



City Council Meeting

Regular Session Minutes

January 13, 2014

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 January 13, 2014 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: Paul Jenness, Ward I
Greg Duncan and Jeff Moore, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Harold Phillips, Ward I

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
Vicki McClure, Interim Assistant Finance Director
Steve Hansen, Public Works Director
Chris Wilson, Parks & Open Space Manager
Brian Hess, Interim Utilities Director
James Simpson, Police Chief
Tony Sage, Information Technology Director
Katherine Sharp, City Planner
David Jones, Planner
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of November 25, 2013

Council Member Watt moved to approve the minutes as distributed. Council Member Duncan seconded the motion, which carried 6-0-1. Council Member Graham abstained due to absence.

B. Study Session Summary of December 2, 2013

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

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

Council Member Hagan requested that the temporary event liquor license for HDLI's Trivia Night be removed from the consent agenda and considered separately.

A. Study Session Summary of November 18, 2013

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

B. Regular Session Minutes of December 9, 2013

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

C. Special Session Minutes of December 16, 2013

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

D. Taxi Cab License for Day and Night Transportation, LLC

Council Member Jenness moved to approve the license. Council Member Moore seconded the motion, which carried unanimously.

E. Historic Downtown Liberty, Inc. Temporary Event Liquor Licenses

1. A Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. "Let's Wine About Winter" event on Main, Kansas, Water and Franklin Streets around the Historic Downtown Square on Saturday, February 22, 2014

Action: Council Member Jenness moved to approve the resolution. Council Member Moore seconded the motion, which carried unanimously and is inscribed in Resolution No. 2651.

2. A Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. "A Downtown Affair" event at 117 West Kansas Street on April 10, 2014

Action: Council Member Jenness moved to approve the resolution. Council Member Gentrup seconded the motion, which carried unanimously and is inscribed in Resolution No. 2653.

3. A Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. "Liberty Arts Squared" event around the Historic Downtown Square on Friday, June 6 and Saturday, June 7, 2014

Action: Council Member Jenness moved to approve the resolution. Council Member Gentrup seconded the motion, which carried unanimously and is inscribed in Resolution No. 2654.

4. A Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. "Taste of Liberty" event on Main, Kansas and Water Streets on Saturday, June 14, 2014

Action: Council Member Jenness moved to approve the resolution. Council Member Gentrup seconded the motion, which carried unanimously and is inscribed in Resolution No. 2655.

5. A Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. "Trivia Night" event at 117 West Kansas Street on March 6, 2014

Action: Council Member Watt moved to approve the resolution. Council Member Gentrup seconded the motion, which carried 6-0-1. Council Member Hagan abstained. Inscribed in Resolution No. 2652.

VIII. PUBLIC HEARINGS

- A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning Camelot Commons in the City of Liberty, Clay County, Missouri from RP-3, Single-family Cluster Residential District to PD, Planned Development District [P&Z Case 13-50R&PDP]

Rezone approximately 2.53 acres known as Camelot Commons from RP-3, Single-family cluster residential to PD, Planned Development for the construction of 12 single-family homes.

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

Ron Cowger, AGC Engineers, spoke on behalf of the applicant. He stated that the subject property is surrounded by Seaport Village, a medical office, an apartment complex and single family residential. Mr. Cowger stated he feels the proposed development would provide a buffer to the existing single family homes.

This site poses typographical challenges in addition to environmental conditions and an underground pipeline easement. Mr. Personnett proposes to build 12 single family homes on the site. Mr. Personnett has over 15 years of building experience and is a former recipient of the Preservationist of the Year award. Mr. Cowger stated it is time to put something on this vacant site and would appreciate Council's support of the

project.

John Hooper, 217 Camelot, stated he and his family moved to the neighborhood in 1993 because it was a good area convenient to schools. He noted the neighborhood is comprised of custom built single family homes with large yards. The houses are well maintained. The proposed rezone/development plan is too aggressive, and this area is supposed to be low density residential plus conservation according to the Blue Print for Liberty. The proposed single story homes are smaller and closer together than the rest of the neighborhood. Mr. Hooper requested that Council vote against the proposal and maintain the current R-3 zoning.

Ken Personnett, 538 Jefferson Circle, noted that he was presented with the 2013 preservationist of the Year award for his rehabilitation of historic houses. His niche is to buy properties nobody wants and do work nobody wants to do. The proposed site is one nobody wants. The development would be a maintenance provided community marketed primarily to empty nesters and baby boomers. He has constructed this house in areas throughout the City at a price point of \$225,000 and has not had any difficulty selling this wonderful product.

In response to Council's question regarding driveways coming off of Percival, Mr. Personnett stated that pavement is allowed on the pipeline easement; however, foundations are not. Because of the existing infrastructure and pipeline easement on the lot only one home, consistent with the size of existing homes, could be built.

Bryan Scott, 208 Camelot, stated he has lived in the neighborhood for 15 years. Because of the pipeline easement he has lots of experience dealing with the gas company. He stated that trees cannot be planted in the easement but pavement and fences are allowed. He has concerns about the number of houses facing Camelot Drive and the safety issues of additional driveways so close to the intersection. He stated he is not against development on the property and believes there is a win/win compromise. Twelve homes, regardless of the prices, are too many for this site. He noted that his property's side yard/sprinkler system was really tore up when the street and infrastructure was put in. It caused erosion issues that necessitated the building of a retaining wall along his property, and he has concerns about further issues that may happen when development occurs.

Bob Curtis, 209 Camelot, stated that they are protective of their neighborhood and are sure Council understands this. The previous proposed development blended with the neighborhood. This proposal differs from the existing neighborhood by grouping a number of the same homes in a small area. Across the street is one house with a yard and driveway, compared with the proposed four houses and four driveways. He noted the development would be at the end of a steep hill on a curve. It will be a challenge with the obvious uptick in traffic to the development. He is also concerned about the possibility of the project deteriorating over time, like the project on Clayview (now transient rentals). He requested that Council help preserve the nature and character of the neighborhood.

Harold Fryer, 221 Camelot, stated he moved into the area in 2010. He was impressed with the Camelot neighborhood because it was a nice blend. He assumed the cul-de-sac would be developed in the future; however, he believes the proposal contains too many homes and believes there to be a compromise. He noted that the street has a

steep hill that is difficult to get up during bad weather and it's not logical to put four homes at the bottom of the hill. The project would be disruptive to the look and feel of the neighborhood.

Tom Mendal, 213 Camelot, stated he lives within 185 ft. of the proposed development and he is concerned with the traffic and safety of placing four driveways at the bottom of Camelot Drive. There is room for improvement on the plan and the proposal is a poor transition to the neighborhood. This is the entrance to the neighborhood and four cookie cutter homes directly across from Mr. Johnson's home is not in character with appearance and quality of the neighborhood. Camelot has a great variety of homes. These are planned to be identical with no cosmetic variation, and too many homes are proposed for the area. He stated he had circulated a protest petition; however, a majority of the properties are commercially owned and the corporations would not agree to sign the petition, although the majority of single family property owners are opposed [copies of petitions submitted for information]. He stated there is a need for residential development and asked that Council consider how it affects the current neighborhood. He understands something will be built in Camelot Commons, but he believes there is room for compromise and he is hopeful common ground can be found.

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

Document No. 7833 was read.

Mayor Brenton stated the ordinance would be considered on 2nd reading at the January 27th Regular Session meeting.

- B. Ordinance adopting and approving the Second Amended Development Plan submitted by the Liberty Municipal Redevelopment Corporation, Reaffirming the Finding that the property within said Second 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 Second Amended Development Plan; authorizing execution of a 353 Development Agreement for implementation of the 14 E. Franklin Redevelopment Project and providing for expiration of Development Rights

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. 7834 was read.

Action: Council Member Moore 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 Jenness seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10149.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of December 6, 2013 to January 3, 2014.

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

1. Ordinance excluding Westland Landscape payments

Document No. 7835 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10150.

2. Ordinance including Westland Landscape payments

Document No. 7836 was read.

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

Roll Call

Vote: Motion passed 6-0-1

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

No: None

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

Approved by the Chair and inscribed in Ordinance No. 10150.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance approving a Contract with Burns and McDonnell Engineering Company, Inc. for Engineering Services for Water Treatment Plant Chemical Feed System Modifications Project in an amount not to exceed \$87,000.

Document No. 7837 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10151.

C. Ordinance accepting Easements for Public Water, Sanitary Sewer, and Utility Mains for the Ford KCP&L Substation Project

Document No. 7838 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10152.

D. Ordinance accepting Right of Way Deeds and Storm Sewer, Utility, and temporary Construction Easements for the Liberty Drive Improvements Project

Document No. 7839 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10153.

- E. Ordinance approving Phases Two through Four of a Contract with DS-Strategic Project Acquisitions, LLC for Acquisition Consulting Services for the Wastewater Treatment Facility Project in an amount not to exceed \$162,000.

Document No. 7840 was read.

Mayor Brenton stated the ordinance would be considered on 2nd reading at the January 27th Regular Session meeting.

- F. Ordinance approving a Service Agreement with Piper Jaffray & Co. for financial advisory services related to sewer revenue bond issuance for the Wastewater Treatment Facility project in an amount not to exceed \$50,000.

Document No. 7841 was read.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10154.

- G. Ordinance approving a Contract with USIC Locating Services, Inc. in an amount not to exceed \$38,760.

Underground locating services for City of Liberty underground infrastructure; distribution system.

Document No. 7842 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 Jenness seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham, Watt, Duncan and
Gentrup
No: None
Abstain: None
Approved by the Chair and inscribed in Ordinance No. 10155.

H. Resolution of the City of Liberty accepting the donation of property located in the
Huntington Ridge Subdivision, 4th Plat for Parkland

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

Vote: Motion passed 7-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham, Watt, Duncan and
Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2656.

X. OTHER BUSINESS

A. Approve Blanket Purchase Order for Lime from Mississippi Lime in an amount not to
exceed \$197,750.

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

Vote: Motion passed 7-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham, Watt, Duncan and
Gentrup
No: None
Abstain: None

B. Approve Blanket Purchase Order for Water Treatment Plant chemicals from Brenntag
in an amount not to exceed \$100,000.

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

Vote: Motion passed 7-0-0
Yes: Council Members Jenness, Moore, Hagan, Graham, Watt, Duncan and
Gentrup
No: None
Abstain: None

C. 2014 Legislative Program

Action: Council Member Hagan moved to approve the 2014 Legislative Program.
Council Member Graham seconded the motion.

Vote: Motion passed 7-0-0

Yes: Council Members Jenness, Moore, Hagan, Graham, Watt, Duncan and
Gentrup
No: None
Abstain: None

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Mayor

Attest:

Deputy City Clerk