



City Council Meeting

Regular Session Minutes
March 12, 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 March 12, 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 Jeff Watt, 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
Amy Blake, Human Resources Director
BJ Staab, Interim Parks and Recreation Director
James Simpson, Police Chief
Katherine Sharp, Planning Director
George Kapke, Legal Services Provider
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of February 12, 2018

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

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution approving a Liberty Community Center Alcoholic Beverages Service Application for Savannah Stevens for a Large/Private Event to be held on May 26, 2018

Action: Council Member Phillips moved to approve the resolution. 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

Inscribed in Resolution No. 2965.

VIII. PUBLIC HEARINGS

- A. 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] (Public Hearing postponed from February 26/18) [Second Reading]

The proposed development would include 66 standard single family lots and also the development of a zero lot line villa-type product. The developer is asking for two variances from the Unified Development Ordinance: cul-de-sac length greater than 400 ft. and a reduced buffer along S. Withers Road. The developer is also requesting the closure of Campbell Road.

Document No. 8637 was read.

Mayor Brenton opened the Public Hearing.

Joe Duffey, 1730 S. Withers, Liberty, stated that he and Dan Carr are the developers of the property, which will be similar to the Homestead development and will include a popular villa product. He stated that the topography has its challenges, including a flood plain. As such, they are requesting the variances for cul-de-sac length and a reduced buffer requirement. The property can be fully serviced and he is working with the three surrounding property owners regarding access (Bent Oaks/A&L Farms/Huntington Ridge).

Frankie Petty, 401 Wherritt Lane, Mayor of Glenaire, stated that she is thrilled with construction of South Liberty Parkway and is appreciative of staff keeping them updated on this proposed project. She noted that there are four entrances/exits for Glenaire, three of which are onto highly congested Liberty Drive. She would like to see Campbell Bridge remain open; however, if it's closed, she would like to see the bridge used as a pedestrian path.

William Maloney, 314 Bonnie Lane, Glenaire, stated that he felt Planning and Zoning made their recommendation with faulty information. The statement made at the

Planning meeting that easements would be required (including payment to property owner) to keep Campbell Road open because right-of-way information could not be obtained is not the case. He stated that in Missouri that a road being used as a public road for more than 10 years becomes a public road. Therefore, Campbell Road is a public road of Liberty, and the City should not abandon a street by approving a plan that allows a developer to take over a public road for private gain. He also questioned the validity of the traffic count that was only presented today, and that the Staff Report should have focused on where the application doesn't meet the standards set out in the Blueprint for Liberty vs. just focusing on the ones where it does. The other access points out of Glenaire are not ideal, and the bridge is fine as it serves a limited use purpose. The residents would hate to lose that access.

David Barth, Parkville, MO, stated that he is an adjacent land owner (A&L Farms) and is also a developer. He noted that staff has been forthcoming and helpful. No plan is perfect, and he is here to protect the interest of his parcels. Liberty has the potential for future development and he anticipates a commercial use on his parcels. He does have concerns that the improvement of Campbell Road may restrict access to his property in the future and he wants to ensure that access remains. He also wants to ensure that having residential developed across the street prior to their application coming forward won't hinder their ability to proceed with a commercial development.

George Kapke, City of Liberty's Legal Services Provider, stated that he has worked with staff and it was never the intent of the City to maintain Campbell Road at a higher level. The City wanted to close the road 11-12 years ago; however, they kept it open at the urging of Glenaire. He stated that no right-of-way can be located; however, as stated previously, if a road is used as such, it defaults as a public roadway. The memorandum of understanding with Glenaire regarding the Campbell Road Bridge is in effect until May, 2021 and Glenaire should have access until then.

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

Mayor Brenton stated that in regards to the barriers located at Smiley Road, that those barriers were constructed by the City of Glenaire, and not the City of Liberty. City staff stated that Glenaire may remove those barriers at any time.

Action: Council Member Graham moved to approve the ordinance, including the variances. Council Member Watt 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. 10886.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of February 16 to March 2, 2018.

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

Document No. 8652 was read.

Action: Council Member Phillips moved to approve the vendor payments. Council Member Graham 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. 10887.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance amending Ordinance No. 10570, approving a Contract with VF Anderson Builders, LLC for the Liberty Downtown Streetscape Project, increasing the contract by \$293,966.74 from \$3,903,830.78 to a not to exceed amount of \$4,197,797.52 [AR 075] (second reading)

Excluding the punch list of repairs, estimated at \$62,500., the project is complete. Completion of the project has resulted in many items exceeding the estimated contract unit quantities. These were a result of the unforeseen discovery of underground utilities, significant deteriorated sidewalk and curbs requiring replacement, and incorrect unit summaries in the electrical plans and in the granite curb quantity.

The contractor is still required to address the punch list items and the work is anticipated to be completed in the spring, when weather conditions allow work to continue. The contractor has exceeded the construction time line and staff anticipates approximately \$48,000.00 in liquidated damages, which has been accounted for by reducing the value of the change order presented.

Document No. 8538 was read.

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. 10888.

- C. Ordinance approving and adopting the Trail Alignment, Design, and Costing Plan as an Implementing Document of the Trails Masterplan

The trail alignment planning report paves the way for future trail alignments and identifies 'shovel ready' projects to successfully link neighborhoods and existing trails with areas of community interest.

Document No. 8653 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. 10889.

D. Ordinance approving an Amendment of Right-of-Way Contracts with Buckeye Pipeline Transportation, LLC for the South Liberty Parkway, Phase 2 Project

Pursuant to the conditions of a previously approved Agreement with Property Reserve, Inc. and a Relocation Agreement with Buckeye Pipeline Transportation LLC, it is necessary to enter into Amendment of Right-of-way contracts with Buckeye Transportation to provide required right-of-way for the petroleum pipelines.

The 8" pipeline must be relocated to allow the construction to be completed and a path has been agreed to by Buckeye, the City and the adjacent property owner, Property Reserve Inc. The relocation of the 8" pipeline will be placed in an area that minimizes impacts to future development of the area. The existing 12" petroleum pipeline does not require relocation but Buckeye is requiring additional right-of-way width due to the new depth of the existing pipeline resulting from fill placement above the pipeline to construct the roadway.

Document No. 8654 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 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. 10890.

E. Ordinance approving a Contract with Superior-Bowen Asphalt Company, LLC for the 2018 Street Maintenance Pavement Restoration Project in an amount not to exceed \$938,311.00

Document No. 8655 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 Hagan 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. 10891.

X. OTHER BUSINESS

A. Motion to approve the appointment of BJ Staab as the Director of Parks and Recreation

Action: Council Member Watt moved to approve the motion. 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

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