



City Council Meeting

Regular Session Minutes
May 9, 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 9, 2016 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 Harold Phillips, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: Jeff Moore, Ward II

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator, Finance Director
Steve Hansen, Public Works Director
Andy Noll, Assistant Public Director
Janet Bartnik, Parks and Recreation Director
Andy Hedrick, Police Captain
Mike Snider, Fire Chief
Dustin Paddock, Fire Marshal
Jason Norris, Corporal
Katherine Sharp, Assistant Planning Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of April 11, 2016

Council Member Watt moved to approve the minutes as distributed. Council Member Duncan seconded the motion, which carried 5-0-2. Council Members Phillips and Hagan abstained due to absence.

V. CITIZENS' PARTICIPATION

A. Economic Development Week Proclamation

Mayor Brenton read the Proclamation and presented it to Mark Stombaugh, Executive Director of the Liberty Economic Development Corporation.

B. National Police Week Proclamation

Mayor Brenton read the Proclamation and presented it to Corporal Jason Norris of the Liberty Police Department.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of April 25, 2016

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

B. Resolution granting a Certificate of Appropriateness for alterations to the exterior of 478 E. Mill Street, Jewell Historic District [HDRC Case 16-003J]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2833.

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of April 15, 2016 to April 29, 2016

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

1. Ordinance excluding Westland Landscape payments

Document No. 8300 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10571.

2. Ordinance including Westland Landscape payments.

Document No. 8301 was read.

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

Roll Call

Vote: Motion passed 6-0-1

Yes: Council Members Phillips, 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. 10571.

Mayor Brenton resumed as chair of the meeting.

- B. Resolution approving a Special Use Permit to allow Underground Limestone Mining and Aboveground Processing and Sale at 291 Highway and Seven Hills Road, in the City of Liberty, Clay County, Missouri [P&Z Case 16-10SUP] (postponed from April 25, 2016)

Council Member Kevin Graham recused himself due to a potential conflict of interest and left the room.

Staff stated the applicant submitted the following deferment information. It is the applicant's belief that the months of June, July and August will be spent on site preparation and it's their understanding that the truck traffic related to construction will be allowed. In the event that the required road improvements cannot be completed by Sept. 1, they are requesting that for the months of September, October and November, 2016 that their customers would be allowed to pick up finished product from the plant by using the existing roadway/median, subject to the following restrictions:

1. There would be no trucks entering or leaving the plant after 4:00 p.m.
2. There would be no trucks allowed to pick up product on Fridays or Saturdays during the fall sports tournament season. Production staff would be at work on Fridays; however, no customers would be picking up product.

Staff stated that after much research they were unable to conclude what effect approval of this application may have on the property values of the homes in the vicinity. Staff also noted that a Protest Petition containing 105 signatures had been submitted. As the signors are not within 185 feet of the proposed project, it is not a legally binding petition that would necessitate a super-majority vote of Council to approve. Staff contacted MoDOT in regards to Council's request for additional information regarding acceleration and de-acceleration lanes on 291 Hwy. MoDOT is not in support of acceleration lanes as that encourages trucks to pull in and merge over into fast moving traffic when it may be unsafe to do so. They are in support of a de-acceleration lane on southbound 291 Hwy. Staff noted that MoDOT can turn

around a properly completed request within two weeks. A number of City Council members concurred with staff's recommendation that they do not support a delay in road construction because it's a safety issue when two vehicles are competing for the same space.

In response to Council's questions, the Liberty Fire Marshal stated that federal oversight and regulation for explosives surpasses the supervision which could be accomplished by the Fire Department.

Action: Council Member Phillips moved to add a stipulation to the resolution stating 'Liberty Aggregates will be allowed to operate for a period of six months with a restricted schedule for September, October and November, 2016, whereby no trucks will be entering or leaving the plant after 4:00 p.m. Monday through Thursday, and no trucks allowed to pick up product on Fridays or Saturdays; and, after which time (November 9, 2016) all road improvements must be completed or Liberty Aggregates must cease operations.' Council Member Jeness seconded the motion.

Vote: Motion passed 4-3-0
Yes: Council Members Phillips, Jenness, Duncan and Mayor Brenton
No: Council Members Hagan, Watt and Gentrup
Abstain: None

Action: Council Member Hagan moved to add a stipulation to the resolution stating 'Liberty Aggregates will work with staff to determine an appropriate street cleaning plan'. 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

Action: Council Member Phillips moved to add a stipulation to the resolution stating 'Liberty Aggregates will financially participate in the maintenance of all local roads used by Liberty Aggregates (Southview Road to Seven Hills Drive).' Council Member Watt seconded the motion.

Vote: Motion passed 5-1-0
Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup
No: Council Member Hagan
Abstain: None

Action: Council Member Jenness moved to approve the amended resolution with the approved stipulations. Council Member Watt seconded the motion.

Vote: Motion passed 4-2-0
Yes: Council Members Phillips, Jenness, Watt and Duncan
No: Council Members Hagan and Gentrup

Abstain: None
Inscribed in Resolution No. 2834.

Council Member Graham returned to the meeting.

- C. Ordinance providing for Submission of a Proposal to Discontinue Application and Collection of the Local Sales Tax on the Titling of Motor Vehicles, Trailers, Boats and Outboard Motors that were purchased from a Source other than a Licensed Missouri Dealer to the Qualified Voters of the City of Liberty for their Approval at the (Primary) Election Called and to be Held in the City on Tuesday, August 2, 2016 (2nd reading)

Document No. 8296 was read.

Staff stated that Gov. Jay Nixon signed House Bill 2140 today, which provides a two-year extension for jurisdictions that do not have a use tax to hold a vote on the local sales tax for motor vehicles, trailers, boats and outboard motors purchased from private sellers or out-of-state dealers and then titled in Missouri.

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

Vote: Motion failed 0-7-0

Yes: None

No: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup

Abstain: None

- D. Ordinance approving an Agreement with the Mid-America Regional Council and Clay County Senior Services pertaining to Kansas City Communities For All Ages Recognition Program in an amount not to exceed \$750.00

Document No. 8302 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 Phillips moved to approve the ordinance. Council Member Gentry seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10572.

- E. Resolution naming a new Park Property located within the Arthur's Addition Neighborhood in the City of Liberty as Arthur's Hill Park

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2835.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:54 p.m.

Mayor

Attest:

Deputy City Clerk