



## City Council Meeting

Regular Session Minutes

November 25, 2013

### 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 November 25, 2013 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 Jeff Moore, 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  
Jeff Watt, Ward III  
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Kevin Graham, Ward III

Staff Present: Curt Wenson, City Administrator  
Dan Estes, Assistant City Administrator  
Steve Hansen, Public Works Director  
Brian Hess, Interim Utilities Director  
James Simpson, Police Chief  
Tony Sage, Information Technology Director  
Katherine Sharp, City Planner  
Shawwna Funderburk, Asst. to the City Administrator  
David Jones, Planner  
Janet Pittman, Deputy City Clerk

Public Present: Stacy Burt, Liberty Tribune  
14 members of the public

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Study Session Summary of November 4, 2013

Council Member Phillips moved to approve the summary as distributed. Council Member Hagan seconded the motion, which carried 6-0-1. Council Member Moore abstained due to absence.

#### B. Regular Session Minutes of November 12, 2013

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

V. CITIZENS' PARTICIPATION

Mr. Frank Melton, 1510 Richfield Road, stated he has a substantial investment in rental properties and owns 5 acres on Richfield Road. He noted that a family of five is living in a shed on the property adjacent to his. He is concerned about the safety of the property and has previously contacted code enforcement and the City Administrator.

Mr. Dave Cole, 1600 Richfield Road, stated that his property abuts the property in question and he too is concerned about the amount of earth removed from the site with no provision for erosion control, and the amount of miscellaneous equipment stored on site.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

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 2.50 acres of the Eastern Portion of a Tract at 421 N. 291 Highway, also known as North Haven Estates, Lots 26 and 27, from Mixed-use to Commercial (P&Z Case 13-44A)

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

Mr. Ron Cowger, AGC Engineers (405 S. Leonard Street), spoke on behalf of Brownfig Developments. He noted that the Future Land Use map is ambiguous as property lines are not incorporated. It is confusing when a property has multiple use designations within it. The Future Land Use Map, developed in 1999, was created with a broad brush. The mixed use designation is a pedestrian based land use; however, the area around this property is commercial. This property has 2.5 acres designated as mixed use; however, a single family house built on this property would not be marketable in an area surrounded by commercial businesses. He stated the balance of the remainder of the property is designated as commercial, and requests Council's support of this application.

Mr. Tyler Knott, 504 NW 44<sup>th</sup> Street, Blue Springs, spoke on behalf of the Amber Meadows Home Owners Association. He questioned the criteria for the basis of this change, and noted that a number of cities will look at the land use map change at the same time as the rezoning application. He noted that he is not opposed to commercial development; however, this decision should not be made in a vacuum. The land use map envisioned this area as a transition area. He requested that Council either vote to not change the designation, table it, or bring it back in concert with the rezone application.

Holly Mills, broker for the property, stated that they are aware of the economics of this corridor and it is under served for auto dealers. They are looking for users that could best utilize this property. Unfortunately, a new dealership is not feasible and the

owners are looking for the highest/best use for the property, and a single family home is not marketable in this commercial location. It is anticipated that a "built to suit" tenant would be situated on the front of the property, and there is adequate demand to fill the back with service related companies. She noted the tree line/topography will buffer the residential area to the east.

Heather Wolesky, part owner of Brownfig Developments, stated she didn't think this property was intended to be a mix of commercial and single family. The land use map is already not followed with current development. Any future buildings on the site will be subject to City approval and they envision the buildings to be consistent with the surrounding area.

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

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

Vote: Motion passed 6-0-1

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

No: Council Member Watt

Abstain: None

Inscribed in Resolution No. 2640.

## IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of November 1, 2013 to November 15, 2013.

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

1. Ordinance of vendor payments for the period of November 1, 2013 to November 15, 2013.

Document No. 7810 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10126.

Mayor Brenton resumed as chair of the meeting.

- B. Resolution approving a Final Development Plan for the construction of a 253,583 sq. ft. industrial building expansion in the Heartland Meadows Industrial Park, Lot 7, in Liberty, Clay County, Missouri (P&Z Case No. 13-46FDP)

Increased in size since the P & Z approved.

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

**Vote:** Motion passed 6-0-1

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

**No:** None

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

Inscribed in Resolution No. 2641.

- C. Ordinance approving Phase 1 of a Contract with Design Sense, Inc. for Acquisition Consulting Services for the Wastewater Treatment Facility Project in an amount not to exceed \$18,000

The Budget Committee recommended approval of a contract with Design Sense, Inc. for Phase I of a proposed four (4) phase contract for Acquisition Consulting Services providing consultation for integrated project delivery related to contracting, selection and evaluation for the Wastewater Treatment Facility (WWTF) which is critical in starting the engineering/construction process for the WWTF and related conveyance systems.

Document No. 7811 was read.

**Action:** Council Member Watt 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 Phillips seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10127.

- D. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri

Document No. 7812 was read.

Mayor Brenton stated the ordinance would be considered on 2<sup>nd</sup> reading at the December 9<sup>th</sup> Regular session meeting.

- E. Ordinance approving a Cooperative Facility Use Agreement with the Liberty Public School District No. 53

With the current Cooperative Facility Agreement expiring in November 2013, City and District staff members have met for several months to construct a document that reflects a new, true and open partnership that is in the best interest of the community both entities serve.

Document No. 7813 was read.

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

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10128.

F. Bond Parameter Ordinance

The issuance of \$2,650,000 of Special Obligation Bonds coupled with the issuance of \$6,500,000 in General Obligation Bonds, totals \$9,150,000 and will allow the City to receive issuance at Bank Qualified (BQ) rates with this 2013 issuance. These values are not to exceed amounts.

1. Ordinance authorizing and directing the issuance, sale and delivery of not to exceed \$2,650,000 principal amount of Special Obligation Refunding and Improvement Bonds, Series 2013, of the City of Liberty, Missouri, and Authorizing certain other actions in connection therewith

Document No. 7814 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 Hagan seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10129.

2. Ordinance authorizing and directing the issuance, sales and delivery of not to exceed \$6,500,000 principal amount of General Obligation Bonds, Series 2013, of the City of Liberty, Missouri and authorizing certain other documents and action in connection therewith

Document No. 7815 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 Hagan seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10130.

- G. Resolution Granting a Certificate of Appropriateness for alterations to the façade at 14 E. Franklin Street, Liberty Square Historic District

The commercial building at 14 E. Franklin has a non-historic wood shake veneer covering the first floor façade, and other elements that are unsympathetic to the historic character of the building. The owner is planning to take advantage of the city's Chapter 353 tax abatement program to restore the façade to a more historically appropriate appearance.

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

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 2642.

- H. Resolution Granting a Certificate of Appropriateness for construction of a new house at 128 N. Jewell St., Jewell Historic District

The proposed building site is a vacant lot at the southwest corner of Mississippi and Jewell Streets in the Jewell Historic District. It is the former site of the Liberty Christian Church, but the lot has been vacant for many years. The design of the new residence is a 1,400 square foot, one-story Craftsman-inspired cottage with an attached two car garage

Council Member Phillips recused himself from the meeting due to conflict of interest.

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

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Inscribed in Resolution No. 2643.

Council Member Phillips returned to the meeting at this time.

- X. OTHER BUSINESS
- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

---

Mayor

Attest:

---

Deputy City Clerk