



## City Council Meeting

### Regular Session Minutes

March 23, 2015

#### 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 March 23, 2015 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 Council Member Hagan, 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  
Janet Bartnik, Parks and Recreation Director  
Brian Hess, Utilities Director  
James Simpson, Police Chief  
Mike Snider, Fire Chief  
Katherine Sharp, Planning Manager  
David Jones, Planner  
Janet Pittman, Deputy City Clerk  
George Kapke, Legal Counsel

Public Present: Ryne Dittmer, Liberty Tribune  
45 members of the public

#### IV. APPROVE MINUTES AND SUMMARIES

##### A. Study Session Summary of February 23, 2015

Council Member Hagan moved to approve the summary as distributed. Council Member Phillips seconded the motion, which carried 7-0-1. Council Member Duncan abstained due to absence.

##### B. Regular Session Minutes of February 23, 2015

Council Member Watt moved to approve the minutes as distributed. Council Member Moore seconded the motion, which carried 7-0-1. Council Member Duncan abstained due to absence.

V. CITIZENS' PARTICIPATION

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Purchase of one Parking Control Vehicle from M&M Golf Cars in an amount not to exceed \$15,095.00

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

- B. Purchase of two Mowers and one Utility Vehicle for Parks Grounds Maintenance from Lawn & Leisure in an amount not to exceed \$20,739.08

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

- C. Purchase of a Sanitary Sewer Inspection Vehicle for the Utilities Department from Kansas City Freightliner Sales, Inc. in the amount of \$45,434.00

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

- D. Purchase of cabinetry, electronics, computer hardware, and televising equipment for the Sanitary Sewer Inspection Vehicle from Key Equipment & Supply Co. in the amount of \$34,000.00

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

E. Resolution accepting the Sanitary Sewer Improvements for the Highland Dental Clinic Project (No 14-012)

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

Inscribed in Resolution No. 2737.

VIII. PUBLIC HEARINGS

A. Whitehall Development

1. Resolution approving an Amended Preliminary Development Plan for Whitehall Addition, in Liberty, Clay County, Missouri [P&Z Case 15-05PDP-A]

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

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

Inscribed in Resolution No. 2738.

2. Ordinance accepting and approving a Final Plat for Whitehall Acres, in the City of Liberty, Clay County, Missouri [P&Z Case 15-06FP] {not a public hearing}

The applicant proposes 3.78 acres of land for the purpose of constructing a single-family dwelling. The site currently consists of one partially wooded parcel with no public access or functional utilities.

Document No. 8060 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 Moore moved to approve the ordinance. Council Member Phillips 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. 10351.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning a 110 Acre portion of Land North of Doniphan Street, East of Lightburne Street, South of Rush Creek, and West of BNSF Railway, in the City of Liberty, Clay County, Missouri from R-1A, R-2, and PD to College District [P&Z Case 15-04R&PDP]

William Jewell College proposes to rezone for William Jewell College athletic and fraternal facilities. One purpose of this rezone is to bring into conformance with the main campus certain existing school facilities such as the baseball and softball fields and the fraternity houses. The second purpose of the rezone is the facilitation of new development west of the softball field. This includes a reconstructed parking lot , ADA facilities, and an approximately 1,000 square feet restroom and storage facility.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

Document No. 8061 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 Watt 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. 10352.

- C. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 1.71 Acres Southwest of the Intersection of W. Mississippi Street and N.

Prairie Street, in the City of Liberty, Clay County, Missouri from RNC and CBS to PD, Planned Development District [P&Z Case 14-50R&PDP]

This request to rezone is to allow the construction of a 45 unit age-restricted independent living facility, The Heritage Club.

Document No. 8038 was read.

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

Fielding Station, 1113 Aspen Drive, stated he has met with Neighbors, moved buffers etc. The area is not within the Historic District. They want to do something great for downtown, bringing more people to the area and help support the square. Plan A is more appealing with green spaces, gated and buffered as opposed to Plan B that works within the confines of CBS zoning. They want to build a high quality product, and this proposal is as good as it's going to get. The age restriction makes for less vehicles and parking is allotted with same ratio as the rest of the area.

Carl Rinker, 210 W. Franklin Street, stated he reviewed building locations and elevations relative to the current surrounding homes.

Bob Capps, 130 N Morse Ave, noted concerns about the development's density and inadequate parking. If units don't sell what is the value/marketability of condos? Apartments with no deed restrictions and high density, (not what the applicant is trying to sell us today).

Justin Mathis, 222 W. Franklin Street, stated the Downtown Plan and Comprehensive Plan are inconsistent. Heritage Club does not meet the comprehensive plan. The density will affect surrounding properties and provides inadequate parking. He also has concerns that the applicant has never built high-end residential units previously.

John McFarland, 400 W. 115<sup>th</sup> Terrace, KCMO 64114, noted there is supposed to be a 50+ age restriction. There is a promise by the developer to maintain the restriction but no enforcement mechanism is in place. Chapter 353 only has a 10 year life. Home owner restrictions can be changed. There will be a process of deterioration when they don't sell and have to bring in rentals.

Doug Day, 131 N. Morse Ave, discussed Density Rate to number of units. 26 units per acre is proposed. In August, the average number of units in the City was 16 per acre. The closer to adjoining homes, the average should be lower. For its size, it will be one of the highest density. Close proximity to the Historic District demands sensitivity to density, scale and fit. Comprehensive plan states 7 to 10 units are ideal. If it doesn't fit, do not accept it.

Holly Mills, 427 E. Mississippi, stated the project will pull people from a large radius. 64 units at 80,000+ sold last year in Clay/Platte. She provided some density, market info. related to condo's. 21 ½ million in total condo sales last year.

Beth Houston Stafor, 425 W. Kansas St., stated the project is being sold as "upscale and high class" which is located right across the street from the Fire Station. What

“high class” housing residents get woken up at 2:00 a.m. Where will visitors park who might be staying the night? Where do the employee’s park? Three stories is obscene and will be an “eyesore”.

Scott Brant, 303 S. Missouri, stated he is 4<sup>th</sup> Generation in Business and Residence. He is all for new development and very supportive of local businesses. It’s sad to give business to the stores across the Hwy like Target/Walmart/Crossley Ford. He is in support of this project.

Matt Posen, 503 E. Mill, stated smart development takes time and effort. We all care about everyone’s backyard. The comprehensive plan was created with positive intentions and trying to balance everyone’s interests. We all want what’s best for the City.

Gordon Hadden, 1613 Hampshire Ct., noted that he lived in downtown for 41 years and is a property owner on the square. He is in favor of this project. It could set the tone for next 25 years of what may or may not happen in downtown Liberty for the future. He shared a downtown re-development story of another city expanding their residential offerings.

David Fulk, 227 W. Kansas, stated he appreciates that the applicant has continued to work with the neighbors. Is this the place well-to-do retirees want to move into? Liberty doesn’t have the amenities to entice owners to buy at 250K, next to a fire station and AT&T Substation. Nor is there public access to mass transit. The plan is inconsistent with Liberty’s high value in heritage, preserving the past, respect for everyone, and decisions with future generations in mind.

Sal DiMiceli, 7603 NE 74<sup>th</sup> Terrace, KCMO 64158, stated he is surprised by the opposition of this project. The land is blighted. He is a banker and knows the developer and the quality of his projects. The property would be marketable.

Suzy Smith, 328 W. Kansas Street, spoke on behalf of the integrity of the Dougherty Historic District. She noted the parking cement pad on the corner of Franklin & Prairie lies within the historic district and should not be included in the parking calculations.

Mike Bedinger, 232 W. Franklin, encouraged Council to lead and see the future. The downtown area is an endangered species. This new development might be that thing that starts that change.

Heather Anderson, 127 N. Morse Ave, supports the project but is against the size and density. Wants smart development on this precious land. Wishes proposal would have started at 10-12 units and gone up from there.

Ed Korff, 610 NE Lacosta, Lee’s Summit, MO, stated he is an Architect assisting with the project, and has designed profit facilities for hospitals. Liberty is one of the best, with a great, secure location to be highly successful. Previous facilities he worked on only had 1 parking stall per unit. He listed properties he has worked on, similar to this. They create designs that are appealing, with less walking space to desired areas. This generation of tenants likes things closer together.

Brett Rinker, 425 Miller Ave., stated he is a Missouri Business Owner and has lived in the Historic District. He is concerned with how light pollution and lighting for safety will impact surrounding homes. He noted concerns regarding water detention and water run-off. There are a few risks with the project that need to be addressed. He is supportive, but this project is too large. Standards are there for a reason, exceptions come with risks.

Tom Underwood, 1305 S. LaFrenz, read a statement from Historic Downtown Liberty that endorsed and supported the project. This project could give a much needed economic uplift for downtown. Personally, he has purchased and renovated 2 buildings on N Water. This project could be a catalyst to turn the corner on downtown. Parking should be addressed, but Council should not deny the project because of it.

Nancy Rinker, 210 W. Franklin, is concerned about the size and scope of the project that will be in her backyard, and how the project will affect property values.

John D. Miles, MD, 3701 W Applewood Creek Rd, Columbia, MO, stated he is Mr. Staton's partner in the project. Liberty is at a crossroads of where the City wants to go. Embrace residential and create more foot traffic, or embrace commercial and no people.

Elissa Way Mueller, 242 W. Franklin St., stated she is for and against the project. She is excited for the prospect of more foot traffic in neighborhood. This is an opportunity to do something special and define Liberty's direction for the future. Council should take this opportunity to do the right thing. It's an exhausting process, but we need patience for the right solution.

Tom Mendel, 213 Camelot Drive, stated this project is within the CBS zoning area and the applicant could have built many different things. They want to build quality residential and invest money into the area. The applicant will build storage units if this project doesn't go forward. The applicant has reduced the number of units and tried to reach a compromise with the neighbors. Council should consider what is best for the future of Liberty.

Jodi Capps, 130 N. Morse, stated the neighbors have discussed the project and 20-25 units would be better. They would prefer town homes if they had a choice, as they would go better with the surrounding area. Neighbors have tried to compromise, and are not against the developer or the City of Liberty, they just want Liberty to be the best it can be. Threatening to put in storage units is spite and bullying.

Darla Staton, 1113 Aspen Drive, noted that non-Liberty Senior living facilities advertise in the Tribune. She noted the senior complex by the post office has a waiting list and are looking for somewhere to refer people. There won't be a perfect scenario, need to look for balance. We want what's best for the City.

The Mayor asked for a show of hands from the audience. 13 were in support of the project and 23 were in opposition.

Holly Mills, provided additional comments on demographics and the need for more residential housing downtown.

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

Mayor Brenton stated the ordinance would be considered on 2<sup>nd</sup> reading at the April 13<sup>th</sup> Regular Session meeting.

#### IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of February 27 to March 13, 2015.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8063 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. 10353.

2. Ordinance including Westland Landscape payments.

Document No. 8064 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. 10353.

Mayor Brenton resumed as chair of the meeting.

- B. Resolution approving an Amended Preliminary Development Plan for North Haven Center, in Liberty, Clay County, Missouri [P&Z Case 15-08-PDP-A]

The development plan amendment shows approximately 100,000 square feet of retail and commercial development, including an expansion of the existing Aladdin Storage from the south. It also shows subdivided pad sites with individual buildings ranging from 10,000 to 17,400 square feet.

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

Inscribed in Resolution No. 2739.

- C. Resolution approving a Preliminary Plat for North Haven Center-Attic Storage along N. 291 Highway between N. Forest Ave. and N. Stewart Road, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 15-09PP]

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

Inscribed in Resolution No. 2740.

- D. Ordinance amending Ordinance No. 10286 approving a Contract with Republic Services for 2015 disposal of the City of Liberty stockpiled lime sludge to Courtney Ridge Landfill, LLC increasing the contract by \$85,000.00 from \$150,000.00 to an amount not to exceed \$235,000.00

In May 2011, the City of Liberty received a Notice of Violation from the Missouri Department of Natural Resources (MDNR) concerning improper of storage of lime sludge near the lime storage lagoons. Staff successfully negotiated an Abatement Order on Consent (AOC) requiring the City of Liberty to dispose of at least 25% of the stockpiled lime sludge annually for four (4) consecutive years. Removal of the remaining material must be completed in advance of September 1, 2015 AOC deadline. Staff has estimated an additional \$85,000 in expenses to remove and dispose of the remaining lime sludge in order to meet the removal requirements as set forth by the MDNR abatement order.

Document No. 8065 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 Watt moved to approve the ordinance. Council Member Phillips 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. 10354.

- E. Ordinance approving an Agreement with Cogent (DBA Fluid Equipment Co.) for repairs to the Water Production Plant Clarifier Drive, Project #UT-004-15 in an amount not to exceed \$178,000.00

Document No. 8066 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 Gentrup 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. 10355.

- F. Ordinance approving a Contract with Vireo in an amount not to exceed \$39,000 for Consultant Services pertaining to Neighborhood Park Planning for Bennett Park, City Park and Ruth Moore Park

Staff publicly advertised a Request for Qualifications (RFQ) for consultant assistance to conduct planning processes involving significant public input from park neighbors and park users in the community. Seven firms submitted qualifications. The staff recommended Vireo for Council consideration based on the firm's ability to demonstrate a clear and thorough understanding of the project, the level of commitment to public input gathering by taking the meetings to the people rather than setting a single open house meeting, high level of creativity in design with previous projects with other agencies and their ability to see beyond the park boundaries considering the system and the neighborhood when planning the park.

Document No. 8067 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 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. 10356.

G. Ordinance accepting Easements for Public Water Mains for the Highway 291 Liberty  
Triangle Water Line Phase I- Stewart Road to College Street project

Document No. 8068 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 Moore moved to approve the ordinance. Council Member  
Phillips 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. 10357.

H. Ordinance approving an Agreement with Holthouse Construction LLC for the  
installation of fire hydrants in an amount not to exceed \$49,998.88

This agreement will provide for the installation of 28 replacement three-way steamer  
type fire hydrants. The replacement of these fire hydrants will play an active role in  
completing the City's goal of improving the fire protection safety of its residents

Document No. 8069 was read.

**Action:** Council Member Gentrup 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  
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. 10358.

- I. Ordinance approving an Agreement with Property Reserve, Inc. (PRI) to allow access to property for pre-construction activities related to the Wastewater Treatment Plant project

Document No. 8070 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 Graham 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. 10359.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 11:05 p.m.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk