



City Council Meeting

Regular Session Minutes
June 24, 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 June 24, 2019 with Mayor Pro Tem Kevin Graham presiding. Mayor Pro Tem Graham called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Kevin Graham, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Paul Jenness, Ward I
Greg Duncan and Rae Moore, Ward II
Kevin Graham, Ward III
Michael Hagan, Ward IV

Council Members Absent: Lyndell Brenton, Mayor
Harold Phillips, Ward I
Jeff Watt, Ward III
Gene Gentrup, Ward IV

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, Parks and Recreation Director
Matt Kellogg, Police Captain
Mike Snider, Fire Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Planning Director
Sara Cooke, Communications Manager
Janet Pittman, Deputy City Clerk

Public Present: Kellie Houx, Courier Tribune
7 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Study Session Summary of May 20, 2019

Council Member Jenness moved to approve the summary as distributed. Council Member Moore seconded the motion, which carried 5-0-2. Council Members Duncan and Hagan abstained due to absence.

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of June 10, 2019

Council Member Hagan moved to approve the minutes as distributed. Council Member Jenness seconded the motion, which carried unanimously.

B. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. for the '8th Annual Dog Days of Summer Craft Beer Crawl' event on Saturday, August 17, 2019 to be held on Main, Kansas, Franklin and Water Streets

Action: Council Member Hagan moved to approve the resolution. Council Member Jenness seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None
Inscribed in Resolution No. 3050.

C. Authorize payment to Kansas City Winnelson Company for the purchase of 5,000 replacement meter well lids for integration into the Automated Meter Infrastructure Project (#UT-001-19) in an amount not to exceed \$100,300.00

The purchase of these replacement lids is important in the overall meter replacement project as the new lids allow for mounting the radio transmitter unit to the lid.

Action: Council Member Hagan moved to approve the purchase. Council Member Jenness seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None

D. Purchase of four (4) Ventilators from Zoll Medical Corporation in an amount not to exceed \$44,827.08

The Zoll ZVent Portable Ventilator will allow staff to accomplish tasks that they previously could not do (pediatric patients), enhancing staff's ability to provide service to patients.

Action: Council Member Hagan moved to approve the purchase. Council Member Jenness seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None
Abstain: None

VIII. PUBLIC HEARINGS

- A. Resolution approving a Final Development Plan for a 2,945 Sq. Ft. Building at 1132 W. Kansas Street, in Liberty, Clay County, Missouri [P&Z Case #19-10FDP] {postponed from June 10, 2019} **[public hearing]**

Action: Council Member Hagan moved to postpone consideration until July 22, 2019. Council Member Moore seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None

Mayor Pro Tem Graham stated this item would be considered at the July 22nd Regular Session Meeting.

- B. Mid-Continent Public Library

1. Resolution approving a Final Development Plan for Mid-Continent Public Library Building in Liberty, Clay County, Missouri [P&Z Case 19-16FDP] **[public hearing]**

The proposal is for a 18,040 square foot library building, with a variance for building material (use of metal panels for exterior sheathing as a primary material), on a 5 acre lot. The proposed location is at the southeast corner of S. Withers Rd. and Blackberry Drive.

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

Action: Council Member Jenness moved to approve the resolution with the variance for building materials. Council Member Hagan seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None
Inscribed in Resolution No. 3051

2. Ordinance accepting and approving a Final Plat for Mid-Continent Public Library Liberty Branch, in the City of Liberty, Clay County, Missouri [P&Z Case No. 19-17FP]

Document No. 8892 was read.

Action: Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Moore 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 5-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11106.

- C. Ordinance amending Chapter 30, 'Unified Development Ordinance' (UDO) of the Code of the City of Liberty, Clay County, Missouri (relating to short-term loan establishment definition) **[public hearing]** [P&Z Case 19-21A]

This change is prompted by the submission of a citizen petition regulating short-term lenders which is anticipated to be on the ballot in November. The UDO does not currently have a definition for short-term loan establishments including pay day or title loan businesses and staff believes adding this definition will clarify the intended businesses.

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

Document No. 8893 was read.

Mayor Pro Tem Graham stated this item will be considered on second reading on July 8, 2019.

- D. Ordinance amending Chapter 30, "Unified Development Ordinance", of the Code of the City of Liberty, Missouri, to Adopt Regulations relating to Medical Marijuana due to Changes in State Law **[public hearing]** [P&Z Case 19-20A]

The proposed amendments are based upon the rules published by the Department of Health and Senior Services (DHSS) on May 24, 2019 and are guided by the conversation held with the City Council at a Study Session on May 20, 2019. The City Code amendments add definitions used in the state and local code, outline the permitted uses by zoning district, prescribe buffer distances, and assign specific use standards for medical marijuana facilities.

Mayor Pro Tem Graham opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Vicky Ward, 9101 N. Bellefontaine Avenue, Kansas City, stated she is a Manager of Preventative Services at Tri-County Mental Health and works with Liberty Alliance for Youth. Their focus is to try to reduce the age of first use to 21 based on brain development research. She stated that with the ballot measure passed, individuals age 18 and older will have access. They will obtain a card from a physician, take that to the dispensary where the 'bud' tender (not necessarily a licensed pharmacist) fills it (not dose regulated). As

this is a cash only business, she also requested that hours of operation are reduced to eliminate crime that goes up after dark, and to maintain the 1,000 ft. buffer as that is what the voters approved. This would also limit exposure to the children as they wouldn't be walking by it daily.

Angie Reed, 324 Preston Street, Liberty, stated she is a retired educator and advocate of Liberty Alliance for Youth. Young adults living near dispensaries may change how they perceive use, and youth that use cannabis have higher rates of abuse and dependence. She also noted concerns about it being a cash only business and potential for crime near schools where children may be attending night events. She stated that you cannot say you value youth and then make policies that don't support that.

Julia Mees, 1039 Poplar Lane, Liberty, works with Excelsior Springs Safe (similar to Liberty Alliance for Youth) and cares about preventing youth from using drugs, including medical marijuana as it changes how a brain functions. The new law allows a card to be issued to 18 years olds without parental consent. The purchase of alcohol and tobacco products is illegal for those under 18, and she is concerned about youth having easy access to medical marijuana. She urged Council to do what they can now and pass the ordinance with a 1,000 ft. buffer and limit hours of operation for dispensaries.

Justin Mathes, Ridge Avenue, Liberty, stated he is an 8th generation land owner in Liberty and works with track and trade software (similar to what will be used by medical marijuana businesses). He feels the City of Liberty is late to the game in making the zoning amendment and was seeking clarity on the buffer restrictions. By not having the ordinance in place, it doesn't leave potential dispensary applicants much time to secure a location, design a well thought out security plan etc., that all must be submitted with the application in August. He is concerned that if the City adopts the 1,000 ft. buffer, thereby limiting locations, there is the potential that it will create a 'green light' district, with a concentration of dispensaries in one area at the entrance of the City.

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

Document No. 8894 was read.

Mayor Pro Tem Graham stated this item will be considered on second reading on July 8, 2019.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of May 31 to June 14, 2019

1. Ordinance excluding Westland Landscape payments

Document No. 8895 was read.

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

Roll Call

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11107.

2. Ordinance including Westland Landscape payments

Document No. 8896 was read.

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

Roll Call

Vote: Motion passed 4-0-1
Yes: Council Members Moore, Hagan, Graham, and Duncan
No: None
Abstain: Council Member Jenness, due to potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 11107.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 2.23 Acres at 8301 NE 69 Highway, South of South Liberty Parkway from R-1A, Suburban Residential District to PD, Planned Development District for a Commercial Parking Lot [P&Z Case #19-03R&PDP] {2nd reading}

Document No. 8876 was read.

Action: Council Member Hagan moved to approve the ordinance. Council Member Moore seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11108.

- C. Ordinance accepting and approving a Final Plat for Pacific Dental, in the City of Liberty, Clay County, Missouri [P&Z Case #19-11FP] {postponed from June 10, 2019}

Action: Council Member Hagan moved to postpone consideration until July 22, 2019. Council Member Jenness seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None

Mayor Pro Tem Graham stated this item would be considered at the July 22nd Regular Session Meeting.

- D. Ordinance accepting and approving a Final Plat for Ella's Crossing, in the City of Liberty, Clay County, Missouri [P&Z Case #19-09FP] {2nd reading}

Document No. 8881 was read.

Action: Council Member Moore moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 5-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11109.

- E. Ordinance approving a Contract with Metro Asphalt, Inc. for the Construction of the Fire Training Tower Road in an amount not to exceed \$83,022.40

Document No. 8897 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Hagan moved to approve the ordinance. Council Member Moore seconded the motion.

Vote: Motion passed 5-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11110.

- F. Ordinance amending Ordinance No. 10919 approving a contract with Star Signs, LLC for the Wayfinding Signage & Kiosk Project, increasing the amount by \$31,000.00 from \$53,000.00 to a not to exceed amount of \$84,000.00

This action is to increase the contract in order to allow for installation of the next phase of wayfinding signage in 2019. The work completed in 2018 included installation of 10 public parking signs in downtown and two kiosks on the downtown square. The proposed scope of work for this year will include 11 wayfinding signs at various locations near downtown Liberty.

Document No. 8898 was read.

Action: Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Moore 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 5-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11111.

- G. Ordinance approving an Engineering Services Contract with Burns & McDonnell Engineering company, Inc. for the 2019 Water Treatment Plant Lime Feed System Upgrade, Project #UT-003-19 in an amount not to exceed \$87,600.00

Document No. 8899 was read.

Action: Council Member Moore 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 Hagan moved to approve the ordinance. Council Member Moore seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11112.

- H. Ordinance approving a Missouri Highways and Transportation Commission Statewide Transportation Improvement Program on Call Work Zone Enforcement Program Agreement

Document No. 8900 was read.

Action: Council Member Hagan 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 Hagan moved to approve the ordinance. Council Member Moore seconded the motion.

Vote: Motion passed 5-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 11113.

- I. Ordinance approving a Contract with Commercial Aquatic Services for the Purchase and Installation of Starting Blocks in the Liberty Community Center Indoor Main Pool in an amount not to exceed \$35,830.00

Because the Liberty Public Schools utilize the Liberty Community Center large indoor pool for both high school swim teams, the District was consulted regarding their preference for starting blocks replacement. The starting blocks selected by the School District was an upgrade to the needs of the Liberty Community Center. As a result, the

City of Liberty portion of the project will be \$11,066.48 and the Liberty School District portion will be \$24,763.52.

Document No. 8901 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Moore moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 5-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11114.

- J. Ordinance approving a Contract with Associated Theatrical Contractors for the Purchase and Installation of Stair Lighting in the Liberty Community Center Performing Arts Theatre in an amount not to exceed \$43,500.00

The previous stair lighting was part of the aisle seats. With discontinuation of the seats, replacement parts are no longer available. The lighting solution proposed is LightTape, a luminescent material in a bull-nose extraction with a lens that attaches permanently to the face of each tread on the top of the edge of the steps. This project will be reimbursed by the LPR Foundation.

Document No. 8902 was read.

Action: Council Member Hagan 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 Moore moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 5-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11115.

- K. Ordinance approving a Contract with JE Dunn Construction for the Construction of the Family Locker Room and the Fitness Center Addition at the Liberty Community Center in an amount not to exceed \$780,532.00

Document No. 8903 was read.

Action: Council Member Hagan moved to waive the rules and consider the ordinance on first reading. Council Member Moore 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 5-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11116.

L. Ordinance accepting Easement for Sanitary Sewer Mains for Sanitary Sewer Repairs at 745 Ridge Avenue [Project #UT-006-18]

The sanitary sewer main at this location was constructed in the 1960's and was failing due to ground movement along a creek channel. A new portion of sanitary main away from an adjacent creek was constructed to remedy the situation, requiring a new easement over the new portion of pipe. It was discovered that portions of the existing easements were not over the existing sanitary pipes on the property. These new easements were established so that all of the sanitary mains are now encompassed in an appropriate easement.

Document No. 8904 was read.

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

Vote: Motion passed unanimously.

Action: Council Member Moore moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 5-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham and Duncan

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 11117.

X. OTHER BUSINESS

MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XI. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:26 p.m.

Attest:

Mayor

Deputy City Clerk