct the trail at less of a cost (economies of scale for paving throughout the development) than the City.

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

Document No. 8177 was read.

Action: Council Member Hagan 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 Hagan moved to amend the ordinance by removing the variance from Section 93-94.1 (dedication of public trail). Council Member Phillips seconded the motion.

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10459.

B. Liberty Healthy Living Community

1. Ordinance accepting and approving a Final Plat of the Liberty Healthy Living Community in Liberty, Clay County, Missouri [P&Z Case 15-39FP]

The applicant proposes to plat 22 acres along Glen Hendren Drive, creating one tract and four lots for development, containing elements such as a campus green, shared parking, and underground detention. These elements will be governed by a private access easement and codes and covenants put in place for all owners and user, of the Liberty Healthy Living Center.

Document No. 8178 was read.

Mayor Brenton stated this item would be considered on 2nd reading at the November 9, 2015 Regular Session meeting.

2. Resolution approving a Final Development Plan for the Construction of a Liberty Healthy Living Center, Phase I, in Liberty, Clay County, Missouri [P&Z Case 15-40FDP]

This is an application to construct the first of three anticipated phases for a Healthy Living Community near Liberty Hospital.

Mayor Brenton opened the Public Hearing.

Action: Council Member Hagan moved to continue the public hearing and postpone consideration of the resolution until November 9, 2015. Council Member Moore seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, and Watt
No: None
Abstain: None

Mayor Brenton stated this item would be considered at the November 9, 2015 Regular Session meeting.

3. Ordinance approving a Development Agreement with the Liberty Healthy Living Community, LLC.

The proposed development will have a substantial impact on the surrounding area and the cost to the public of providing adequate facilities to serve the new development and additional impact created, could not be supported without the agreement of the developer to provide complete traffic signalization and pedestrian bridge, as outlined in the development agreement.

Document No. 8179 was read.

Mayor Brenton stated this item would be considered on 2nd reading at the November 9, 2015 Regular Session meeting.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of October 2 to October 16, 2015.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8180 was read.

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

Roll Call

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, and Watt
No: None
Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10460.

2. Ordinance including Westland Landscape payments.

Document No. 8181 was read.

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

Roll Call

Vote: Motion passed 6-0-1

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

No: None

Abstain: Council Member Jenness, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 10460.

Mayor Brenton resumed as chair of the meeting.

B. Liberty Commons

Council Member Moore recused himself and left the meeting.

1. Ordinance accepting and approving a Final Plat of Liberty Commons, 2nd Plat, in Liberty, Clay County, Missouri [P&Z Case 15-35FP]

The applicant proposes to plat 27.34 acres along Stewart Road, west of Conistor Street. These properties will comprise the bulk of the leasable shopping area within Liberty Commons.

Document No. 8182 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 Jenness moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 4-0-1

Yes: Council Members Phillips, Jenness, Graham, and Watt

No: None

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

Approved by the Chair and inscribed in Ordinance No. 10461.

2. Resolution approving a Final Development Plan for the Construction of Liberty Commons Phase I, in Liberty, Clay County, Missouri [P&Z Case 15-36FDP]

The initial phase of Liberty Commons contains all in-line and multi-tenant buildings, grading and infrastructure improvements, including a City owned off-site detention area and the reconstruction of Stewart Road. The site will feature two access points along Stewart, including a traffic circle intended as a site centerpiece, and access from Conistor Street. A pedestrian crossing with advanced signaling will be installed across Conistor and enhance pedestrian connectivity between Liberty Commons and the future B&B Theater.

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

Vote: Motion passed 4-0-1

Yes: Council Members Phillips, Jenness, Graham, and Watt
No: None
Abstain: Council Member Hagan, due to potential conflict of interest
Inscribed in Resolution No. 2785.

Council Member Moore returned to the meeting.

- C. Resolution approving a Preliminary Plat for Liberty Homestead along S. Withers Road, North of Old Withers Road, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 15-41PP]

The applicant proposes to subdivide 52.7 acres of land for single-family residential development. The subdivision is proposed in 3 phases. At build-out, the development will consist of 122 buildable residential lots, 2 tracts for common infrastructure and recreation, and 3 tracts in the riparian corridor along Little Shoal Creek, which will be dedicated to the City as linear park space with the first phase of the Final Plat.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, and Watt
No: None
Abstain: None
Inscribed in Resolution No. 2786.

- D. Ordinance reaffirming the gross receipts tax to be imposed upon Electric Corporations conducting business within the City

The Missouri Public Service Commission (PSC) granted a tariff increase of 11.7% to Kansas City Power & Light Company for traditional KCP&L service areas within Liberty, effective September 29, 2015. State law (Section 393.275.1) requires that whenever a tariff increase in excess of 7% is granted, cities must either roll back their rate of gross receipts tax to obtain a revenue neutral impact or pass an ordinance maintaining their existing rate. This action must occur within 60 days of the tariff adjustment.

Document No. 8183 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 Phillips moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, and Watt
No: None
Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10462.

- E. Ordinance amending Chapter 10, "Court Costs, Fines and Imprisonment" and Chapter 22, "Offenses - Miscellaneous" of the Code of the City Of Liberty, Clay County, Missouri (domestic violence surcharge)

City staff received a letter from Synergy Services, Inc. Executive Director, Robin S. Winner regarding a request for the Liberty City Council to approve an ordinance increasing the City's Domestic Violation Surcharge from \$2.00 to \$4.00 for each municipal ordinance violation case filed in the City of Liberty Municipal Court and pled or adjudicated guilty. Synergy Services, Inc. provide funds received to SafeHaven Women's Center domestic violence shelter and programs for domestic violence victims and continues to stretch resources to save lives and additional funding is critical to these efforts.

Document No. 8184 was read.

Action: Council Member Moore 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, Moore, Hagan, Graham, and Watt

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10463.

- F. Ordinance amending Ordinance No. 10218, amending Ordinance No. 9886. Approving a Contract with Tetra Tech Geo (Tetra Tech) for Environmental Services for the Lee Chemical Site increasing the contract amount by \$249,749.60, from \$205,912.23 to \$455,706.83

The contract amendment with Tetra Tech for environmental services related to the Lee Chemical site optimization study will include soil borings information and additional environmental services for potential remedies for the Lee Chemical site.

Document No. 8185 was read.

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

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, and Watt
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10464.

- G. Ordinance approving a Contract with Irvinbilt Constructors, Inc. for Water Treatment Plant Aerator Structural Repairs (Project UT-001-15) for \$383,200.00 with a change order reducing the contract by \$114,000. for a not to exceed amount of \$269,200.00

The contract provides the required repairs of the aerator structure that has demonstrated concrete cracking and leaking. The project budget includes engineering design and subsequent construction improvements within the FY2015 Water Fund Capital Budget.

Document No. 8186 was read.

Action: Council Member Jenness 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 Hagan seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, and Watt
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10465.

X. OTHER BUSINESS

- A. Authorize payment to Kansas City Winwater in the amount of \$35,850.39 for the purchase of construction materials for Highway 291 Waterline Reconstruction – Phase 1 – Stewart Road to College Street

The recommended improvement replaces the aged and undersized water main along the Highway 291 corridor from Stewart to College Street. By purchasing these materials, construction may proceed in a timely manner.

Action: Council Member Moore moved to authorize payment. Council Member Hagan seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Graham, and Watt
No: None
Abstain: None

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Attest:

Mayor

Deputy City Clerk