



City Council Meeting

Regular Session Minutes
November 14, 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 Monday, November 14, 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 Greg Duncan, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips, 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: Paul Jenness, Ward I

Staff Present: Curt Wenson, City Administrator
Shawna Funderburk, Asst. to the City Administrator
Andy Noll, Public Works Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Samantha Lehman, Animal Control Officer
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Study Session Summary of October 17, 2016

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

B. Regular Session Minutes of October 24, 2016

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

- C. Resolution approving a Liberty Community Center Alcoholic Beverages Service Application for Stephanie Reeves for a small/private event to be held on Saturday, November 26, 2016

Action: Council Member Phillips moved to approve the resolution. Council Member Hagan seconded the motion, which carried unanimously. Inscribed in Resolution No. 2866.

- D. Resolution accepting the 2016 Capital Storm Water Improvements Project

The 2016 Capital Storm Water Improvements Project included improvements to existing public storm water infrastructure at 205 Lee Drive, 1049 Broadmore Lane, and near Brookside and Laurel.

Action: Council Member Phillips moved to approve the resolution. Council Member Hagan seconded the motion, which carried unanimously. Inscribed in Resolution No. 2867.

- E. Resolution announcing Date for Municipal Election and Dates for Filing by Candidates for Municipal Office

The next Municipal Election will be April 4, 2017. The Deputy City Clerk shall accept written Declarations of Candidacy of those filing as candidates for each of said positions, beginning at 8:00 a.m. on Tuesday, December 13, 2016, and ending at 5:00 p.m. on Tuesday, January 17, 2017.

Action: Council Member Phillips moved to approve the resolution. Council Member Hagan seconded the motion, which carried unanimously. Inscribed in Resolution No. 2868.

- F. Appointments

1. Planning and Zoning Commission
 - a. Appoint Rick Boswell to a term expiring January 1, 2018.
2. Liberty Community Christmas Tree Commission
 - a. Appoint Colleen Jones as an Auxiliary Member

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

VIII. PUBLIC HEARINGS

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

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

A. Acknowledgement of vendor payments for the period of October 14 to November 4, 2016

1. Ordinance excluding Westland Landscape payments

Document No. 8380 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10642.

2. Ordinance including Westland Landscape payments

Document No. 8381 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10642.

B. Ordinance accepting Sanitary Sewer Easements for Public Sanitary Sewer mains serving Liberty Commons

Public sanitary sewer lines were constructed as part of the redevelopment project. Easements are required over public infrastructure to allow for future maintenance.

Document No. 8382 was read.

Action: Council Member Philips 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 6-0-1

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

No: None
Abstain: Council Member Moore, potential conflict of interest.
Approved by the Chair and inscribed in Ordinance No. 10643.

C. South Liberty Parkway Phase II

The agreements provide the terms for the dedication of the necessary right-of-way and easements for the construction of the South Liberty Parkway Phase II project. The property owners are donating the necessary ROW and easements in compliance with the original Development Agreement.

1. Ordinance approving a Dedication Agreement with South Liberty Investors pertaining to the construction of South Liberty Parkway Phase II

Document No. 8383 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 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10644.

2. Ordinance approving a Dedication Agreement with Tapp Farm Associates and Huntington Ridge LLC pertaining to the construction of South Liberty Parkway Phase II

Document No. 8384 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 Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10645.

3. Ordinance approving an Agreement with Huntington Ridge, LLC to obtain an easement to allow for the Installation, Maintenance and Operation of a Sanitary Sewer Main related to the Wastewater Treatment Plant Project

The agreement establishes the conditions of providing a public sanitary sewer easement to encompass the new west trunk main to facilitate the infrastructure to the Wastewater Treatment Plant, and acceptance of the easement.

Document No. 8385 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 Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10646.

X. OTHER BUSINESS

A. Dangerous Dog Ordinance (breed specific ban) – Discussion

Assistant to the City Administrator Shawna Funderburk and Animal Control Officer Samantha Lehman presented information on the current pit bull ban and dangerous Animal Ordinance. Staff stated that the current pit bull ban has been in effect since May 26, 1987 (was initiated through a citizen petition signed by almost 700 Liberty residents). The existing Dangerous Animal Ordinance has been in effect since July 28, 1975 and was revised/updated on August 18, 1985 and May 26, 1987. Staff noted that lifting the pit bull ban could increase workloads and at times create a space issue at the small animal shelter. Should the City Council decide to remove the pit bull ban, staff recommends the City Council repeal and replace the Dangerous Animal Ordinance in its entirety in order to address current animal public safety needs and fee requirements. In the event Council removes the pit bull ban, staff also recommends licensing, permitting and regulating pit bulls, as well as requiring mandatory spaying/neutering through a revised Dangerous Animal Ordinance.

City Council discussed the need to update the Dangerous Animal Ordinance and applicable fee schedule, prior to considering a removal of the pit bull ban. The elements to be considered for incorporation into the Dangerous Animal Ordinance include:

- Prohibit fighting animals
- Prohibit giving false, hindering or misleading information

- Clearly state the requirement of rabies vaccinations
- Additional penalties for violations of Chapter 4
- Additional containment restrictions (fence; pen; enclosed structure; leash length)
- Impoundment after first offense

Once City Council approves an updated Dangerous Animal Ordinance, the pit pull ban will be discussed. Should City Council consider removal of the ban, staff noted the following elements could be added to the City Code:

- Require pit bulls (mandatory spay/neuter; registration; permitting; licensing; penalties; prohibit breeding)
- Require insurance for pit bulls
- Require pit bull identification photos
- Require pit bull reporting requirements (removal/death; birth of offspring; owner moves)
- Require signs "Beware of Dog – Pit Bull"
- Prohibit sale or transfer of pit bulls

City Council acknowledged that there may be State legislation that is passed this year which would invalidate the City's current ban. City Council directed staff to update the Dangerous Animal Ordinance and applicable fee schedule (ie. adoption and licensing/housing fees for non-sterilized vs. sterilized animals etc.) for Council's consideration.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Mayor

Attest:

Deputy City Clerk