



City Council Meeting

Regular Session Minutes
August 14, 2017

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 14, 2017 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:20 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Michael Hagan, 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
Vicki McClure, Asst. Finance Director
Ashley Comer, Accountant
Andy Noll, Public Works Director
Brian Hess, Utilities Director
Janet Bartnik, Parks and Recreation Director
BJ Staab, Asst. Parks & Rec. Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Katherine Sharp, Assistant Planning Director
Jeanine Thill, Community Dev. Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Study Session Summary of June 19, 2017

Council Member Phillips moved to approve the summary as distributed. Council Member Graham seconded the motion, which carried 6-0-2. Council Members Moore & Watt abstained due to absence.

B. Regular Session Minutes of June 26, 2017

Council Member Hagan moved to approve the minutes as distributed. Council Member Graham seconded the motion, which carried 6-0-2. Council Members Watt & Phillips abstained due to absence.

C. Special Session Minutes of July 17, 2017

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

D. Special Session Minutes of August 7, 2017

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

V. CITIZENS' PARTICIPATION

Pat Miller, 1955 Kings Hwy., thanked the City Council for their service. In advance of City Council discussing the dangerous dog ordinance, she handed out information pertaining to pit bulls (including a list of what cities do and don't ban them). She stated that breeding of pit bulls for fighting purposes has not been an issue for cities that don't have a ban.

C.L. Walton, Liberty resident, noted that she wasn't feeling well and is concerned for her safety. She feels she is under attack and being harassed by unknown assailants. She stated that she was not pleased with the response she received from Dispatch or the Police Dept. when she recently witnessed a semi-truck that was stalking her and driving erratically. She also noted that her home had been burglarized and the robbers left lights on in the locations where they had stolen authentic jewelry from. She has changed the locks but they keep coming back time and time again. She believes the Police know who the culprit is as they took her ATM card. She fears the gangs are taking over Liberty and will be moving soon as she fears going back to her home. She worries about her neighbors' safety because she will no longer be patrolling the neighborhood, keeping the criminals away. She believes the Police Dept. needs additional staffing to address these issues. She stated that she expects Council to do something about the crime and she will be back in two weeks. If nothing is done, then she will contact the State.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Resolution approving a Liberty Community Center (LCC) Alcoholic Beverages Service Application for Diana Bamman on November 11, 2017

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. 2914.

- B. Resolution appointing Directors to the Rogers Plaza Community Improvement District Board of Directors

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. 2915.

- C. Resolution granting a Certificate of Appropriateness for Repairs at 117 N. Water Street, Liberty Square Historic District

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. 2916.

- D. Resolution granting a Certificate of Appropriateness for Repairs at 139 N. Lightburne Street, Jewell Historic District

Action: Council Member Hagan moved to approve the resolution. Council Member Phillips 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. 2917.

- E. Resolution accepting the Water, Sanitary Sewer, Storm Sewer, Streets and Grading Improvements for the North Haven Center Project

Public improvements to water, sanitary sewer, storm sewer, and grading were constructed to facilitate the development of the North Haven Center project.

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. 2918.

F. Resolution accepting the Water, Sanitary Sewer, Storm Sewer, Streets and Grading Improvements for the Riverwood Subdivision Project

Public improvements to water, sanitary sewer, storm sewer, streets and grading were constructed to facilitate the development of the Riverwood development project.

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. 2919.

VIII. PUBLIC HEARINGS

A. Ordinance amending Chapter 30, Article XVI, 'Site Development and Design Standards' (Riparian Edge Buffer Zone), of the Unified Development Ordinance of the Code of the City of Liberty, Clay County, Missouri **[postponed from July 17, 2017]**

Based on a previous review, staff is recommending a modification to the Riparian Edge Buffer Zone requirements in Ch. 30, Article XVI, Section 30-98.3 of the UDO reducing the riparian edge buffer zone to coincide with the 1000-year FEMA floodplain.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

Document No. 8524 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. 10769.

- B. Ordinance amending Chapter 30, Article VI, 'Stormwater Management', of the Unified Development Ordinance of the Code of the City of Liberty, Clay County, Missouri

Action: Council Member Hagan moved to postpone consideration of the ordinance to a date uncertain Council Member Phillips seconded the motion, which carried unanimously.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of July 7, 2017 to August 4, 2017

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

- 1. Ordinance excluding Westland Landscape payments

Document No. 8525 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Phillips 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. 10770.

- 2. Ordinance including Westland Landscape payments.

Document No. 8526 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Gentrup 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. 10770.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance accepting a Covenant to Maintain a Storm Water Detention Facility for the St. James Catholic Church Expansion Project (**second reading**)

To facilitate the parking lot expansion for the St. James Catholic Church, storm water detention facilities will be constructed as part of the project.

Document No. 8515 was read.

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. 10771.

- C. Ordinance amending Chapter 30, Article XI, 'Accessory Uses and Structures' (30-81.1 Fences in Residential Districts) and Article XVI, 'Site Development and Design Standards' (30-97.1 Metal Siding in Residential Districts), of the Unified Development Ordinance of the Code of the City of Liberty, Clay County, Missouri [P&Z Case 17-34A]

Action: Council Member Phillips moved to postpone consideration of the ordinance to a date uncertain Council Member Graham seconded the motion, which carried unanimously.

- D. Ordinance authorizing re-establishment of a procedure to disclose potential conflicts of interest and substantial interests for certain Municipal officials and employees **(request consideration on first reading)**

The State of Missouri allows political subdivisions with annual operating budgets greater than one million dollars to adopt their own financial disclosure regulations.

Document No. 8527 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 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. 10772.

- E. Ordinance approving an Agreement with the Members of the International Association of Firefighters Local 42 and the City of Liberty Missouri **(request consideration on first reading)**

City Staff and the International Association of Fire Fighters (IAFF) Local 42 began negotiations for the new contract due to the passage of the Public Safety Sales Tax (PSST) by our citizens in April 2017. The main focus of the negotiations of this processes agreement was to address the financial issues as outlined in the PSST process.

Document No. 8528 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 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. 10773.

- F. Ordinance establishing the 2017 Ad Valorem Tax Levies for City Operations for the 2018 Budget Year (first reading only)

State Law requires taxing jurisdictions take certain actions to establish their applicable property tax levies by September 1st. Failure to do so can expose the taxing jurisdictions to not having a levy. The levy rate must be filed with Clay County by September 1st. The Budget Committee recommended establishing the levy at a rate of \$0.9640 per \$100 assessed valuation. This calculation is based on a tax neutral levy when compared to taxes paid in 2008 (2017 levy would be set at a level so that current year average residential real estate tax costs would be equal to the average paid in 2008).

Document No. 8529 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the August 21, 2017 Special Session meeting.

- G. Ordinance approving a Contract with Kirberg Company in an amount not to exceed \$214,800. for hail damage roof repairs at the Water Treatment Plant facility

Document No. 8530 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 Watt 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. 10774.

- H. Ordinance approving a Contract with Vance Brothers, Inc. for pavement repair by Chip Seal of Birmingham Road in an amount not to exceed \$36,145.

Document No. 8531 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 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. 10775.

- I. Contract with Kaw Roofing & Sheet Metal, Inc., in an amount not to exceed \$497,885 for repairs to the Liberty Community Center roof, sustained during the November 2, 2016 hail storm

Document No. 8532 was read.

Action: Council Member Watt 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 Hagan moved to approve the ordinance. 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. 10776.

- J. Ordinance amending Ordinance No. 10681, Approving a Contract with The Waldinger Corporation, increasing the amount from \$75,000 to an amount not to exceed \$125,000., for HVAC Preventative Maintenance and On-call Repair Services

Document No. 8553 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.10777.

K. Ordinance approving an Agreement with the Mid-America Regional Council pertaining to Senior Services

MARC has awarded to the City a 2018 operating contract for transportation (\$96,739.), senior center (\$25,000) and Meals on Wheels (\$13,909.75), outlining expectations and funding to the City of Liberty.

Document No. 8534 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 Graham 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. 10778.

L. Ordinance accepting a Covenant to maintain a Storm Water Detention Facility for the Liberty Christian Fellowship Church Parking Lot Expansion Project

To facilitate the parking lot expansion for the Liberty Christian Fellowship Church, storm water detention facilities will be constructed as part of the project.

Document No. 8535 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 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. 10779.

M. Ordinance accepting two offsite Public Storm Sewer Easements as part of the B&B Movie Theater Development Project

As part of the B & B Movie Theater development project public storm sewer is proposed to be constructed.

Document No. 8536 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 Graham moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 7-0-1

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

No: None

Abstain: Council Member Hagan, potential conflict of interest.

Approved by the Chair and inscribed in Ordinance No. 10780.

N. Ordinance approving an Intergovernmental Agreement with the Mid-America Regional Council for Participation in the Operation Green Light Traffic Signal Operation Program in the amount of \$9,600.00

This agreement allows for the continued participation in the Operation Green Light Traffic Control System.

Document No. 8537 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 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. 10781.

- O. Ordinance amending Ordinance No. 10570, approving a Contract with VF Anderson Builders, LLC for the Liberty Downtown Streetscape Project, increasing the contract by \$303,357.30 from \$3,903,830.78 to a not to exceed amount of \$4,207,188.08

The project is nearing completion and has many items that have overrun the contract unit quantities. Upon full project completion, there will be an additional contract amendment to reflect final costs, as well as any liquidated damages assessed.

Document No. 8538 was read.

Action: Council Member Phillips moved to postpone consideration of the ordinance to the September 12, 2017 Regular Session Meeting. Council Member Graham seconded the motion, which carried unanimously.

Action: Council Member Graham moved to reconsider the motion. Council Member Hagan seconded the motion, which carried unanimously.

Action: Council Member Graham moved to amend the motion to postpone consideration of the ordinance to the September 11, 2017 Regular Session Meeting. Council Member Hagan seconded the motion, which carried unanimously.

X. OTHER BUSINESS

- A. Motion to appoint Katherine Sharp as Director of Planning and Development

Action: Council Member Watt moved to approve the appointment. 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

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Attest:

Mayor

Deputy City Clerk