

## City Council Meeting

Regular Session Minutes  
January 28, 2019

### 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 28, 2019 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 Council Member 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  
Andy Noll, Public Works Director  
Brian Hess, Utilities Director  
BJ Staab, Parks and Recreation Director  
James Simpson, Police Chief  
Katherine Sharp, Planning Director  
Vicki McClure, Assistant Finance Director  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Regular Session Minutes of January 14, 2019

Council Member Hagan moved to approve the minutes as distributed. Council Member Gentrup seconded the motion, which carried 5-0-3. Council Members Phillips, Duncan and Jenness abstained due to absence.

#### B. Special Session Minutes of January 16, 2019

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

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to approve the annual payment to Utility Service Co., Inc. for the Water Tank Maintenance Services for Gordon Tower and Nashua Tower in an amount not to exceed 72,481.52

Funding for the on-going maintenance and upkeep of the water towers comes from the Water Supply and Processing Fund - Water Tower Maintenance. Ten year contracts were approved in 2010 for Nashua Tower and 2013 for Gordon Tower Maintenance. In 2017, the Nashua Tower received an exterior recoating and the exterior of Gordon Tower was cleaned and touched up in 2018.

**Action:** Council Member Hagan moved to approve the payment. 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. Motion to authorize the purchase of water production chemicals from DPC Industries, Inc. for \$30,000.00

Operations at the City's water production plant require certain chemicals in the production process. Sodium hypochlorite is used to disinfect the water. This Chemical is required for water production throughout the year.

**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

- C. Motion to authorize a blanket purchase order with Mississippi Lime in an amount not to exceed \$205,000.00

The City's water production plant uses certain chemicals in the production process. Lime is utilized in large quantities throughout the year for softening and coagulation. The 2019 Water Fund budget includes funds to cover this purchase throughout the year.

**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

- D. Resolution approving a Liberty Community Center (LCC) Alcoholic Beverages Service Application for Michael Draftz for an event to be held on October 19, 2019 at the Liberty Community Center

**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. 3027.

## VIII. PUBLIC HEARINGS

- A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 17.75 Acres on the East Side of Route H, at the Intersection of Spring Avenue and Route H from R-1A, Suburban Residential District, R-6, Low-Rise Apartments, and M-1, Light Industrial to R-1C, Standard Single-Family District to allow the development of up to 52 Single Family Lots with associated variances [P&Z Case 18-30R&PP]

The proposal is for a low density single family subdivision, Ella's Crossing. The applicant is requesting two variances with this project. The first variance is an allowance to be relieved from fully upgrading Route H to current City standards, and the second is an allowance to have a reduced buffer abutting commercial zoning on the south property line.

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

Robert De La Fuente, Star Development, stated he liked the idea of a payment in lieu of sidewalk for the future sidewalk portion to be installed along Tract B. He noted that they will be making offsite improvements in the amount of \$175,000 to bring water and sewer to the area, and the buffer variance requested is needed to achieve the number of lots necessary to make the project financially viable. His belief is that a buffer zone is usually for the comfort of the residential area from an incoming commercial use; however, in this case, the commercial use will already be built and homeowners will be aware of its existence prior to purchasing the lots abutting it.

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

Council Members Duncan, Watt, Hagan, Moore, Gentrup and Phillips stated for the record they had exparte communication with the applicant.

Document No. 8802 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 amend the ordinance to add a stipulation requiring payment of a fee in lieu of sidewalks adjacent to Tract B of the Preliminary Plat for Ella Crossing. 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

**Action:** Council Member Hagan moved to approve the ordinance as amended. 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. 11027.

- B. Resolution approving a Special Use Permit for a Vehicle Storage Use in the M-1, Light Industrial Zoning District at 1520 Old 210 Highway, in Liberty, Clay County, Missouri [19-01SUP]

The proposal is for a covered vehicle storage facility for lease to the public. All vehicles to be stored at this facility are required to be road-ready at all times due to the location within the flood plain should the vehicles be required to be moved quickly. The storage area will be fenced and screened by landscaping and opaque panels in the fence. The drive and parking surface will be gravel in the storage area.

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

Aimee Gray, A3G Architects, stated all vehicles will be under the canopy. The lot is intended for larger vehicles (RVs/boats with trailers).

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

**Action:** Council Member Watt 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. 3028.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of January 4 to January 18, 2019

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

1. Ordinance excluding Westland Landscape payments

Document No. 8803 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. 11028.

2. Ordinance including Westland Landscape payments.

Document No. 8804 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. 11028.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance accepting Right-of-Way Deed dedicating Public Right-of-Way along Old 210 Highway

To facilitate a vehicle storage development, right-of-way along Old 210 Highway needs to be dedicated to the City of Liberty to provide enough right-of-way width to allow for any future improvements of Old 210 Highway to current City standards.

Approving this ordinance will convey the right-of-way property to the City of Liberty via Right-of-Way Deed acquired from Jeffries development, LLC at no cost to the City.

Document No. 8805 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 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. 11029.

C. Ordinance accepting Easements for Water Mains for the North Havens Center Development and authorizing the Mayor to sign same

The water main extension is required in order to provide adequate fire flow protection to the hotel development in North Havens Center. The water main improvements will cross properties outside of the development and will connect to the water main along Forest Avenue to the east. In order to provide for continued maintenance by the City once the construction of the water main is complete and accepted, the easements are necessary.

The easements for the public water main are to encompass the area of new water main from Forest Avenue west into the Havens Center development. The property owners, Attic Storage of Liberty, LLC and Forest Avenue Apartments, LLC, have dedicated the easements to the City at no cost to the City.

Because the title of the property requires the authorization by the City on the Forest Avenue Apartments parcel, the Mayor is required to sign the easement document.

Document No. 8806 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. 11030.

X. OTHER BUSINESS

MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XI. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

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Mayor

Attest:

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Deputy City Clerk