



## City Council Meeting

Regular Session Minutes  
October 10, 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 October 10 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 Gene Gentrup, who then led the pledge of allegiance.

### III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I  
Greg Duncan and Rae 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, Finance Director  
Chris Wilson, Parks and Open Space Manager  
Andy Noll, Public Works Director  
Brian Hess, Utilities Director  
Dustin Paddock, Fire Marshal  
James Simpson, Police Chief  
Mike Snider, Fire Chief  
Karan Johnson, Economic & Business Dev. Manager  
Tony Sage, Information Technology Director  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION

#### A. Fire Prevention Week - Proclamation

Mayor Brenton read the proclamation and presented it to Dustin Paddock, Fire Marshal.

#### B. National Cyber Security Month – Proclamation

Mayor Brenton read the proclamation and presented it to Tony Sage, IT Director.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Motion to authorize an Executive Session to be held immediately following the Regular Session meeting, in the Council Conference Room, to discuss Contract Negotiations as authorized by 610.021(12) RSMo.

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

VIII. PUBLIC HEARINGS

- A. Ordinance adopting and approving the Amended Development Plan for the Downtown Area Redevelopment Project (including Twelfth Amendment for the 16 N. Main Project) submitted by the Liberty Municipal Redevelopment Corporation, reaffirming the finding that the property within said Amended Development Plan is a Blighted Area in need of Development and Redevelopment as determined in Ordinance No. 9794 and Ordinance No. 10236, authorizing certain Tax Abatement within the Redevelopment Area described within the amended Development Plan; authorizing execution of a 353 Development Agreement for Implementation of the 16 N. Main Redevelopment Project; and providing for Expiration of Development Rights.

The exterior improvements for 16 N. Main include replacing the roof and painting the front and rear of the building. All building cracks and piping shall be sealed. The improvements received approval from the Historic District Review Commission. The cost of the project eligible for tax abatement is \$21,793.

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. 8365 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the Oct. 24, 2016 Regular Session meeting.

- B. Ordinance approving a Plan for Industrial Development Project for the Parkway Heights Apartments, consisting of the Construction and Improvement of a Commercial Facility for Liberty Investors 17 LLC, a Missouri Limited Liability Company; authorizing the City of Liberty, Missouri to issue its Taxable Industrial Development Revenue Bonds (Parkway Heights Apartments Project), Series 2016, in a Principal Amount not to exceed \$20,300,000 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 City Council approved a Development and Performance Agreement on September 26, 2016, which included the requirements of the project construction, a PILOT payment and minimum average rents for the project. Liberty Investors 17 LLC is requesting the use of Chapter 100 tax abatement financing for the benefit of the sales tax exemption for construction materials. Liberty Investors 17 LLC will make Payments In Lieu of Taxes (PILOT) approximate to the property tax payment amount as if tax abatement was not in place.

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. 8366 was read.

**Action:** Council Member Hagan 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 7-1-0

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

**No:** Council Member Phillips

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10628.

## IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of September 16, 2016 to September 30, 2016

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

Document No. 8367 was read.

**Action:** Council Member Duncan moved to approve the vendor payments. Council Member Philips 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. 10629.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance approving an Agreement with Missouri Department of Conservation Tree Resource Improvement and Maintenance (T.R.I.M.) Grant Program for Year 3 of an Emerald Ash Borer Management Plan in the amount of \$10,000.00 for Street Trees in Liberty, Missouri.

Document No. 8368 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 Phillips 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. 10630.

- C. Ordinance approving a Mitigation Credit Agreement with Swallow Tail LLC pertaining to the Construction of South Liberty Parkway Phase II in an amount not to exceed \$74,970.00.

The proposed construction of South Liberty Parkway Phase II impacts a section of stream that is under the jurisdiction of the US Army Corps of Engineers. The construction is allowed under a nationwide permit of the US Army Corps of Engineers and requires mitigation for stream impacts. The Mitigation Credit Agreement with Swallow Tail LLC will suffice for the mitigation of the stream impacts.

Document No. 8369 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 Watt 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. 10631.

- D. Employee Liquor Dispensing Permits

The proposed City Code Amendment would eliminate the requirement for applicant's with a Missouri Driver's License/Identification to provide a Missouri driver's record when applying for a Liquor dispensing Permit, and to increase the Liquor Dispensing Permit fee from \$26 to \$28, to reflect the increased cost of the state Criminal History Check.

1. Ordinance Amending Chapter 3, 'Alcoholic Beverages' of the Code of the City of Liberty, Clay County Missouri

Document No. 8370 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 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. 10632.

2. Resolution modifying the Liquor Dispensing Permit Fee listed in the Schedule of Fees from \$26.00 to \$28.00.

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

Inscribed in Resolution No. 2863.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

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Mayor

Attest:

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Deputy City Clerk