



City Council Meeting

Regular Session Minutes

January 25, 2016

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 25, 2016 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 Harold Phillips, 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
Janet Bartnik, Parks and Recreation Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Katherine Sharp, Planning Manager
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of January 11, 2016

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

V. CITIZENS' PARTICIPATION

Jeremy Collum, 409 Jefferson, requested that Council change the Pitbull ban to be non-breed specific and just be a Dangerous Dog ban.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to authorize the annual payment to Utility Service Co., Inc. for Water Tank Maintenance Services for Gordon Tower and Nashua Tower in the amount of \$65,298.64

Utilities Services Co., Inc. provides maintenance, cleaning and inspection services for both the Gordon and Nashua water towers. Both towers have been maintained and cleaned regularly with minor repairs since the long term maintenance contracts have been in place.

Action: Council Member Watt moved to approve the annual payment. 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

- B. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc.'s '9th Annual – A Downtown Affair' at 117 West Kansas Street on April 14, 2016

Action: Council Member Watt moved to approve the resolution. 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

Inscribed in Resolution No. 2806.

- C. Appointments

1. Public Facilities Authority

a. Appoint George Steincross to a three year term expiring 12/31/2018

b. Appoint Mary Alice Dobberstine to a three year term expiring 12/31/2018

Council Member Watt moved to approve the appointments. Council Member Jenness seconded the motion, which carried unanimously.

- D. Liberty Community Center Fitness Equipment

To remain market-relevant, fitness centers will replace commercial equipment on a regular cycle. The Liberty Community Center has established a 3-year lease cycle

with a two year break, creating the regular replacement of equipment at five-year intervals.

1. Motion to approve a purchase with Advanced Exercise Equipment in the amount of \$44,136.69 for Cardiovascular and Strength Equipment for the fitness center, located at the Liberty Community Center

Action: Council Member Watt moved to approve the purchase. 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

2. Motion to approve a purchase with Performance Fitness Equipment in the amount of \$19,600.00 for Elliptical Machines for the fitness center, located at the Liberty Community Center

Action: Council Member Watt moved to approve the purchase. 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

VIII. PUBLIC HEARINGS

A. North Haven Center / Best Western Hotel

The central change in this plan is to allow a four story, 44,500 square foot hotel on Lot 1, a departure from the 10,500 square foot, one story retail building shown on Lot 1 of the previous preliminary plan. The final plat complies with standards of the UDO and the C-3 and C-2 zoning districts. The final development plan is for a 72 room, 4 story Best Western premier hotel with height and parking variance at North Haven Center, lot 1.

1. Resolution approving an Amended Preliminary Development Plan for North Haven Center, in Liberty, Clay County, Missouri [P&Z Case 15-54PDP-A] – **not a Public Hearing**

Action: Council Member Phillips moved to approve the resolution. Council Member Moore 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. 2807.

2. Ordinance accepting and approving a Final Plat for North Haven Center, in the City of Liberty, Clay County, Missouri [P&Z Case No. 15-53FP]] – **not a Public Hearing**

Document No. 8229 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 Watt moved to approve the ordinance. 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. 10506.

3. Resolution approving a Final Development Plan for the Construction of a 72 Room, Four Story Best Western Premier Hotel at North Haven Center, Lot 1, in Liberty, Clay County, Missouri [P&Z Case 15-52FDP]

The applicant is requesting the following variances:

- A variance from parking requirements for business uses as found in Section 30-83.2(2), to allow a one parking stall per hotel room, plus one parking stall for an overnight employee; and
- A variance from height allowances as found in Section 30-64.2(2), to exceed the height maximum within the C-3 zoning district of three stories to allow a four story building.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Applicant Dilip Patel, 10401 France Family Dr., Kansas City, KS, stated he has been in the hotel industry since 1990 and builds a quality product. He noted that the other hotels he operates have a one parking stall to one room ratio and he hasn't experienced any problems, even in already developed areas. He is still awaiting official designation from Best Western that this will be a Premier property; however, the hotel is to be upscale and will attract tourists vs. construction workers. He stated that he builds and operates the hotels and he has updated some of his properties before even being required to do so.

Holly Mills, 427 E. Mississippi, noted that she represents the property where the hotel is proposed to be built. She stated she had toured his other properties and he has a good track record. This is important because this project will impact the surrounding area that they still have to develop.

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

Action: Council Member Phillips moved to approve the resolution with requested variances. 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
Inscribed in Resolution No. 2808.

- B. Ordinance approving a Revised and Restated Plan for an Industrial Development Project for the Forest Avenue Apartments, consisting of the Construction and Improvement of a Commercial Facility for Forest Avenue Apartments, LLC, a Delaware Limited Liability Company; authorizing the City of Liberty, Missouri to issue its Taxable Industrial Development Revenue Bonds (Forest Ave. Apartments Project), Series 2016, in a Principal Amount not to exceed \$32,800,000 to Finance the Costs of such Project; authorizing and approving certain documents; and authorizing certain other actions in connection with the Issuance of the Bonds

The plan for industrial development has been revised and restated to reflect certain increased costs within the past year and prior to further action required a new notice to the taxing entities and a new public hearing prior to consideration of bond documents.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Mr. Brent Miles, North Point Development, thanked Council for their support and patience throughout the process.

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

Document No. 8230 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 Duncan 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. 10507.

- C. Ordinance amending Article IV of the Unified Development Ordinance, Chapter 30 of the Code of the City of Liberty, Clay County, Missouri (pertaining to storage facilities and vehicle related uses)

In 2015, City Council passed an interim resolution prohibiting storage facilities, thrift stores and car washes to allow time for City Council, Planning Commission and the Planning and Development Department to study these items. At that meeting, staff was directed to amend the code pertaining to storage facilities and car washes; and to continue allowing thrift stores in commercial areas. Staff, after researching these issues recommends that there be additional limitations in auto-related uses, such as car lots, vehicle service centers, and gas stations. City Council passed a moratorium which will expire on February 20, 2016.

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

Document No. 8231 was read.

Mayor Brenton stated this would be considered on second reading at the February 8, 2016 Regular Session.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of December 31, 2015 to January 15, 2016.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8232 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. 10508.

2. Ordinance including Westland Landscape payments.

Document No. 8233 was read.

Action: Council Member Graham 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. 10508.

Mayor Brenton resumed as chair of the meeting.

- B. An Ordinance adopting and approving a Funding Agreement between Liberty Healthy Living Community, LLC, a Kansas Limited Liability Company (The "Company"), and the City of Liberty providing for the reimbursement of certain project costs incurred by the City and authorizing the Mayor to execute the Funding Agreement

The City and Healthy Living Community LLC, have been working towards development of the site. Although no Industrial Development Plan has been finalized, there are certain expenses that the City will incur during negotiations for development as well as potential expenses during preparation of necessary documents that will hopefully finalize implementation of a development project.

Document No. 8234 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 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. 10509.

- C. Ordinance approving a Contract with Associated Theatrical Contractors, in an amount not to exceed \$11,541.00 for the Purchase and Installation of the Rigging System Replacement for the Liberty Community Center Performing Arts Theatre

The Liberty Performing Arts Theatre has five line sets; four that move and one that remains stationary. The electrical line set being replaced is the first to be replaced since the facility opened in 1992. Because of the location of this particular line set, it is used more often than the other three moveable line sets. The remaining electric line sets are in very serviceable condition, showing minimal to no signs of wear.

Document No. 8235 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 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. 10510.

- D. Ordinance approving a Contract with MC Janitorial in an amount not to exceed \$22,651.20 for the Third Shift Contractual Custodial Services at the Liberty Community Center

In March 2013, the Liberty Community Center began utilizing third shift contractual custodial services for a deeper cleaning of the locker rooms and fitness center Monday through Friday. In addition to a deeper clean, third shift custodial also prevents interruption of service for Liberty Community Center guests. In March 2015, third shift contractual custodial was expanded to seven days per week in additional high profile areas of the facility (main lobby and restrooms and entire lower level) to further enhance the guest experience.

Document No. 8236 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. 10511.

- E. 2016 Adult and Youth Sports Apparel

The Parks and Recreation Department facilitates a wide variety of youth and adult sports leagues and camps throughout the year which require the purchase of uniforms, jerseys, caps, socks, champion apparel, and the like.

1. Ordinance approving a Guaranteed Pricing Agreement with Challenger Teamwear for FY 2016 Adult and Youth Sports Apparel – Youth Soccer in an amount not to exceed \$10,000.00

Document No. 8237 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 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. 10512.

2. Ordinance approving a Guaranteed Pricing Agreement with Custom Graphics for FY 2016 Adult and Youth Sports Apparel – Youth Baseball/Softball, Youth Flag Football, Bitty Sports Camp & Adult Sports in an amount not to exceed \$54,000.00

Document No.8238 was read.

Action: Council Member Watt 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 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. 10513.

3. Ordinance approving a Guaranteed Pricing Agreement with YBA Shirts for FY 2016 Adult and Youth Sports Apparel – Youth Basketball & Youth Soccer in an amount not to exceed \$10,750.00

Document No. 8239 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 Moore 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. 10514.

- F. Ordinance approving a Contract with Musco Lighting in the amount of \$75,520.00 for the Fountain Bluff Sports Complex Relamping Project

The project includes the replacement of all (548) lights that are used to light the sports fields at Fountain Bluff Sports complex with a newer more efficient Z-lamp. These lamps provide a better lit field, are safer for ball sight, and are more energy efficient.

Document No. 8240 was read.

Action: Council Member Watt 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 Jenness 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. 10515.

- G. Ordinance approving a Contract with Waldinger Corporation in an amount not to exceed \$75,000.00 for HVAC Preventive Maintenance and On-Call Repair Services

The City of Liberty utilizes independent contractors to manage preventive maintenance activities and repair services for the HVAC systems serving public facilities. Because the services requested are specialized, services are divided into two separate groups: those for primary facilities and those for secondary facilities. The services requested for each group are of a slightly different scope or scale and are based on the mechanical requirements of the equipment. Waldinger Corporation, who has been the City's contractor for 19 years and is in good standing with the City, offered the lowest cost pricing proposal based on a "basket of goods" annual cost analysis.

Document No.8241 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 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. 10516.

- 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