



## City Council Meeting

Regular Session Minutes  
July 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 July 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 Mike Hagan, 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 and Jeff Watt, Ward III  
Michael Hagan, Ward IV

Council Members Absent: Rae Moore, Ward II  
Gene Gentrup, Ward IV

Staff Present: Curt Wenson, City Administrator  
Dan Estes, Assistant City Administrator, Finance Director  
Andy Noll, Public Works Director  
Brian Hess, Utilities Director  
Janet Bartnik, Parks and Recreation Director  
Tim Moore, Police Captain  
Katherine Sharp, Assistant Planning Director  
Mike Peterman, City Planner  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Regular Session Minutes of June 27, 2016

Council Member Phillips moved to approve the minutes as distributed. Council Member Hagan seconded the motion, which carried 5-0-1. Council Member Watt abstained due to absence.

#### B. Executive Session Minutes of July 11, 2016

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

V. CITIZENS' PARTICIPATION

Will Smith stated, in an effort to give back to the community, he has hosted a 3 on 3 basketball tournament for the last nine years at Ruth Moore Park. He encouraged citizens to come out and participate on August 13 and 14<sup>th</sup>.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular Session Minutes of July 11, 2016

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

B. Resolution approving a Temporary Event Liquor License for a St. James School Event at 309 South Stewart Road on Friday, August 12 and Saturday, August 13, 2016

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

Vote: Motion passed 6-0-0  
Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, and Duncan  
No: None  
Abstain: None  
Inscribed in Resolution No. 2854

C. Resolution approving a Liberty Community Center Alcoholic Beverages Service Application for Luis Salgado for a Large/Private Event to be held on Saturday, August 13, 2016

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

Vote: Motion passed 6-0-0  
Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, and Duncan  
No: None  
Abstain: None  
Inscribed in Resolution No. 2855

D. Appointments

1. Tax Increment Financing Commission

i. Appoint Ben Lassiter to a term expiring October 31, 2019

Council Member Phillips moved to approve the appointment. Council Member Duncan seconded the motion, which carried unanimously.

## VIII. PUBLIC HEARINGS

- A. Resolution amending the Future Land Use Map of the Comprehensive General Plan of the City of Liberty by Changing the Land Use Designation of approximately 6.8 Acres Located at 73 Fulkerson Circle from Low-Density Residential to High-Density Residential [P&Z Case 16-27A]

The applicant is requesting to amend the Future Land Use map, a component of the Comprehensive Plan for the City, designation for the property to High-Density Residential (7+ dwelling units per acre) from Low-Density Residential (0-6 dwelling units/acre).

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

Curtis Peterson, Polsinelli, 900 W. 48<sup>th</sup> Pl, Kansas City, MO, spoke on behalf of the applicant. He stated the applicant, as a gesture to the community, would like to alter his request to amend the area from low density to high density residential to encompass only the first 350 ft. from Liberty Drive and leave the remaining 250 ft. low density residential. He noted that any project for this area would need to be high density to cover the costs of land acquisition and infrastructure costs. The project to be proposed will be something to be proud of and top notch for seniors. The applicant Shane Wright, Real Estate Equities Development, 1400 Corporate Center Curve, Eagan, MN, stated his company specializes in senior co-operative housing. They have a successful model that is 100% owner occupied and generally comprised of retirees. He noted that of their 26 communities, half are adjacent to single family residential. He stated that Liberty is an underserved market. When the Blue Print for Liberty was developed there was a single house on the property, they couldn't foresee one day it would be vacant and that doesn't mean it should remain low density now. Low density wouldn't be profitable.

William Wiley, 1205 Old Manor Road, stated he is retired and requested that Council leave the land use as is. He is concerned about the Liberty Drive traffic, trees and water run-off issues.

Cheryl Walton, 25 Fulkerson Circle, stated she has resided there for 10 years. She and five other residents conducted some research. The applicant states the property is a 'transitional' site. The residents disagree as three sides are next to single family homes. The only way you can see the commercial properties is to stand at the front of the property. The bank building is also shielded by a row of trees on the property. If the property was developed with single family homes, similar to that of the Wynbrick area, the commercial property wouldn't even be visible. Ms. Walton requested that Council turn down the request and respect the Blue Print for Liberty.

Dan Smock, 36 Fulkerson Circle, stated that Liberty Drive already has traffic issues, including the confusing right-of-way at Liberty Drive/Withers, and the entrance into Fulkerson is already difficult when traffic is heavy. A second entrance would make it easier for the Fulkerson residents; however, he doesn't feel this will help because the Hall Court residents have difficulty exiting their driveways as it is. Increasing density

will affect Liberty Drive, a street that MARC traffic reports state is already a problem area (including the Withers/Liberty Drive intersection).

Sarah Rising Sun-Lee, 1200 Old Manor Road, stated her home is two houses west of the subject property. She spoke on behalf of the Westboro and Hall Court residents requesting that Council reject the request as no development of this density would be desirable for that property.

Ron Mullennix, 814 Blueberry Lane, spoke at the request of Juarenne Hester. Ms. Hester has resided at 37 Fulkerson Circle for 51 years, and was a Council Member in 1999 when the land use map was created and approved. It was nationally heralded as a top plan because it was a community driven plan. Changes to the plan should be made with community input as well, not just for the benefit of property development. She encouraged Council to consider carefully and deny this request.

Ron Mullennix, 814 Blueberry Lane, stated that land price will drive density required for profit; however, it is not Council's job to ensure a developer gets that profit.

Nancy Mose, 1452 Circle Drive, stated that she lives just down from the high school and she is concerned about the traffic as approximately 6 to 16 buses go down Liberty Drive now. How many more cars will high density add?

Elaina Michalski, 925 Lindenwood Lane, stated she is a visual person. When she envisions a large high density structure being built on that hill it appears intrusive and will have a negative effect.

Jon Jannings, 68 Fulkerson Circle, was speaking on behalf of area residents. The lot is surrounded by single family residential. Bank of America has speed bumps because of the traffic going through there. There is a light now to help residents get into the sub division. She asked Council not to exacerbate it with high density.

Michael Brown, 813 Lindenwood Lane, stated he is concerned about effect on the natural habitat. There are large trees on that property with over 40 different species of birds and other wildlife. If they tear down the trees, where will all the animals go? They were there first.

Mary Jane Houston, 29 Fulkerson Circle, stated she moved in during February of 1961. Changes to this property would impact Westboro, Hall Court and Fulkerson in relation to traffic and storm water. She noted that this is not a transitional neighborhood.

Christopher Harris, 516 Sharon Drive, noted that as a historian for the City of Liberty, his research showed that Clay County atlases from the 1800's denoted the area as a single family, low density subdivision, named Jewell Ridge; however, the subdivision was never built.

Hilary Kramer, 9556 Rosewood Drive, Overland Park, stated that she was a former resident of Liberty, and has friends living in the surrounding neighborhoods. The proposed change to high density would affect all surrounding neighborhoods which are low density. Fulkerson should not be treated differently. She noted that our

community has high ozone and air quality issues, and increasing density means more cars which are bad for our environment.

Graham Houston, 33 Fulkerson Circle, noted that the development guidebook outlines steps; however, land use amendments are not in there. It is crucial to protect what we have, even though development is important. He stated that when the area was developed, Mr. Fulkerson was a visionary because he didn't believe in end loading garages, because who wants to see all the junk? The neighbors would like to see single family senior residential similar to Camelot Commons, etc.

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

**Action:** Council Member Hagan moved to amend the resolution by amending the area to be designated from low density residential to high density residential to encompass only the first 350 ft. from Liberty Drive, and leave the remaining 250 ft. as low density residential. Council Member Graham seconded the motion.

Vote: Motion passed 5-1-0  
Yes: Council Members Phillips, Hagan, Graham, Watt, and Duncan  
No: Council Member Jenness  
Abstain: None

**Action:** Council Member Phillips moved to approve the resolution as amended. Council Member Jenness seconded the motion.

Vote: Motion failed 1-5-0  
Yes: Council Members Phillips  
No: Council Members Jenness, Hagan, Graham, Watt, and Duncan  
Abstain: None

## IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

### A. Acknowledgement of vendor payments for the period of July 1, 2016 to July 15, 2016

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

#### 1. Ordinance excluding Westland Landscape payments

Document No. 8326 was read.

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

Roll Call

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

Approved by the Chair and inscribed in Ordinance No. 10594.

2. Ordinance including Westland Landscape payments.

Document No. 8327 was read.

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

Roll Call

Vote: Motion passed 5-0-1

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

No: None

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

Approved by the Chair and inscribed in Ordinance No. 10594

Mayor Brenton resumed as chair of the meeting.

- B. Resolution approving a Special Use Permit to allow a Pick-Your-Own Fruit Orchard at 632 N. Lightburne in the City of Liberty, Clay County, Missouri [P&Z Case 16-22SUP] {postponed from June 27, 2016}

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2856

- C. Ordinance amending Ordinance No. 10271, Approving a Contract with Goodwin Bros. Construction Co. for the Design and Construction of the Liberty Wastewater Treatment Facility Project [Project UT-002-14] increasing the amount by \$9,812,058.00 from \$64,205,000.00 to a not to exceed amount of \$74,017,058.00

The contract amendment incorporates the scope, project timeline and cost changes necessary to complete the project. The amendment includes costs for property acquisition improvements, the West Trunk Main extension, and the Earned Performance Fee of \$1,200,000 (which was in the project budget but not included in the initial contract).

Document No. 8328 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 Phillips seconded the motion.

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, and Duncan  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10595.

D. Ordinance approving an Agreement with the Mid-America Regional Council pertaining to Senior Services

Each year, MARC awards an operating contract for transportation, senior center and Meals on Wheels, outlining expectations and funding awarded to the City of Liberty. The funding offered to Liberty for the state fiscal year (SFY) 2017 is \$105,627.30 for transportation; \$25,000.00 for the Senior Center; and, \$13,055.00 for Meals on Wheels.

Document No. 8329 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, and Duncan  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10596

E. Ordinance approving an Intergovernmental Cost Apportionment Agreement with the Missouri Highways and Transportation Commission for the Reconstruction of the I-35 and Route 152 Interchange in an amount not to exceed \$6,000,000.00

The Missouri Department of Transportation has proposed that they provide all design and oversight required for the construction of the improvements if the City was willing to split the construction contract costs. The estimated value of the construction contract cost is \$12,000,000; therefore, the City would be responsible for funding \$6,000,000 to construct the improvements. The previously awarded surface transportation program grant would cover half of the City's responsibility. The remaining \$3,000,000 of the City's responsibility was determined to be shared equally between Kansas City, Missouri and Liberty. The City of Liberty portion of responsibility equal to \$1,500,000 will be funded with Capital Funds and the City of Kansas City portion of responsibility equal to \$1,500,000 will be funded through the Shoal Creek TIF.

Document No. 8330 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10597

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:38 p.m.

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Mayor

Attest:

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Deputy City Clerk