



City Council Meeting

Regular Session Minutes

February 22, 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 February 22, 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 Lyndell Brenton, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Greg Duncan, Ward II
Kevin Graham, Ward III
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Jeff Moore, Ward II
Jeff Watt, Ward III

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator, Finance Director
Steve Hansen, Public Works Director
Janet Bartnik, Parks and Recreation Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Katherine Sharp, Assistant Planning Director
Karan Johnson, Economic & Business Dev. Manager
Jonna Wensel, Community Development Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

- A. Mayor Brenton read and presented a Proclamation of Appreciation to Chery Holtman
- B. Mayor Brenton read and presented a Proclamation of Appreciation to Eagle Scout Adam Larson

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution Declaring the Official Intent of the City of Liberty, Missouri to Finance the Cost of Acquiring Certain Equipment and Building Improvements Using a Tax Exempt Debt Financing

The City contemplates securing in 2016 the following equipment/building improvement items: a fire training tower; a property addition to Fire Station 3 (semi-detached storage); property additions to Fire Station 1 (expanded classrooms, updated living quarters and an additional apparatus bay storage space; station alerting equipment to update said technology; a Ford 350 XL super duty extended cab; a replacement crane truck; replacement of the Supervisory Control & Data Acquisition (SCADA); three (3) Ford Police Utility vehicles with extended warranties; a Ford detective sedan and fitness equipment. These purchases are intended to be financed through a debt issuance at an estimated total of \$1,735,000.

Action: Council Member Phillips moved to approve the resolution. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2812.

- B. Motion to purchase Fire Personnel Protective Equipment from Conrad Fire Equipment in an amount not to exceed \$22,235.90

The Fire Department provides its members with Personal Protective Equipment (PPE) which includes a helmet, nomex hood, bunker coat, gloves, bunker pants, and boots. The Department has established, based on NFPA standard and our wear and use of the equipment, a five (5) year front line service plan and a five (5) year back up plan with its bunker coat and pants.

Action: Council Member Phillips moved to approve the purchase. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup
No: None
Abstain: None

- C. Motion to purchase three Police Vehicles from Shawnee Mission Ford in an amount not to exceed \$89,178.00

The Police Department is recommending the purchase of three (3) vehicles, in replacement of there (3) patrol vehicles. The Police Department will continue with past success in utilizing an auto auction after replacement vehicles have been prepared and placed in service.

Action: Council Member Phillips moved to approve the purchase. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

D. Resolution authorizing the Filing of an Application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant for Impaired Driver Enforcement

Action: Council Member Phillips moved to approve the resolution. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 2813.

E. Resolution authorizing the Filing of an Application with the Missouri Division of Highway Safety for a Highway Safety Law Enforcement Grant for Hazardous Moving Violation Enforcement

Action: Council Member Phillips moved to approve the resolution. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 2814.

F. Appointments/Reappointments

i. Historic District Review Commission

- a. Reappoint Matt Grundy to a term expiring July 1, 2017
- b. Reappoint Kelley Wrenn Pozel to a term expiring July 1, 2017
- c. Reappoint Doug Wilson to a term expiring July 1, 2019
- d. Reappoint Mike Gilmore to a term expiring July 1, 2019
- e. Reappoint John Carr to a term expiring July 1, 2020
- f. Reappoint Dail Hobbs to a term expiring July 1, 2020
- g. Reappoint Vern Drottz to a term expiring July 1, 2021
- h. Reappoint Clay Lozier to a term expiring July 1, 2021

Action: Council Member Phillips moved to approve the reappointments. Council Member Gentrup seconded the motion, which carried unanimously.

ii. Historic District Review Commission

- a. Appoint Brett Rinker to a term expiring July 1, 2017

Action: Council Member Phillips moved to approve the appointment. Council Member Gentrup seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

- A. A request by Historic District Review Commission to rezone 73 Fulkerson Circle (Fulkerson House) to Historic Preservation District Overlay-Local Landmark [P&Z Case 16-08R] [**Public hearing to be postponed to March 28**]

Action: Council Member Hagan moved to postpone consideration to March 28, 2016. Council Member Jenness seconded the motion, which carried unanimously.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by rezoning 8.31 acres at 1010 N Lightburne from R-1A, Suburban Residential District to PD, Planned Development District to allow the development of the Cottages at Bluebird Creek, a 48 unit senior housing development [P&Z Case 16-02R&PDP] [**Public Hearing**]

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Brenda Haddad, representing Herman Kittle, 1405 S. Ellis, Webb City, Missouri stated this is a MHDC financed development to serve low and moderate income seniors, and special needs will be referred by the Center for Human Services. There will be 36 one bedrooms (963 sq. ft.) and 12 two bedrooms (1,077 sq.ft.) with the rents ranging from \$465-620. Thirteen units will be set aside for special needs. There will also be six garages and 6 storage spaces available at an additional cost. The site will include a community building, housing a tornado shelter, as well as a pet park. She noted that travel impact from this development is expected to be minimal.

Holly Mills, realtor representing the property owner, stated this is a great use and requested Council's support of the project.

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

Document No. 8247 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 Hagan moved to approve the ordinance. Council Member Graham seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10523.

C. Ordinance accepting and approving a Final Plat of Liberty Commons, 2nd Plat in Liberty, Clay County, Missouri [P&Z Case 16-05FP]

Document No. 8248 was read.

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10524.

D. Resolution approving a Final Development Plan for a 80,568 sf., 112 room, five story Marriott Residence Inn extended stay hotel at Liberty Commons, Lot 1 in Liberty, Clay County, Missouri [P&Z Case 15-51FDP] **[Public Hearing]**

The applicant is requesting 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; and, a variance from the parking setback requirements found in UDO Section 30-87.1.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Chase Zadnik, Raymond Management Company, 7 Rosewood Circle, Madison, WI, noted his company's extensive hotel management experience. In response to Council's question, he stated that there will be a front and back entrance to the hotel to access the parking lots.

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

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2815.

- E. Resolution approving a Final Development Plan for Duffey Homestead single-family residential development on Withers Road and old Withers Road, in Liberty, Clay County, Missouri {with variance request to defer trail} [P&Z Case 16-03FDP] **[Public Hearing]**

The applicant is requesting a variance to defer the building of the trail for Phase 1 to Phase II of development. The updated plan will also include keeping the existing home as is instead of a clubhouse, and building a pool house next to the pool.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Joe Duffey, 1730 Withers Road, stated that if all continues to go well he anticipates that they will be back in the fall of 2016 for the final plat approval of the 2nd phase. They would prefer to do all three segments at once and that's why they are requesting to defer trail construction until Phase II. They too want a walking trail, as it is a desired amenity for home owners, and they are willing to put the funds needed to construct the trail into escrow. In the event Phase II doesn't come online as anticipated, Council discussed also adding an occupancy limit and/or deadline date that would trigger construction of the trail, in addition to having sufficient funds placed into escrow.

Honey Boney, 1513 Smiley, asked about the location of the trail. The applicant and City staff noted they have walked the property together, however, no location has been determined.

Daniel Vlamis, 1536 Smiley, stated that the Withersfield home owners are excited about a new trail; however, they are concerned about the trail, due to topography, needing to be constructed on the west side of the creek, right behind their homes. He requested the public be involved in determining the location of the trail and the connection to Canterbury. Parks and Recreation Director Janet Bartnik noted that a public meeting will be held with the neighborhood residents.

Dawn McMorrow, 1822 Surrey, stated she is neutral on the application; however, she wanted to know if a variance is granted if that changes the location of the trail. The Mayor stated that it would not.

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

Action: Council Member Gentrup moved to postpone consideration of the Resolution to March 14, 2016. Council Member Hagan seconded the motion.

Mayor Brenton stated the Resolution will be considered at the Regular Session meeting on March 14, 2016 to allow legal counsel time to draft appropriate guidelines pertaining to escrow funding and timeline triggers for trail construction.

- F. Ordinance accepting and approving a Final Plat for Duffey Homestead in the City of Liberty, Clay County, Missouri [P& Z Case 16-04FP]

Document No. 8249 was read.

Mayor Brenton stated the Ordinance will be considered on second reading at the

Regular Session meeting on March 14, 2016

- G. Ordinance adopting and approving the Eleventh Amended Development Plan submitted by the Liberty Municipal Redevelopment Corporation, Reaffirming the Finding that the Property within said Eleventh Amended Development Plan is a Blighted Area in need of Development and Redevelopment as determined in Ordinance No. 9794, authorizing Certain Tax Abatement within the Redevelopment Area Described within the Eleventh Amended Development Plan; Authorizing Execution of a 353 Development Agreement for Implementation of the 112 E. Franklin Redevelopment Project and providing for Expiration of Development Rights [**Public hearing to be postponed to March 14**]

Mayor Brenton opened the Public Hearing.

Action: Council Member Graham moved to continue the Public Hearing to March 14, 2016. Council Member Jenness seconded the motion.

Mayor Brenton stated the Public Hearing and consideration of the Ordinance will be held at the Regular Session meeting on March 14, 2016.

- H. Ordinance adopting and approving the 115 N Stewart Development Plan submitted by the 115 N Stewart Redevelopment Corporation, reaffirming the 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 a 353 Development Agreement for Implementation of the Redevelopment Project in Conformance with the Development Plan; and providing for Expiration of Development Rights [**Public Hearing**]

The applicant of the Super 8 Motel has requested a Chapter 353 Tax Abatement to remove blighting factors and make improvements to the property. The improvements will include exterior and landscaping improvements as well as an elevator and new interior finishes. The total cost of improvements is \$393,815.00.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Tom Mendel, 213 Camelot Drive, spoke as a representative of the applicant. He stated the Super 8 Motel has been at that location since 1980. This is a great project, and the proposed improvements will fit well with the Triangle development.

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

Document No. 8251 was read.

Mayor Brenton stated the Ordinance will be considered on second reading at the Regular Session meeting on March 14, 2016.

- I. Ordinance approving a Plan for an Industrial Development Project for Healthy Living Community, LLC Project consisting of the Construction, Improvement and Equipping of a Commercial Facility for Liberty Healthy Living Community, LLC, a Kansas Limited Liability Company; authorizing the City of Liberty, Missouri to issue

its taxable Industrial Revenue Bonds (Liberty Healthy Living Community, LLC Project), Series 2016, in Three or more Series with an aggregate principal amount not to exceed \$43,500,000 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 **[Public Hearing]**

The Plan for an Industrial Development Project provides financing for a project to be used by Liberty Healthy Living Community, LLC, a Kansas limited liability company (the "Company") at a facility generally located along the south side of Glenn Hendren Drive and the west side of Lightburne Street in the City of Liberty, Missouri (the "Project") and the proposed lease of the Project by the City to the Company. The \$43 million project includes Phase I only (Healthy Living Center, Skilled Nursing Facility and an Assisted Living Facility) and qualifies for 78% tax abatement per the City's Chapter 100 Economic Development Policy. The value of the abatement over a ten (10) year period of time is estimated to be \$9.6 million.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Mark Stombaugh, Liberty Economic Development Corporation, 105 N. Stewart Court, discussed the different tools the Council uses, how it drives quality development within the City, and by using creative partnerships like this one we'll see a really great development. Seeing no one else wishing to speak, the Mayor closed the Public Hearing.

Document No. 8252 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 Hagan moved to approve the ordinance. Council Member Jenness seconded the motion.

Roll Call

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10525.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of January 29, 2016 to February 12, 2016.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8253 was read.

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

Roll Call

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10256.

2. Ordinance including Westland Landscape payments.

Document No. 8254 was read.

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

Roll Call

Vote: Motion passed 5-0-1

Yes: Council Members Phillips, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: Council Member Jenness, due to potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 10526.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance accepting and approving a Final Plat for Forest Avenue Apartments in the City of Liberty, Clay County, Missouri [P&Z Case 16-06FP]

Document No. 8255 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 Hagan moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10527.

C. Resolution approving a Final Development Plan for Forest Avenue Apartments (292 units) along N Forest Avenue North of 291 Highway, in Liberty, Clay County, Missouri [P&Z Case 16-07FDP]

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

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2816.

- D. Ordinance approving a Fee for Services Agreement with Liberty Community Health Action Team in an amount not to exceed \$5,000.00

Document No. 8256 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 Jenness moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10528.

- E. Ordinance approving a Guaranteed Pricing Agreement with Kitch's Lawncare and Landscaping Services, Inc. for Cemetery Mowing Services in an amount not to exceed \$35,000.00

Document No. 8257 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 Jenness moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0
Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10529.

- F. Ordinance approving an Agreement with Pepsi Beverage Company pertaining to purchasing Non-alcoholic Beverages at Fountain Bluff Sports Complex and Liberty Community Center, Liberty, Missouri in an amount not to exceed \$53,000.

Document No. 8258 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 Gentrup moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10530.

- G. Ordinance approving a Guaranteed Pricing agreement with Kohl Wholesale in an amount not to exceed \$40,000 for FY 2016 Concession Food and Supplies

Document No. 8259 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 Jenness seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10531.

- H. Ordinance approving an Agreement with BNSF Railway Company and Kaw River Railroad, Inc. to allow for the Installation, Maintenance and Operation of a Sanitary Sewer Pipeline related to the Wastewater Treatment Plant Project

Document No. 8260 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 Jenness moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10532.

- I. Ordinance approving an Intergovernmental Agreement with the Mid-America Regional Council Solid Waste Management District for Participation in the Regional Household Hazardous Waste Program in the amount of \$30,314.96

Document No. 8261 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 Graham moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10533.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Mayor

Attest:

Deputy City Clerk