

## City Council Meeting

Regular Session Minutes

September 22, 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 September 22, 2104 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  
Jeff Watt, Ward III  
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Kevin Graham, Ward III

Staff Present: Curt Wenson, City Administrator  
Vicki McClure, Assistant Finance Director  
Steve Hansen, Public Works Director  
BJ Staab, Assistant Parks and Recreation Director  
Brian Hess, Utilities Director  
James Simpson, Police Chief  
Katherine Sharp, City Planner  
Karan Johnson, Economic & Business Dev. Manager  
Chris Wilson, Parks and Open Spaces Manager  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Regular Session Minutes of September 8, 2014

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

### V. CITIZENS' PARTICIPATION - NONE

### 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 all of one lot and a portion of a second lot comprising approximately 10 acres, along both sides of N. Forest Avenue approximately 270 feet North of its intersection 291 Highway, from Mixed Use to High-Density Residential [P&Z Case 14-35A]

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

Mark Pomerence, North Point Development, 5015 NW Canal Street, stated he was the applicant for the change in land use. He stated this request was a pre-cursor to a forthcoming Planned Development rezoning request. He stated that he envisions the project to be Forest Avenue centered, away from the existing residential area. He noted that he has met with the surrounding neighbors to provide them with information. This would be a high quality product with four to five stories. By reducing the footprint, it's more economical to build and allows for more green space. The topography of the property is tough and past development plans for apartments with large retaining walls etc. were not well received. The idea would be to retain 8-9 acres of existing forest area. He noted that they will continue to meet with neighbors to address traffic, storm water concerns etc.

John Ward, 511 N. Forest Avenue, stated his property line is 50 ft. from the applicants. He appreciates the quiet tree lined area and is worried about the destruction of the trees. Six hundred new residents will impact the peace and quiet and traffic on N. Forest Avenue, with the addition of 500 cars backing up traffic. The architecture is not compatible with the existing forty year old homes.

Emily Sharp, 526 Nottingham Place, stated she is the President of the Villas of Camelot association. She noted that proper notification was not given to the HOA and she has notified City Planner Katherine Sharp of address corrections. She asked what Liberty has to gain because their area will lose (traffic, sewers, and storm water issues). There is rock on that hill in addition to the trees. Their property values will be lowered if an apartment building and all the additional parking spaces needed are built.

Holly Larrison Mills, Commercial Real Estate Broker representing the Brown property located at 421 N. 291 Hwy., noted that the new facilities would overlook her client's property. In the future, any property development plan that may come forward on their lot should not be held to a higher level of requirements (additional screening etc.) than they are today because of this new project.

Waneta Sitz, 418 Locust, has lived in the area for 30 years and is the biggest gardener in that area. The hill is stone (there was a quarry on the top of that hill). Their concern is water runoff. What happens when the trees are removed and can't absorb the water? She stated a number of trees have been removed already. She can't imagine all of the cars coming out of there. Also, is the city ready to deal with the

thousands of animals that will come from the property when they are displaced?

Approximately 21 residents stood in opposition of the map amendment.

In response to Council's question, Ms. Sharp stated that an inventory of trees (8" caliper or greater) will be required to be submitted along with the rezoning application.

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

**Action:** Council Member Phillips moved to approve the resolution. Council Member Jenness 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. 2701.

- B. Resolution approving a Special Use Permit to allow expansion of an existing events center and the addition of an Inn within an existing building at the Belvoir Winery, 1325 Odd Fellows Road [P&Z Case 14-32SUP]

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

Jesse Leimkuehler, Manager and CEO of the Belvoir Winery, stated they are currently finishing up the upper half of the main building. The additional event and inn space is needed so they can accommodate more weddings etc. There are currently 60 parking spots on-site and there is a flat area where an additional 40-50 spots could be added if necessary.

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

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

Inscribed in Resolution No. 2702.

- C. Ordinance amending Chapter 30, "Unified Development Ordinance", of the Code of the City of Liberty, Clay County, Missouri (pertaining to residential livestock and the keeping of backyard hens) [P&Z Case 14-37A]

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

Vickie Shelton, 401 W. Kansas Street, stated she has three chickens and a coop. Chickens have a long longevity and produce eggs for approximately four years. She chose to have chickens, which are her pets, over dogs because they are quiet, easy to care for and make great compost. A well-made coop is pleasing to the eye and she would like to see the number of chickens allowed increased from three to five, and the need for neighbor approval removed.

Jennifer Steelman, 1506 McClellan Drive, stated it's fun to watch the chickens interact with each other. Chickens are social, and the more chickens there are they help to keep each other warm and reduce the need for additional artificial light. If the number of chickens allowed is increased, and the sign-off requirement removed, doesn't mean that a lot more people will get chickens. Three chickens don't produce enough eggs to accommodate a family of four and she would like to see the number increased to six.

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

Document No. 7957 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the October 13, 2014 Regular Session meeting.

#### IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of August 29 to September 12, 2014.

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

1. Ordinance excluding Westland Landscape payments

Document No. 7958 was read.

**Action:** Council Member Jenness moved to approve the vendor payments. Council Member Phillips 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. 10261.

2. Ordinance including Westland Landscape payments.

Document No. 7959 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 Phillips, Moore, Hagan, 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. 10261.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance accepting and approving a Final Plat for Heartland Meadows, 14<sup>th</sup> Plat in the City of Liberty, Clay County, Missouri [P&Z Case14-34FP]

The applicant proposes to plat 13.21 acres in the northwest corner of the Heartland Meadows development. This will be the fourteenth and final plat of the business park. The purpose of this plat is greater marketability for the existing pad site, with the property already having access to public facilities.

Document No. 7960 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 Hagan seconded the motion.

Vote: Motion passed 6-0-1

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

No: None

Abstain: Council Member Duncan, due to potential conflict of interest.

Approved by the Chair and inscribed in Ordinance No. 10262.

C. Ordinance approving a certain Agreement between the New Liberty Hospital District and the City of Liberty for Athletic Trainer Services at selected Liberty Parks and Recreation tournaments and events

A community partner, the Liberty Hospital has recently opened its new Sports Medicine Clinic and has drafted an athletic trainer services agreement which would allow Liberty Parks and Recreation to offer a greater level of service to sports program participants in exchange for promotional opportunities for the Sports Medicine Clinic.

Document No. 7961 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. 10263.

- D. Ordinance approving an Agreement with Tandem Paving, Inc. pertaining to the construction of an Asphalt Trail at Clay Ridge Park, Liberty, Missouri in an amount not to exceed \$13,315

Clay Ridge Park is a neighborhood park which includes a trail segment providing access to the parks amenities for residents living on the west and a trail providing access for neighbors from the east side of the Meadowlark Lane subdivision. The project would construct a 240-ft. asphalt trail to connect the two existing trail segments in Clay Ridge Park.

Document No. 7962 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 Jenness 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. 10264.

- E. Ordinance approving a Cooperative Use Agreement with Kansas City Flying Disc Club

Liberty Parks and Recreation recently installed a disc golf course at Stocksdale Park which is already regarded as one of the top courses in the Kansas City area. In return for the non-exclusive use of the disc course, the club is willing to assist with the maintenance and promotion of the course.

Document No. 7963 was read.

**Action:** Council Member Phillips 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 Gentrup 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. 10265.

- F. Ordinance approving an Agreement with Missouri Department of Conservation Tree Resource Improvement and Maintenance (T.R.I.M.) Grant Program for the initiation of an Emerald Ash Borer Management Plan for Street Trees, Liberty Missouri, in the amount of \$10,000.

Document No. 7964 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 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. 10266.

- G. City Well Field

The objective of developing a Source Water Protection Plan (SWPP) is to preserve and protect the local Source Water Protection Area from chemical, biological and other types of contamination as a collaborative effort within the community, as well as foster community and partnership among all stakeholders within the SWP area and to increase the public's awareness about where their drinking water comes from.

1. Ordinance approving a Financial Assistance Agreement with Missouri Department of Natural Resources for a Source Water Protection Plan for the City's Well Field in an amount not to exceed \$28,070.00.

Document No. 7965 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 Gentrup 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. 10267.

2. Ordinance approving an Agreement with HDR Engineering, Inc. for the development of a Source Water Protection Plan for the City's Well Field for an amount not to exceed \$25,470.00

Document No. 7966 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 Hagan moved to approve the ordinance. Council Member Jenness 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. 10268.

- H. Ordinance approving a Contract with Havens Construction Co. for Erosion Control Project on Little Shoal Creek, South of Kings Highway, in an amount not to exceed \$30,000.

Document No. 7967 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 Moore moved to approve the ordinance. Council Member Watt 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. 10269.

- I. Liberty Drive Right-of-Way

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

1. Resolution declaring the excess Right-of-Way for Liberty Drive adjacent to Bent Oaks Subdivision as Surplus Property

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

Inscribed in Resolution No. 2703.

2. Ordinance accepting a Utility Easement for the excess Right-of-Way for Liberty Drive adjacent to Bent Oaks Subdivision

Document No. 7968 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 Jenness 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. 10270.

Mayor Brenton resumed as Chair of the meeting.

## X. OTHER BUSINESS

- A. Motion to approve a Blanket Purchase Order for Road Salt from Independent Salt in an amount not to exceed \$45,000.

**Action:** Council Member Hagan moved to approve the Blanket Purchase Order. 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

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

The meeting adjourned at 8:47 p.m.

---

Mayor

Attest:

---

Deputy City Clerk