



City Council Meeting

Regular Session Minutes

January 27, 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 27, 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 Jeff Watt, 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
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
Vicki McClure, Assistant Finance Director
Steve Hansen, Public Works Director
Brian Hess, Interim Utilities Director
James Simpson, Police Chief
John Mills, Fire Captain
Jeremy Adams, Chief Building Inspector
Katherine Sharp, City Planner
Shawwna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Special Session Minutes of January 13, 2014

Council Member Hagan moved to approve the minutes as distributed. Council Member Duncan seconded the motion, which carried 6-0-2. Council Member Phillips and Moore abstained due to absence

B. Executive Session Minutes of January 13, 2014

Council Member Watt moved to approve the minutes as distributed. Council Member Duncan seconded the motion, which carried 6-0-2. Council Member Phillips and Moore abstained due to absence.

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Special Session Minutes of November 18, 2013

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

VIII. PUBLIC HEARINGS

A. Ordinance approving a Plan for an Industrial Development Project for RockTenn CP, LLC

The Plan for an Industrial Development Project provides financing for the purpose of purchasing and installing certain machinery and equipment to be used by RockTenn CP, LLC, a limited liability company (the "Company") at its facility located at 933 Kent Street in the City of Liberty, Missouri (the "Project") and the proposed lease of the Project by the City to the company.

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

Mr. Golden, representative from RockTenn, stated he would appreciate Council's consideration and approval of the plan as it will help the facility to compete both locally and nationally.

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

Document No. 7843 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 Watt 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. 10156.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by rezoning Lots 26 and 27 of North Haven Estates in the City of Liberty, Clay County, Missouri from R1-C, Standard Single-family Residential District to C-2, General Business District [P&Z Case 13-51R&PDP]

This is an application to rezone the back (eastern) 4.13 acres from R-1C, Standard Single-Family Residential district to C-2, General Business district and a Preliminary Development Plan. Although a specific user for the site has not been identified, rezoning the property allows the site to be marketed for economic development. When a specific user is found, a Final Development Plan and Plat application will be submitted for approval. The front portion of the property is currently zoned C-3, Highway Business District.

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

Mr. Ron Cowger, AGC Engineers, spoke on behalf of the applicant, Brownfig Development. He noted that this rezoning application is for two platted lots to achieve consistency for the project area. Brownfig Developments does not build buildings, they hold property and sell to others who then build. He stated the company wants to be a good neighbor, and a Final Development Plan would be submitted as lots are purchased and developed.

In response to Council's question regarding the 50 ft. buffer along the back, and whether or not any kind of screening would be ineffective because of the topographical drop, Mr. Cowger stated there is a topographical change and the applicant does not wish to remove any of the remaining trees along the back. The applicant envisions adding a berm and planting additional trees on top of it.

In response to Council's question regarding the parking field noted on the plan, Mr. Cowger stated the Preliminary Development Plan is preliminary and development would come through as a Final Development Plan.

Spencer Thompson, 1207 Kansas Street, spoke on behalf of Amber Meadows HHLIC. He stated that the property was purchased with the anticipation of rezoning it back to single family. The property would have been brought forward for single family development but by approving this rezoning, and removing the 'buffer area', the property he represents will not be marketable for single family homes. The natural buffer will not be sufficient given the topography of the area. The land which is currently zoned RP-5 will stay that way. He stated that there has been other instances of bait and switch. The plan as presented would be fine; however, the plan is not realistic given the market (7-20% vacancy rate for office space). Given the location will not be a high end office building, the future purchaser of the property will likely request a more intensive commercial use. Council owes an obligation to the owners that the existing code is enforced (ie. no metal buildings). When a Final Development Plan comes forward he noted that he will return to ensure this development adheres to the development standards. He noted that the property he represents will be developed into apartments if this is rezoned as requested. Single family homes would abut commercial property and would not sell. He stated this is not a threat, just reality,

and he wants Council to understand the ramifications.

Holly Mills, representative speaking on behalf of Brownfig Developments, stated the applicant has sold land to others and they have built with conformance of the area and such development would have been approved by Council. When property is sold, a Final Development Plan would be brought forward to Council for consideration. The applicant is looking for a cohesive development. Ms. Mills clarified that auto-oriented is not the same as auto-related. The property wouldn't be used as a car lot or filled with lube pits. The property would be designed for individuals to drive up to it. The applicant is looking to make the property marketable.

Spencer Thompson, 1207 Kansas Street, stated that the applicant came in with a plan amendment and now a rezoning request and preliminary plan that will not likely be built as stated by the applicant themselves. This request is premature. They are doing this to make it easier to come back to Council with a different plan.

In response to Council's questions, City Planner Katherine Sharp stated that the property was evaluated on current conditions. If a Final Development Plan comes back different from the Preliminary Plan then it would come back through the process. It is not unusual for Council to see a Preliminary Development Plan more than once. The rezoning would stay the same however. The most intensive use of a C-2 zoning would include a maximum building height of three stories, commercial retail and office use (no manufacturing). In addition, there are other Code requirements pertaining to open space requirements of 20% and 10 ft. landscape buffer that would need to be adhered to.

In response to Council's question, Ms. Sharp noted that storage of materials must adhere to the burden on visibility. In a C-2 District the storage must be in an enclosed building or a fence that is not visible to surrounding properties. Outdoor storage may not be appropriate at this location because of the visibility of this property from adjoining properties.

Mr. Ron Cowger, AGC Engineers, stated that his client has been accused of bait and switch; however, Mr. Thompson is dangling a carrot about the RP-5 zoning. This 'what if' scenario is hypocritical and Mr. Thompson is free to submit a development plan for the area he represents at any time. He stated that this application was submitted based on current zoning of the area. He noted that if the surrounding area was developed as single-family homes as Mr. Thompson proposes then some of the homes would back up against existing storage facilities. Mr. Cowger stated this is a matter of getting the property rezoned consistently so that it is marketable.

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

Document No. 7844 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 Phillips 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. 10157.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of January 3 to January 17, 2014.

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

1. Ordinance excluding Westland Landscape payments

Document No. 7845 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Phillips 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. 10158.

2. Ordinance including Westland Landscape payments

Document No. 7846 was read.

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

Roll Call

Vote: Motion passed 7-0-1

Yes: Council Members Phillips, 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. 10158.

Mayor Brenton resumed as chair of the meeting.

- B. 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] – 2nd Reading

Application is to 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.

Council Member Phillips recused himself from the meeting.

City Planner, Katherine Sharp, stated that the applicant met with the surrounding home owners to come up with a compromise that includes: variation of home designs, reducing the number of driveways on Camelot Drive to address safety concerns and lengthening the front yards. Spec homes would be built along the back first unless a custom home is requested along Camelot Drive.

Document No. 7833 was read.

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. 10159.

Council Member Phillips returned to the meeting.

C. 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.- 2nd Reading

On November 25, 2013, Council approved Phase 1 of the four (4) phased contract for the initial work in defining the Wastewater Treatment Facility project and evaluating alternatives related to project delivery.

The remaining phases of the contract include providing assistance to staff in developing competitive selection and contracting processes, contract documentation and oversight for various phases of the project progression.

Document No. 7840 was read.

Action: Council Member Hagan 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. 10160.

D. Ordinance approving a Fee for Services Agreement with the Liberty Economic Development Corporation

The Liberty Economic Development Corporation fosters economic growth and development for the purpose of enhancing the quality of life in Liberty. The contract is for \$55,000 and approximately \$17,000 for health care benefits provided to the Executive Director.

Document No. 7847 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 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. 10161.

E. Ordinance approving a Memorandum of Understanding with the Clay County Public Health Department - Closed Point of Dispensing Site

The proposed agreement Closed Point of Dispensing (POD) project aims at distributing life-saving medications from the Center of Disease Control (CDC) to the population efficiently and in a timely manner. Each closed POD will receive medications provided by the CDC for its specific population (City Employees, Officials, and family members). Currently there are 17 Closed PODS within Clay County to include all school districts, 2 businesses, most Cities, all hospitals, and one church.

Document No. 7848 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 Jenness 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. 10162.

- F. Ordinance amending Ordinance No. 10096 which adopted Phase II of the Temporary Single Family Residential Homebuilding Incentive Program for the City of Liberty

The amendment of Phase II would allow permits to be issued at a 65% reduced incentive rate through April 1, 2014 for currently platted and undeveloped lots only.

Document No. 7849 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the February 10, 2014 Regular Session meeting.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Mayor

Attest:

Deputy City Clerk