



City Council Meeting

Regular Session Minutes
August 22, 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 August 22, 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 Kevin Graham, who then led the pledge of allegiance.

III. ROLL CALL

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

Council Members Absent: None

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator, Finance Director
Andy Noll, Public Works Director
Brian Hess, Utilities Director
Janet Bartnik, Parks and Recreation Director
James Simpson, Police Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Assistant Planning Director
Mike Peterman, City Planner
Vicki McClure, Assistant Finance Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Motion to approve an Amusement License for Jones & Co. Carnival to operate a carnival during Fall Festival - September 23-25, 2016

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

B. Regular Session Minutes of August 8, 2016

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

C. Appointments/Reappointments

1. Liberty Community Christmas Tree Commission

a. Appoint Brent Dobberstine to a term expiring May 1, 2018

b. Appoint Darren Ashlock to a term expiring May 1, 2019

Council Member Watt moved to approve the appointments. Council Member Gentrup seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

A. Resolution granting a Certificate of Appropriateness for the Construction of a new Residence at 240 W. Kansas Street (HDRC Case 16-009D) – **to be postponed**

Action: Council Member Watt moved to postpone consideration of the Resolution indefinitely. Council Member Phillips seconded the motion, which carried unanimously.

B. Resolution amending the Future Land Use Map for South Liberty Parkway Phase 1 (P&Z Case 16-30A) – **to be postponed**

Action: Council Member Hagan moved to postpone consideration of the Resolution indefinitely. Council Member Watt seconded the motion, which carried unanimously.

C. 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 16.8 Acres located on Withers Road North of South Liberty Parkway from Neighborhood Commercial to High-Density Residential (P&Z Case 16-32A)

The site is currently designated Neighborhood Commercial and Floodplain. The request is for the property now noted as Neighborhood Commercial to be amended to High-Density Residential. All rezoning applications are evaluated based on conformance to the Future Land Use map and amending the map is a common precursor to a rezoning proposal. The applicant plans to provide a senior housing development consisting of apartment units.

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

Billy Lacroy, on behalf of the applicant, stated this would be a 16.8 acre senior housing (62 years of age head of household) development comprised of 225 market rate units. He felt that a higher density project would be a good buffer between the commercial area and the future proposed residential area.

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

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2859.

D. Ordinance approving a Petition to Establish the Formation of the North Haven Center Community Improvement District

The New Haven Center CID is generally located along the north side of 291 Highway between N. Stewart Road and Blue Jay Drive which includes seven properties in addition to 291 Highway rights of way. A blight analysis has not been conducted as the improvements to be funded using CID sales tax will only be public improvements.

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

Curt Peterson, Polsinelli, spoke on behalf of the applicant. He stated that this is a 5 ½ acre site that would be broken up into a multi-user site. There will be three other developable lots in addition to the Best Western hotel that was approved. The CID will help with the infrastructure needed within the site for access. The 1 cent sales tax will be levied on sales from within the CID area for a maximum of thirty years.

Holly Mills, Kessinger Hunter, stated that they anticipate that the front portion of the site will see retail with service businesses located on the back. This CID makes the property competitive with other metro-area properties.

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

Document No. 8335 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 Phillips moved to approve the ordinance. Council Member Watt seconded the motion.

Action: Council Member Phillips moved to amend the ordinance to correspond with the Petition by changing the length of the CID from twenty years to thirty years. Council Member Graham seconded the motion.

Vote: Motion passed 8-0-0

Yes: Council Members Phillips, 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 Graham seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10601.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of July 29, 2016 to August 12, 2016

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

1. Ordinance excluding Westland Landscape payments

Document No. 8336 was read.

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

Roll Call

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10602.

2. Ordinance including Westland Landscape payments.

Document No. 8337 was read.

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

Roll Call

Vote: Motion passed 7-0-1

Yes: Council Members Phillips, 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. 10602.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance establishing the 2016 Ad Valorem Tax Levies for City Operations for the 2017 Budget Year (second reading)

State law requires taxing jurisdictions to take certain actions to establish their applicable property tax levies to be filed with Clay County by September 1st. Failure to do so can expose the taxing jurisdictions to not having a levy. Coordination is made with the State Auditor's Office to ensure local calculations are consistent with State law. The City has complied with all State law noticing/posting requirements and coordinated with the Auditor's office. For the purpose of providing funds to meet operating needs for the 2017 budget year, the 2016 tax levies are proposed at \$0.8287 for the General Fund and \$0.1460 for the Parks & Recreation Fund, for a total of \$0.9747.

Document No. 8338 was read.

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10603.

C. Ordinance accepting and approving an Amended Final Plat for Homestead Phase 1, in the City of Liberty, Clay County, Missouri (P&Z Case No. 16-36FP)

The amendment is a result of the developer requesting to remove the landscape easement from Tract B and remove the 30 foot build line from the south of tract B, where the pool is located. These changes will allow the pool and sign to shift closer to the street.

Document No. 8339 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10604.

D. Riverwood Development

The purpose of the proposal is to allow Hearthside Homes to plat and sell 22 lots for construction of detached single family dwellings.

1. Resolution approving a Final Development Plan for Riverwood on Conistor North of Liberty Drive, in Liberty, Clay County, Missouri (P&Z Case 16-33FDP)

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

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2860.

2. Ordinance accepting and approving a Final Plat for Riverwood, in the City of Liberty, Clay County, Missouri (P&Z Case No. 16-34FP)

Document No. 8340 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 Gentrup moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10605.

- E. Ordinance approving a Contract with Workshop Design, LLC for Professional Services relating to design and construction documentation of Wayfinding Kiosks and Signage in an amount not to exceed \$25,000.00

Included within the Bed Tax budget was the design of wayfinding kiosks for downtown and Fountain Bluff, as well as wayfinding signs throughout the City, in specific areas. The professional services will include the preparation of concept designs, detailed plans and elevations as recommended by the review committee, and completion of construction documents.

Document No. 8341 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 Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10606.

- F. Fountain Bluff Sports Complex - Soccer Entry Area Improvements

The Parks and Recreation Department maintains a soccer venue on the north side of Fountain Bluff Sports Complex. The Department seeks to improve the visibility, accessibility, and usage of the venue by adding a grand entry shelter and playground at the logical entry to the soccer complex from the parking lot.

1. Ordinance approving a contract with PorterCorp in an amount not to exceed \$57,730 for services pertaining to the purchase and installation of a shelter to be located at the Fountain Bluff Sports Complex

Document No. 8342 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 Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10607.

2. Ordinance approving a contract with PlayPower Little Tikes in an amount not to exceed \$145,257 for services pertaining to the purchase and installation of a playground to be located at Fountain Bluff Sports Complex

Document No. 8343 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 Jenness seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10608.

- G. Ordinance approving a contract with Barkley Asphalt Co., Inc. in an amount not to exceed \$42,505 for construction services pertaining to the improvement of the Northwyck Trail

Northwyck Park includes an asphalt trail that was built approximately 20 years ago. The entire trail surface is in poor condition and is in need of improvement. In 2014, an eagle scout constructed a bridge over the creek on a tract of city-owned land between Northwyck Drive and Wyckwood Drive. The bridge allowed residents of the Wyckwood neighborhood pedestrian access to Northwyck Park. The new trail section will extend the existing asphalt trail 460 ft. to connect to Wyckwood Drive.

Document No. 8344 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 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10609.

H. Stocksdale Park Rest Room Project

With the recent addition of the dog park, disc golf course, and enhanced bike facilities, Stocksdale Park has seen a significant increase in usage. The existing restroom facility near the playground is not only in poor condition, but also has no heat and cannot be used in the winter months. This project seeks to meet the need to provide adequate facilities throughout the park on a year-round basis.

1. Ordinance approving a contract with Public Restroom Company in an amount not to exceed \$118,588 for services pertaining to the purchase and installation of a rest room facility to be located in Stocksdale Park

Document No. 8345 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 Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10610.

2. Ordinance approving a contract with CXT Incorporated in an amount not to exceed \$18,226 for services pertaining to the purchase and installation of a vault toilet facility to be located in Stocksdale Park

Document No. 8346 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 Hagan moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10611.

- I. Ordinance approving an Agreement with BNSF Railway Company and KAW River Railroad, Inc. to allow for the installation, maintenance and operation of a Sanitary Sewer Pipeline related to the Wastewater Treatment Plant Project (South Location)

This provides for the installation, maintenance and operation of a 36-inch sanitary main within a 52-inch casing pipe under the BNSF Railway north of the abandoned west sewer lagoons. The sanitary main replaces the existing west trunk sanitary main and is necessary to transfer flow from the west basins of the City to the wastewater treatment facility. Costs for the agreement are paid by Goodwin Brothers as part of the Design-Build contract for the Wastewater Treatment Facility.

Document No. 8347 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 Gentrup moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10612.

- J. Ordinance accepting Easements for Sanitary Sewer Mains for Wastewater Treatment Plant Project

Document No. 8348 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 Jenness seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10613.

- K. Ordinance approving an Overpass Agreement with the BNSF Railway Company and KAW River Railroad for the Construction of the South Liberty Parkway Phase II Project in an amount not to exceed \$16,266.

The South Liberty Parkway Phase II project crosses two railroads. One of the railroads is owned by BNSF Railway Company (BNSF) which in turn leases the track to the KAW River Railroad. BNSF requires an overpass agreement that outlines each agency's obligations and provides for a Temporary Construction License and a Permanent Easement for the construction and maintenance of a bridge.

Document No. 8349 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 Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10614.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Mayor

Attest:

Deputy City Clerk