



City Council Meeting

Regular Session Minutes

January 22, 2018

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 January 22, 2018 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 Rae Moore, 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
Shawwna Funderburk, Asst. to the City Administrator
Andy Noll, Public Works Director
Brian Hess, Utilities Director
BJ Staab, Interim Parks and Recreation Director
James Simpson, Police Chief
Katherine Sharp, Planning Director
Tony Sage, Information Technology Director
Vicki McClure, Assistant Finance Director
Ashley Comer, Accounting Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Pat Miller, 1955 Kings Highway, stated that a family member, unfamiliar with Conister and how the lanes jog back and forth, hit the median. After the accident, Mr. Neidholdt in the Street Dept. mentioned to her that folks kept knocking the sign down. Ms. Miller stated there was debris from other accidents near the median. She noted that this is a very difficult area and she feels the median deserves a street light illuminating it.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Approve the Purchase of a 2018 Utility Operations Maintenance Vehicle

The Utilities Operations Division is highly dependent upon this utility maintenance dump truck for daily activities of distribution. This vehicle might also be shared with construction and collection divisions for various tasks. The vehicle and equipment are necessary for the repair and maintenance of the City's infrastructure.

- 1. Authorize payment to Thoroughbred Ford in the amount of \$30,523.84 for the purchase of a Ford F-55XL 4x4 maintenance dump truck

Action: Council Member Watt moved to authorize the payment to Thoroughbred Ford. 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

- 2. Authorize payment to Knapheide Truck Equipment in the amount of \$11,545.00 for the installation of a dump bed, utility box and safety strobe lights onto the new utility maintenance vehicle

Action: Council Member Watt moved to authorize payment to Knapheide. 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. Approve the Purchase of twenty-five (25) Clow medallion three-way steamer type Fire Hydrants, plus accessories, from Kansas City Winnelson Company in an amount not to exceed \$35,347.25

In order to facilitate the reliable and timely operation of a fire hydrant, the replacement of out of date fire hydrants is necessary. Being proactive by replacing with newer, reliable fire hydrants helps to minimize infrastructure failure during moments when time is of the essence.

Action: Council Member Watt moved to approve the purchase from Kansas City Winnelson Company. 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

- C. Approve the Purchase of a replacement Chloramine Analyzer from Hach Corporation in an amount not to exceed \$20,943.60

The chloramine analyzer is a necessary tool in dosing control and observation for plant staff. It also allows staff to accurately dose chemicals and optimize the dosage to minimize waste.

Action: Council Member Watt moved to approve the purchase from Hach Corporation. 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. Resolution accepting the Water, Sanitary Sewer, Storm Sewer, Streets and Grading Improvements for the Timber Ridge Subdivision Project

The developer constructed public water main, sanitary sewer main, storm sewer, and public streets to serve the proposed Timber Ridge subdivision. The public improvements were constructed in accordance with City plans and specifications.

Action: Council Member Watt 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. 2943

- E. Resolution accepting the Storm Sewer Improvements for the Raising Cane's Storm Project

The developer constructed public storm sewer improvements to facilitate the demolition of the existing Perkin's restaurant and the construction of the new Raising Cane's chicken restaurant in its place. The public improvements were constructed in accordance with City plans and specifications.

Action: Council Member Watt 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. 2944

F. Resolution to Declare the Official Intent of the City of Liberty, Missouri to Finance the Cost of Certain Road Improvements using Tax Exempt Debt Financing

The City will be making payments to MoDOT relative to the I35 Interchange/Kansas Street/M291 corridor project in 2018. The 2018 Economic Development budget anticipated this debt financing. To provide maximum flexibility for budget management, the resolution should be passed.

Action: Council Member Watt 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. 2945

G. Resolution accepting the Storm Sewer Improvements for the Liberty Triangle Blue Jay Access Drive Storm Project

The developer constructed public storm sewer associated with installation of a private drive access from Blue Jay Drive to serve Lot 2-C of the Liberty Triangle 6t Plat development. The public improvements were constructed in accordance with the City's plans and specifications.

Action: Council Member Watt 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. 2946

H. Resolution to Declare the Official Intent of the City of Liberty, Missouri to Finance the Cost of Acquiring Certain Equipment and Building Improvements using Tax Exempt Debt Financing

The City will be acquiring certain vehicles, equipment and property improvements during 2018. The 2018 General Fund budget anticipated tax exempt debt financing. To provide maximum flexibility for 2018 budget management, the expanded reimbursement resolution should be passed.

Action: Council Member Watt 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. 2947

- I. Resolution authorizing the expenditure of an amount not to exceed \$55,000 to acquire a parcel of land described as "City Block, Liberty Blk Sixty-Four" for Park purposes

Given the proximity of the residence to City Park, the Parks and Recreation Department desires to secure this property for future use. With the property now available for purchase a preliminary contract has been issued.

Action: Council Member Watt 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. 2948

VIII. PUBLIC HEARINGS

- A. 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 64 Acres Located West of Withers Road, North of South Liberty Parkway from Neighborhood Commercial and Mixed Use to Low-Density Residential [P&Z Case 17-59A] (postponed from December 18/17)

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

Joe Duffey, 1730 S. Withers, stated he is the applicant and this parcel is intended to be part of the Homestead development. He noted that everything around this area is zoned agricultural (except across Withers, which is zoned high density residential). There are natural breaks on the property, including a tree line and an overhead power line. The topography of the property does not lend itself to commercial development (drop off of 70 ft. at one point); however, it does lend itself to residential development. The property is serviced by all utilities and is developable. The retail landscape is changing with home delivery of all types of goods and mixed-use developments (ie. Blackberry with commercial component) have not been embraced in this area. The project has 121 potential residential units with a projected sales tax impact of \$121,000, and the roof tops will help support future commercial growth.

John Roe, Roe Stoner, 1100 Main, Kansas City, MO, stated that he was representing both Huntington Ridge LLC and the Bent Oaks Assoc. He stated this application represents a significant departure from the South Liberty Park Way plan. This stretch was looked at by a Task Force which recommended property being reclassified from high density residential to commercial. This proposed amendment would bring low density residential further south, and right beside commercial next to the Huntington Ridge property. Low density residential this far south would be surrounded by commercial, or high density residential (according to the land use map), and is not a good location for low density residential. He stated that South Liberty Parkway was to

be commercial with buffers to layer in residential, which is a good planning philosophy. The parkway is expected to be a major thoroughfare, why not wait to see what planning forces bring in the future? He encouraged Council to consider this application from a community wide perspective, and not as a one off amendment, as this would not be compatible with current future land use designations.

Art Akin, 405 S. Leonard, spoke on behalf of the application. He stated that the residential development next to the post office is an example of commercial adjacent to residential. He noted that there is a natural buffer with the tree line to the south and the overhead power line.

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

Action: Council Member Watt moved to approve the resolution. Council Member Gentrup 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. 2949.

- B. Ordinance Amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 64 Acres on the West Side of S. Withers Road, North of South Liberty Parkway from R-1A, Suburban Residential District to R-1C, Standard Single-Family District and PD, Planned Development District to Allow the Development of 121 Single Family Lots [P&Z Case No. 17-58R&PDP] (postponed from December 18/17) [to be further postponed to February 26, 2018]

Action: Council Member Hagan requested to postpone consideration of the ordinance to the February 26, 2018 Regular Session. Council Member Graham seconded the motion, which carried unanimously.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of December 29, 2017 to January 12, 2018.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8614 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. 10851.

2. Ordinance including Westland Landscape payments.

Document No. 8615 was read.

Action: Council Member Phillips moved to approve the vendor payments. Council Member Hagan 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. 10851.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance calling an election in the City of Liberty, Missouri on a question of imposing a local City use tax at the same rate as the total local City sales tax rate, currently three and three-eighths percent (3.375%), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action (second reading)

Passage of the use tax is important for Liberty. The trend to online retail purchases is accelerating away from in-store retail. As this trend continues, the revenues from traditional sales taxes may well plateau or decline in the future, further compromising the City's traditional revenue sources to fund critical services for the citizens. In absence of a use tax, as retail trends evolve and as traditional revenue sources experience their ongoing challenges, there are limited options left to address maintenance of current services. The options that would be in front of the City would be to reduce services or increase property taxes.

Document No. 8613 was read.

Action: Council Member Graham moved to approve the ordinance. 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. 10852.

- C. Ordinance amending ordinance no. 10776 approving a contract with Kaw Roofing & Sheet Metal, Inc., by increasing the contract by \$60,795.00 from \$497,885 to a not to exceed amount of \$558,680.00 for the Hail Damage Roof Repairs at the Liberty

Community Center

On November 2, 2016 a hail storm passed through Liberty, causing damage to the Liberty Community Center meeting room roof (Roof C), skylights, and metal roofing. Staff has been working with the City's insurance provider and several contractors to develop a plan to best repair the hail damage and to prevent further damage from occurring to the roof and the facility.

Document No. 8616 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 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. 10853.

D. Ordinance accepting Right-of-Way Deed Dedicating Public Right-of-Way along LaFrenz Road

To facilitate a lot split at 250 LaFrenz Road, right-of-way along LaFrenz Road needs to be dedicated to the City of Liberty to provide enough right-of-way width to allow for any future improvements of LaFrenz road to current City standards.

Document No. 8617 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. 10854.

E. Ordinance approving a Covenant to Maintain the Storm Water Management System for the Oakwood Business Park Tracts 13-15 Development

According to the City of Liberty's storm water discharge permit from the Missouri Department of Natural Resources, an agreement between the City and post-development landowner(s) is required to designate the responsible party(ies) and the type/frequency of maintenance activities for continued performance of storm water detention and storm water quality facilities.

Document No. 8618 was read.

Action: Council Member Jenness 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 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. 10855.

F. Ordinance amending Chapter 4, "Animals and Fowl" of the Code of the City of Liberty, Clay County, Missouri

Based on City Council direction, Chapter 4, "Animals and fowl", has been revised to include provisions and stricter penalties for dogs deemed to be dangerous.

Document No. 8619 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 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. 10856.

G. Ordinance approving Four Agreements with Unite Private Networks of Kansas City, Missouri for LIT and Dark Fiber

The Unite Private Networks dark fiber infrastructure serves as the foundation of the City's telecommunication platform which supports city-wide operations, allowing for voice communications and IT systems/services integration. Utilization of dark fiber

services affords the City the ability to upgrade bandwidth capacity to meet operation requirements through very low cost hardware upgrades.

Document No. 8620 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.10857.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:20 p.m.



Mayor

Attest:



Deputy City Clerk