



City Council Meeting

Regular Session Minutes
September 25, 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 September 25, 2017, 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
Shawna Funderburk, Asst. to the City Administrator
Andy Noll, Public Works Director
Mike Peterman, Planner
Brian Hess, Utilities Director
BJ Staab, Interim Parks and Recreation Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Planning and Development Director
Tony Sage, Information Services Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of September 11, 2017

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

V. CITIZENS' PARTICIPATION

A. National Cyber Security Awareness Month Proclamation

Mayor Brenton read the proclamation and presented it to Tony Sage, Information Services Director.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Motion to approve the purchase of Cardiac Monitor/Defibrillators from Zoll Medical Corporation in an amount not to exceed \$205,986.01

In 2011, the monitors were replaced on the basis of providing a consistent piece of equipment to all personnel, which also decreased training times, and eliminated the possibility of error due to different equipment operations and functions. The Department is continuing the replacement of all defibrillators due to the reasons described above. The Department is recommending purchase in 2017 (and payment in 2018) due to the recent order of replacement ambulances. The units require the purchase of upgraded vehicle mounts to secure the monitors while driving.

Action: Council Member Duncan 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

B. Resolution approving a Final Development Plan for North Haven Center, Lot 2, Hilton Home 2 Suites, in the City of Liberty, Clay County, Missouri [17-40FDP]

The proposed project is a 56,000 square foot, 94 room, four-story hotel. The maximum height in a C-3 district is three stories; however, a variance for this four-story project was granted by City Council as part of the preliminary development application in May 2017.

Action: Council Member Duncan 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. 2923.

C. Resolution granting a Certificate of Appropriateness for In-kind Roof and Soffit Repairs at 343 West Liberty Drive, Prospect Heights Historic District [HDRC Case 17-021PH]

The house at 343 W. Liberty Dr. was built in 1913. The owner is planning to take advantage of the City's Chapter 353 tax abatement program to repair the roof and soffit.

Action: Council Member Duncan 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. 2924.

VIII. PUBLIC HEARINGS

- A. Resolution approving a Final Development Plan for Oakwood Business Park – Tracts 13, 14 & 15, with parking, landscaping and use variance, in the City of Liberty, Clay County, Missouri [17-38FDP]

The proposal is for two 30,000 square foot buildings and one 15,000 square foot building on the 6.85 acre site. The applicant is requesting three variances: for parking (290 vs. 300), landscaping (55 trees vs. 116 due to terrain challenges), and use in the C-3 zoning district (distribution and warehousing).

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

Art Akin, AGC Engineers, stated that because of the steep drive, trucks would likely travel via Plumbers Road to Haines in order to access the north side of the property. He also noted that he doesn't anticipate large trucks, even with a distribution/warehouse tenant, as none of these buildings will have docks.

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

Action: Council Member Hagan moved to approve the resolution. 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

Inscribed in Resolution No. 2925.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of September 1, 2017 to September 15, 2017

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

1. Ordinance excluding Westland Landscape payments

Document No. 8549 was read.

Action: Council Member Watt 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. 10792.

2. Ordinance including Westland Landscape payments.

Document No. 8550 was read.

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

Roll Call

Vote: Motion passed 7-0-1

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. 10792.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance accepting and approving a Final Plat for Oakwood Business Park, in the City of Liberty, Clay County, Missouri [17-39FP]

This is a final plat for Oakwood Business Park, 2nd Plat. The applicant is requesting to replat a portion of the existing single lot into 3 individual lots. The lots will each have one commercial type building. There will be access from Haines Dr. and Industrial Dr.

Document No. 8551 was read.

Action: Council Member Watt 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 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. 10793.

- C. Ordinance accepting and approving a Final Plat for Liberty Commons, 3rd Plat, in the City of Liberty, Clay County, Missouri [17-41FP]

The applicant proposes to split Lot 6, approximately 13.5 acres along Stewart Road, west of Conistor Street, creating nine lots. This application will subdivide the stores along the south side of the development, including the former Gordman's building and the seven smaller buildings to the east. Lot 6l will remain as parking. This plat will not change any configuration of the existing buildings on site; it is merely a subdivision of land.

Document No. 8552 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 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. 10794.

- D. Ordinance accepting and approving a Final Plat for Liberty Bell, 2nd Plat, Lots 1-6 and Tract A in the City of Liberty, Clay County, Missouri [17-42FP]

This is a final plat for Liberty Bell, 2nd Plat. The applicant is requesting to replat the existing single lot into 6 individual lots for the buildings and one tract for the parking lot and green space that will remain common space that is maintained by an owners association. The covenants were amended to grant access to all common space.

Document No. 8553 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Phillips 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. 10795.

- E. Ordinance amending Ordinance No 10457 Authorizing the Issuance of Not to Exceed \$79,000,000 Principal Amount of Sewerage System Revenue Bonds (State of Missouri – Direct Loan Program) Series 2015 of the City of Liberty, Missouri

Federal Regulations allow state SWSRF programs to charge an administrative fee. In April of 2017, the Missouri Clean Water Commission approved the Missouri Department of Natural Resources' recommendation to reduce the annual loan administrative fee for existing bonds issued under the CWSRF direct loan program to ½ percent effective January 1, 2018. The approval of the administrative fee reduction will save the City approximately \$4.6M over the life of the State Revolving Fund Loan Program Bond for the construction of the City's Wastewater Treatment Facility.

Document No. 8554 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. 10796.

- F. Fountain Bluff Sports Complex Ballfield Improvement Project

All Fountain bluff Sports Complex ballfields have infield grading issues due to lost infield material that has been top dressed but not laser leveled to ensure proper drainage. Staff recommends the regrading of all of the infields and re-sod as needed, as well as the delivery of ag lime and top soil as part of the project. All projects are scheduled to begin immediately following the baseball season in early November. Staff is recommending Midwest Laser Leveling as they were the only bidder to attend the mandatory pre-bid conference.

1. Ordinance approving a Contract with Midwest Laser Leveling in an amount not to exceed \$39,920.00 to laser level the ballfields (\$36,920.00) and for the purchase and delivery of sod (\$3,000.00) at the Fountain Bluff Sports Complex

Document No. 8555 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 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. 10797.

2. Motion to approve the purchase and delivery of ag lime from APAC in an amount not to exceed \$27,000.00

Action: Council Member Hagan 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

3. Motion to approve the purchase and delivery of top soil for the ballfields at in an amount not to exceed \$3,600.00

Action: Council Member Phillips moved to approve the purchase. 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

G. Ordinance approving a Contract with Phillips Paving in an amount not to exceed \$32,654.00 for the purchase and installation of Asphalt Paving at Wilshire Park

Wilshire Trail 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. Funding was budgeted for FY 2017 in the amount of \$20,000 to improve the walking/biking surface. The additional \$12,654.00 to complete the project will be funded through the Parks Sales Tax.

Document No. 8556 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. 10798.

H. Ordinance Disclaiming and Abandoning a Utility Easement and a Certain Section of Right-of-Way of Linden Road for Timber Ridge Subdivision, Liberty, Missouri

Timber Ridge is a residential subdivision development at the end of Linden Road, east of Lake Road. To facilitate the Timber Ridge subdivision development, a previously platted utility easement and a certain section of right-of-way of Linden Road are no longer needed and need to be disclaimed and abandoned.

Document No. 8557 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 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. 10799.

I. Ordinance approving a Bridging Agreement between the City of Liberty and the West Central Regional Lodge 50 of the Fraternal Order of Police (FOP)

Pursuant to the passage of the Public Safety Sales Tax in April 2017, the City and Police Administration has worked jointly with the Fraternal Order of Police to address the issues of a competitive starting wage for police officers, fixes to pay compression, and implementing a pay step plan.

Document No. 8558 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 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. 10800.

X. OTHER BUSINESS

A. Proposed City Code Amendment – Chapter 4, “Animals and Fowl” (Dangerous
Animals) – Discussion

The Mayor and City Council discussed the proposed draft ordinance. Council requested that information regarding electronic fences be added back in, and clarification of the process relating to unredeemed animals. Council also discussed the administrative powers of the Animal Control Officer and directed staff to conduct additional research regarding administrative policies and procedures in relation to the judicial powers contained within the ordinance.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Mayor

Attest:

Deputy City Clerk