



City Council Meeting

Regular Session Minutes

Monday, July 14, 2014

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 July 14, 2014 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 Jeff 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
Steve Hansen, Public Works Director
Brian Hess, Interim Utilities Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Katherine Sharp, City Planner
Shawwna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Sara Cooke, Communications Manager
Janet Pittman, Deputy City Clerk

Public Present: Stacy Burt, Liberty Tribune
6 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Strategic Planning Meeting Summary of June 16, 2014

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

V. CITIZENS' PARTICIPATION

Dennis Goodwin, who resides just outside of the city limits off of A Highway, stated the speed limit on A Highway by Liberty North High School is very slow. It is out of sync with other roads/school zones in the City and doesn't increase safety. Mr. Goodwin stated the road is suitable for 45 mph traffic, and a 35 mph school zone posting for start and close times would be more appropriate.

Jennifer Steelman, 1506 McClellan Drive, requested that City Council modify the Code pertaining to backyard hens. She stated that chickens are relatively quiet, and their waste is easier to handle (compared to dogs). They teach responsibility to children and provide healthy food for the family. Two of her neighbors are supportive of her building a coup, which meets the standards set out in the Code; however, the third will not respond to her request for consent. Ms. Steelman requested that City Council remove the requirement of neighbor consent, unless the coup doesn't meet the set-back requirements, and to increase the number of hens allowed.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

The Regular Session Minutes of June 23, 2014 and the Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. at Heritage Hall, 117 West Kansas Street on October 2, 2014 were removed from the Consent agenda and voted upon separately.

A. Historic Downtown Liberty, Inc. Temporary Event Liquor Licenses

1. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc., in and around the Historic Downtown Square, on Saturday, August 16, 2014

Council Member Phillips moved to approve the resolution. Council Member Jenness seconded the motion, which carried unanimously and is inscribed in Resolution No. 2690.

2. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. on Main, Kansas, Water and Franklin Streets around the Historic Downtown Square on Saturday, September 13, 2014

Council Member Phillips moved to approve the resolution. Council Member Jenness seconded the motion, which carried unanimously and is inscribed in Resolution No. 2691.

3. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. for an event to be held in the City Hall Parking Lot, East of City Hall, on Saturday, October 25, 2014

Council Member Phillips moved to approve the resolution. Council Member Jenness seconded the motion, which carried unanimously and is inscribed in Resolution No. 2693.

B. Regular Session Minutes of June 23, 2014

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

- C. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. at Heritage Hall, 117 West Kansas Street on October 2, 2014

Council Member Jenness moved to approve the resolution. Council Member Duncan seconded the motion, which carried 7-0-1. Council Member Hagan abstained due to potential conflict of interest. Inscribed in Resolution No. 2692.

VIII. PUBLIC HEARINGS

- A. Ordinance approving a Petition to establish the formation of the 901 South 291 Community Improvement District (CID) and declaring the area within the District a Blighted Area

A Petition to establish the 901 South 291 CID has been submitted. The only business located on the property is Sutherlands, which is owned by Cimarron Lumber and Supply Company. The CID would impose a 1 cent sales tax levy on receipts from sales within the CID area to reimburse costs relating to construction improvements and provision of services within the district.

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

Christine Bushyhead, MLK Attorneys & Advisors, legal counsel to Sutherlands and Cimarron Lumber, stated the application is in the name of Cimarron who leases the property to Sutherlands. Cimarron is comprised of Sutherlands and related entities. The funds would be used for interior and exterior improvements in the amount of \$980,000., including HVAC. The company has been in business in Liberty since 1976, and at the current location since 1997. The CID will be a valuable tool for the company to make reinvestment into the property. Ms. Bushyhead noted that legal counsel has experience with CIDs and TDDs, and that Paul McKnight, company representative, sits on other boards and is familiar with the CID requirements/process. She stated that, if approved, improvements would be completed by the end of the year.

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

Document No. 7928 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the July 28, 2014 Regular Session meeting.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of June 13 to July 3, 2014.

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

1. Ordinance excluding Westland Landscape payments

Document No. 7929 was read.

Action: Council Member Phillips moved to approve the vendor payments. Council Member Hagan 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. 10234.

2. Ordinance including Westland Landscape payments.

Document No. 7930 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. 10234.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance approving a Plan for an Industrial Development Project (B&B Movie Theatres, L.L.C.) [second reading]

Council Member Hagan recused himself from the meeting.

Document No. 7921 was read.

Action: Council Member Jenness moved to approve the ordinance. Council Member Watt seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Moore, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10235.

Council Member Hagan returned to the meeting at this time.

- C. Ordinance adopting and approving the Downtown Liberty Residential 353 Development Plan submitted by the Liberty Municipal Redevelopment Corporation, finding that the property within said Development Plan is a blighted area in need of development and redevelopment, authorizing certain tax abatement within the redevelopment area described within the Development Plan; authorizing execution of 353 Development Agreements for implementation of redevelopment projects in conformance with the Development Plan; and providing for expiration of development rights [second reading]

Document No. 7923 was read.

Action: Council Member Graham moved to amend the ordinance by moving the words ‘Installation and/or replacement of interior finishings for aesthetic appeal and elimination of obsolescence’ from the Eligible Improvements that can apply towards base section to the Improvements not eligible for tax abatement section in Attachment A to Exhibit A ‘Chapter 353 Property Tax Abatement Downtown Liberty Residential District Program Guidelines’. Council Member Moore seconded the motion.

Vote: Motion failed 3-5-0
Yes: Council Members Moore, Graham and Watt
No: Council Members Phillips, Jenness, Hagan, Duncan and Gentrup
Abstain: None

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

Vote: Motion passed 7-1-0
Yes: Council Members Phillips, Jenness, Moore, Hagan, Watt, Duncan and Gentrup
No: Council Member Graham
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10236.

- D. Ordinance accepting Easements for Public Water Mains for the Liberty High School and Liberty North High School Additions

Existing public water mains must be relocated out of the way to facilitate the construction of building additions at Liberty High School and Liberty North High School. 10’ public water main easements must be dedicated to encompass the newly relocated water mains.

Document No. 7931 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 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. 10237.

E. Ordinance Disclaiming and Abandoning Water Easements for the Liberty High School and Liberty North High School Additions

Existing public water mains must be relocated out of the way to facilitate the construction of building additions at Liberty High School and Liberty North High School. Public water main easements that encompass the abandoned water mains need to be disclaimed and abandoned.

Document No. 7932 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 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. 10238.

F. Ordinance approving a Contract with Midwest Heavy Construction, LLC for the Liberty Drive Improvements Project in an amount not to exceed \$2,052,837.75

Contract provides for the construction of infrastructure improvements on Liberty Drive from Mill Street to Ridge Avenue. Improvements consist of curbs, pavement, sidewalk, bicycle facilities, and retaining walls, as well as upgrades of existing water mains and any necessary sanitary sewer rehabilitation.

Document No. 7933 was read.

Action: Council Member Jenness 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. 10239.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Mayor

Attest:

Deputy City Clerk