



City Council Meeting

Regular Session Minutes
February 27, 2012

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 27, 2012 with Mayor Greg Canuteson presiding. Mayor Canuteson 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 and Jeff Moore, Ward II
Lyndell Brenton and Jeff Watt, Ward III
Michael Hagan and Nick King, Ward IV

Council Members Absent: None

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Anna Slocum, Assistant Parks and Recreation Director
Charlie Stevens, Utilities Director
Amy Brusven, Human Resources Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Tony Sage, Information Technology Director
Shawwna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Sara Cooke, Communications Manager
Janet Pittman, Deputy City Clerk

Public Present: Angie Borgedalen, Liberty Tribune
19 members of the public

IV. APPROVE MINUTES AND SUMMARIES

A. Special Session Minutes of February 6, 2012

Council Member Hagan moved to approve the minutes as distributed. Council Member King seconded the motion, which carried 5-0-3. Council Members Jenness, Watt and Duncan abstained due to absence.

B. Study Session Summary of February 6, 2012

Council Member King moved to approve the summary as distributed. Council Member Phillips seconded the motion, which carried 5-0-3. Council Members Jenness, Duncan and Watt abstained due to absence.

V. CITIZENS' PARTICIPATION

- A. Mayor Canuteston read and presented a Proclamation of Appreciation and Commendation to Kristine Davis for her selfless act of assisting a Police Officer in need.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Regular Session Minutes of February 13, 2012

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

- B. Appointments

- a. Appoint Jeff Moore to the Corbin Theatre Board of Directors

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

- C. Authorize an Executive Session to be held in the Council Conference Room immediately following the Regular Session to discuss Litigation Matters as authorized by 610.021(1) RSMo, Real Estate Matters as authorized by 610.021(2) RSMo and Contract Negotiations as authorized by 610.021(12) RSMo

Council Member Hagan moved to authorize the executive session. Council Member Phillips seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

- A. Resolution of the City of Liberty, Missouri, Stating Intent to Seek Funding Through the Community Development Block Grant Program and Authorizing the Mayor to Pursue Activities in an Attempt to Secure Funding [Public Hearing]

Karan Johnson, City of Liberty Business and Economic Development Manager, presented the following information for the record:

- 1. Name of Project:** Project Victory

- 2. Purpose of project, project goals & outcomes:**

Project Victory is seeking a location for a new auto assembly supply operation in the metropolitan area. The City of Liberty is a location being considered. The City of Liberty intends to seek CDBG funding to provide public improvements necessary to serve a site in Heartland Meadows that is of interest to the company. The company's needs have changed and therefore the location in Liberty being considered requires additional public improvements than originally anticipated. The company seeks a 180,000 square foot building and will employ 156 people. The company also has future expansion plans of an additional 200,000 sq ft. A

green field site has been identified as Lot 7 in Heartland Meadows, for the location of this new facility. The site requires extension of a public sewer line, stormwater improvements and improved roadway circulation and access.

3. Description of all project activities by all funding sources and proposed costs broken down by funding sources proposed:

- Bond Proceeds: \$43.7 million (includes purchase of materials, site development, building construction, infrastructure improvements, architectural and engineering, paving, landscaping, machinery/equipment, furniture/fixtures). Project Victory is responsible for lease payments equal to the bond payment amounts. The City is not backing the bonds.
- City Participation: \$409,063 (includes the City of Liberty construction of public sewer to the property line of the site, waiver and/or reduction of planning and construction fees, project employee incentive program). In addition, in-kind services for staff review, design and construction, sales tax exemption for local purchases
- Other Assistance: \$11,000 (includes Clay County EDC employee recreational pass, moving expenses for relocating families)
\$5,000 (includes Liberty EDC, Clay County EDC, and Ameren scholarship for 5 years in Liberty School District involved in robotics)
\$990,000 estimated Ameren service delivery line extension assistance
\$2.4 million (Missouri BUILD Program)
\$2.045 million (Missouri Quality Jobs)
\$900,000 (Chapter 100 sales tax exemption)
\$640,000 estimated Training & Recruitment Assistance (MODWD)
- Requested Federal Funds: \$1.5 million (sewer improvements, roadway circulation and access, stormwater improvements). This is a not to exceed amount, final requested amount will be determined upon engineering estimates and design.

4. Total cost of project including environmental review preparation and any mitigation/modification costs:

The total cost of the project is estimated to be \$45.6 million.

5. Timeline of project including environmental review approval, onset of property easements and acquisition, and construction activities.

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|-------------------------------------|-----------------------------------|
| Environmental Review Process | February 1, 2012 - April 17, 2012 |
| Site Grading, Site Improvements | April 17, 2012 |
| Construction of Buildings start | June 2012 |
| Completion of Building Construction | February 1, 2013 |
| Installation of Equipment | December 1, 2013 |

6. Whether acquisition and/or relocation is necessary for the project - outline

rights of property owners under the federal Uniform Relocation Act requirements:

The property will be purchased and the project will be constructed by entity other than Project Victory. The entity will transfer title to the City under the Chapter 100 requirements. The entity will in turn lease it to Project Victory to accomplish the project. The property is undeveloped and no business or residential use will be disrupted.

7. Identify all anticipated environmental impacts project activities could have on natural, human, and manmade environments:

The project is undergoing a NEPA review and it has been determined that the project activities are not anticipated to have an adverse impact on Historic Properties; Floodplain Management, Flood Insurance, Wetlands Protection, Airport Hazards, Endangered Species, Wild & Scenic Rivers, Farmland Protection, Noise Control, Explosive/Flammable Operations, Water Quality, Air Quality, Contamination/Toxic Materials, Coastal Zones, Wastewater, Solid Waste, Lead, Asbestos, and Radon. The project is required to meet the Cities Stormwater Management Plan, tree preservation and zoning requirements.

The Project anticipates potentially beneficial impacts regarding Environmental Justice, Land Development, Community Facilities and Services, storm water drainage, and energy.

8. Identify all anticipated environmental impacts to the project by surrounding environments:

The surrounding environment, according to the categories listed above, were also evaluated. The project area is surrounded predominately by undeveloped agricultural uses, but is also adjacent to light industrial activities. There are some large lot residential/farm properties in the vicinity, across the highway and across railroad tracks.

As to trends likely to continue with the projects location, the company intends to potentially expand the facility by approximately 200,000 sq ft in separate phases, all of which is to be located on the site. The infrastructure improvements will also result in future industrial development north of the property. No new residential development is anticipated to be close to the area.

As a result there will be an increase in truck traffic to the site. Because the property is located adjacent to U.S. Highway 69, truck access to the site will not be disruptive. The site is expected to generate some noise associated with a manufacturing operation; however the noise levels are not expected to exceed 65 DNL based on similar operations at other company locations.

9. All required permitting:

The project will require compliance with subdivision and zoning regulations, building codes, Stormwater Management Plan and DNR regulations.

10. All mitigation, project modification, and conditions for approval anticipated during the project:

Not applicable. The project will incorporate appropriate business practices as needed to comply with local city ordinances and regulations as well as environmental regulations.

11. General overview of CDBG environmental review procedures:

- a. If the project requires fill material, the location of borrow areas (source of fill material) will be identified on topographic map and provided to State Historic Preservation Office (SHPO) for review. The Project anticipates no fill material needed.
- b. If project plans change, SHPO will be notified immediately in the event that any cultural materials are encountered during project activities, all construction activities should be halted until SHPO has determined appropriate course of action.
- c. Compliance with US Army Corp of Engineers permit requirements if fill material will be placed in jurisdictional waters or wetlands.
- d. General recommendation provided by MO Department of Conservation to be incorporated into the project activities.
- e. Radon testing will be performed after construction is complete and test results provided to document whether radon is present on site.
- f. Completion of performance public hearing near the end of the project to receive public comment about the project.

12. Individuals or entity preparing the environmental review on behalf of the Responsible Entity (City of Liberty):

Molly McGovern, MARC

Mayor Canuteson opened the public hearing. Alicia Stephens, Liberty Economic Development Corporation, stated that encouraging the company to locate in Liberty was a real team effort, and that incentives at all levels must be in place before the project will be confirmed. Seeing no one else wishing to speak the Mayor closed the public hearing.

Action: Council Member King moved to approve the resolution. Council Member Moore seconded the motion.

Vote: Motion passed 8-0-0

Yes: Council Members Phillips, Jenness, Moore, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Inscribed in Resolution No. 2546.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Ordinance acknowledging vendor payments for the period of February 3, 2012 to February 17, 2012.

1. Ordinance excluding KCP&L payments

Document No. 7481 was read.

Action: Council Member King 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, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9851.

2. Ordinance including KCP&L payments

Document No. 7482 was read.

Action: Council Member King moved to approve the vendor payments. Council Member Watt seconded the motion.

Roll Call

Vote: Motion passed 7-0-1

Yes: Council Members Phillips, Jenness, Moore, Hagan, Watt, Duncan and King

No: None

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

Approved by the Chair and inscribed in Ordinance No. 9851.

B. Ordinance approving a Design-build Preliminary Agreement with Havens Construction, Inc. for the Liberty Manor East and Miscellaneous Stormwater Improvements in the amount of \$18,850. (second reading)

Document No. 7473 was read.

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

Vote: Motion passed 8-0-0

Yes: Council Members Phillips, Jenness, Moore, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9852.

C. Ordinance amending Chapter 20, 'Motor Vehicles & Traffic,' of the Code of the City of Liberty, Clay County, Missouri

Document No. 7483 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 Moore seconded the motion.

Vote: Motion passed 8-0-0

Yes: Council Members Phillips, Jenness, Moore, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9853.

D. Birmingham Holt to Ruth Ewing Water Main Extension

1. Ordinance accepting Easements for Public Water Mains for Birmingham Holt to Ruth Ewing Water Main Extension

Document No. 7484 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 King seconded the motion.

Vote: Motion passed 8-0-0

Yes: Council Members Phillips, Jenness, Moore, Brenton, Hagan, Watt, Duncan and King

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 9854.

2. Ordinance accepting an Easement Encroachment Agreement with KCP&L for Birmingham Holt to Ruth Ewing Water Main Extension

Document No. 7485 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 King seconded the motion.

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Moore, Brenton, Hagan, Watt,
Duncan and King
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 9855.

- E. Ordinance Establishing Fees for Cemetery Columbarium Niche and Plaque Engraving and adding such to the Schedule of Fees in the City of Liberty, Clay County, Missouri

Document No. 7486 was read.

Action: Council Member King moved to waive the rules and consider the ordinance on first reading. Council Member Moore seconded the motion.

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-1
Yes: Council Members Phillips, Jenness, Moore, Hagan, Watt, Duncan and King
No: None
Abstain: Council Member Brenton, due to potential conflict of interest
Approved by the Chair and inscribed in Ordinance No. 9856.

X. OTHER BUSINESS

- A. Motion to approve the purchase of an F-150 Super Cab Pick-up and an F-250 Super Crew Cab Pick-up for the Utilities Dept. from Chuck Anderson Ford in the amount of \$54,780.

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

Vote: Motion passed 8-0-0
Yes: Council Members Phillips, Jenness, Moore, Brenton, Hagan, Watt, Duncan and King
No: None
Abstain: None

- B. Proposed Ward Boundaries discussion

On January 23, 2012, Council discussed recommended ward boundary changes. Council then directed staff to review the Council ward boundaries in relation to election precincts to see if any adjustments could be made to eliminate split wards within precincts. Staff, through discussions with the Clay County Board of Elections and GIS Mapping staff, determined that such adjustment is not feasible in order to meet population distribution requirements. The recommended ward boundary adjustments will be brought forward for Council consideration once the public notice period has been completed.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Mayor

Attest:

Deputy City Clerk