



City Council Meeting

Regular Session Minutes
September 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 September 26, 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 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
Mike Snider, Fire Chief
Larry Radley, Assistant Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Assistant Planning Director
Mike Peterman, Planner
Tony Sage, Information Technology Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Study Session Summary of August 1, 2016

Council Member Phillips moved to approve the summary as distributed. Council Member Gentrup seconded the motion, which carried 7-0-1. Council Member Jenness abstained due to absence.

B. Special Session Minutes of August 15, 2016

Council Member Hagan moved to approve the minutes as distributed. Council Member Dunkin seconded the motion, which carried 7-0-1. Council Member Moore abstained due to absence.

V. CITIZENS' PARTICIPATION

- A. Mayor Brenton read and presented a Proclamation of Appreciation to Eagle Scout Kayl Auch for his Eagle project of constructing a new practice wall for the tennis courts at Bennett Park.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Regular Session Minutes of August 22, 2016

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

- B. Resolution approving a Liberty Community Center (LCC) Alcoholic Beverages Service Application for Beth Hopkins on July 22, 2017

Action: Council Member Jenness moved to approve the resolution. Council Member Phillips 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. 2861.

- C. Authorize purchase of Zerto software from High Plains Technology in an amount not to exceed \$46,580.90

Citywide operations require high availability IT services to limit service disruption of critical services. Zerto software provides automated disaster recovery and business continuity for critical Citywide operations.

Action: Council Member Jenness moved to approve the purchase. Council Member Phillips 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

- D. Authorize purchase of replacement self-contained breathing apparatus from Conrad Fire Equipment in an amount not to exceed \$206,817.32

The Fire Department currently maintains and operates 23 Self-Contained Breathing Apparatus (SCBA). The Fire Department's current SCBA were purchased in 2005. The typical life of an SCBA is eight (8) to twelve (12) years. It has been the established goal of the Fire Department to replace its SCBA every 10 years to ensure the City is providing personnel with most up to date safety equipment.

Action: Council Member Jenness moved to approve the purchase. Council Member Phillips 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

E. Appointments/Reappointments

1. Cemetery Advisory Committee

- a. Appoint Gentry Thomason to a term expiring September 1, 2019
- b. Reappoint Mary Cravens to a term expiring September 1, 2018
- c. Reappoint Fred Foster to a term expiring September 1, 2018
- d. Reappoint Jay Lemons to a term expiring September 1, 2018
- e. Reappoint LeRoy Coe to a term expiring September 1, 2018

2. Citizen Sales Tax Oversight

- a. Appoint Joseph Russell to a term expiring May 15, 2018
- b. Appoint Aaron Hill to a term a term expiring May 15, 2020

Council Member Jenness moved to approve the appointments. Council Member Phillips seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

- A. Ordinance amending the Unified Development Ordinance of the City Code of the City of Liberty, Missouri to add PD-Flex zoning district [P&Z Case 16-38A] to be postponed)

Document No. 8350 was read.

Action: Council Member Watt moved to postpone consideration of 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

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of August 12, 2016 to September 19, 2016

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

1. Ordinance excluding Westland Landscape payments

Document No. 8351 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Gentrup 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. 10615.

2. Ordinance including Westland Landscape payments.

Document No. 8352 was read.

Action: Council Member Phillips moved to approve the vendor payments. Council Member Graham 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. 10615.

Mayor Brenton resumed as chair of the meeting.

B. Resolution approving a Certificate of Appropriateness for construction of a new single family residence at 240 W. Kansas Street, Dougherty Historic District [HDRC Case #16-009D]

The proposed building site is a vacant lot at the northeast corner of West Kansas Street and Morse Avenue, formerly the site of a small Victorian cottage that burned in January 2014, and was subsequently demolished in April 2014. The proposed residence is a one-story with an attached two car garage.

Action: Council Member Hagan moved to approve the resolution. Council Member Phillips 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. 2862.

C. Ordinance accepting and approving a Final Plat for Creekwood Subdivision, 2nd Plat, in the City of Liberty, Clay County, Missouri [P&Z Case 16-37FP]

Document No. 8353 was read.

Action: Council Member Jenness 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 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. 10616.

D. Ordinance establishing an Intergovernmental Cooperative Agreement between the Kansas City TIF Commission and the City of Liberty for the M-152/I-35 Interchange Improvement Project

The project is needed to improve the capacity and safety of the interchange. The M152/I35 interchange will be improved to reconfigure and realign on and off-bound ramps at the interchange of the arterial and interstate highways. The proposed improvements will include the removal and replacement of the bridges over I-35 (to a proposed 10-Lane Bridge, subject to final design), ramp improvements, signal improvements, pedestrian improvements, ADA improvements and turn lane improvements. The estimated total cost of the project is \$15.06 million. Funding for the project will be sourced as follows:

- \$9.06 million funded by MoDOT;
- \$3.0 million from a previously awarded City STP grant and ;
- \$3.0 million local cash match contribution.

The proposed Intergovernmental Agreement with the Kansas City TIF Commission will provide for reimbursement to the City of Liberty for up to \$1.5 million of the estimated \$3.0 million local cash match. The start of project construction is expected in 2018.

Document No. 8354 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 Phillips 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. 10617.

- E. Ordinance authorizing the Mayor to execute a Development and Performance Agreement with Liberty Investors 17 LLC, for development of the Liberty Parkway Heights Project

Liberty Investors 17 LLC Development is proposing a multi-family apartment complex along South Liberty Parkway just west of Flintlock Road and east of Plummer Road. The proposed project is 204 units and includes 7 three-story apartment buildings, a clubhouse; parking stalls and garages. Because there are several necessary procedural steps regarding Chapter 100 bonds including notices and bond documents, a Development and Performance Agreement ("Agreement") has been prepared outlining the anticipated responsibilities of both parties and memorializes commitment regarding the incentive assistance.

Document No. 8355 was read.

Action: Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Graham seconded the motion.

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-1-0

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

No: Council Member Phillips

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10618.

- F. Ordinance approving an Agreement with Denali Water Solutions for the Disposal of Water Plant Residuals in an amount not to exceed \$350,000.00 [Project UT-005-16]

Water plant residuals are a by-product of water production. Lime is introduced into the water treatment process at the Water Plant and the lime collects particles in the water that then settle and are pumped to the Water treatment lagoons. As the process is continuous with water production, the water plant residuals collect in the lagoons and are required to be disposed of to create additional room for ongoing production.

Document No. 8356 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 Phillips 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. 10619.

- G. Ordinance approving a Contract with Hutchinson Recreation & Design, Inc. in an amount not to exceed \$200,000 for services pertaining to the Design and Construction of a Sprayground in Ruth Moore Park

Ruth Moore Park includes a sprayground that has been experiencing mechanical issues for several years. The project will replace the failing sprayground at Ruth Moore Park, with the goal of opening the new spray park next summer.

Document No. 8357 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Graham seconded the motion.

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Gentrup

Approved by the Chair and inscribed in Ordinance No. 10620.

- H. Ordinance amending Ordinance No. 10531, approving a Guaranteed Pricing agreement with Kohl Wholesale in an amount not to exceed \$40,000 for FY 2016 Concession Food and Supplies, increasing the contract by \$10,000 for a not to exceed amount of \$50,000

Document No. 8358 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 Graham moved to approve the ordinance. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Gentrup

Approved by the Chair and inscribed in Ordinance No. 10621.

I. Forest Avenue Apartments

1. Ordinance abandoning two portions of right-of-way of North Forest Avenue between Hampton Court and 291 Highway

Document No. 8359 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 Phillips 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. 10622.

2. Ordinance accepting three pieces of right-of-way, accepting two storm sewer easements, and accepting sanitary sewer easement associated with the Forest Avenue Apartments Project on North Forest Avenue between Hampton Court and 291 Highway

Document No. 8360 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. 10623.

- J. Ordinance amending Chapter 20, "Motor Vehicles & Traffic", of the Code of the City of Liberty, Missouri pertaining to parking regulations

The amendment pertaining to the traffic regulation restricts parking on Grover Street, east side, from a point 378 feet north of Mississippi to a point 802 feet north of Mississippi, between the hours of 9:00 p.m. to 6:00 a.m.

Document No. 8361 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 Phillips 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. 10624.

- K. Ordinance approving a Contract with Sturgis Materials for supplying Granite Markers associated with the Downtown Liberty Streetscape Project in an amount not to exceed \$20,800.

The contract is for modification of existing granite stone for street markers as part of the Liberty Downtown Streetscape Project.

Document No. 8362 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 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. 10625.

L. City Code amendments regarding the City of Liberty's Smoking Ordinance and enacting the Tobacco 21 initiative

The amendments will prohibit the sale and distribution of tobacco, alternative nicotine, and vapor products to minors under the age of 21; restrict the sale and distribution of tobacco paraphernalia to retail tobacco stores (stores where 70% of their sales are tobacco products); and incorporate language pertaining to non-tobacco products such as e-cigarettes, e-cigars, e-hookahs and e-pipes, and prohibiting such electronic smoking materials in enclosed places of employment and public places.

1. Ordinance Establishing Chapter 22, Section 22.69, "Offenses Concerning Tobacco and the Sale and Distribution of Tobacco, Alternative Nicotine, and Vapor Products to Minors under the Age of 21" of the Code of the City of Liberty, Clay County, Missouri

Document No. 8363 was read.

Action: Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Graham 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 5-3-0

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

No: Council Members Jenness, Moore and Watt

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10626.

2. Ordinance Amending Chapter 22, "Offenses – Miscellaneous", Section 22-66, entitled "Prohibitions on Smoking in Enclosed Places of Employment and Public Places" of the Code of the City of Liberty, Clay County, Missouri

Document No. 8364 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 Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 5-3-0

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

No: Council Members Jenness, Moore and Watt

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10627.

- 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