

City Council Meeting

Regular Session Minutes

April 27, 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 April 27, 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 Harold Phillips, who then led the pledge of allegiance.

III. ROLL CALL

Council Members Present: Harold Phillips and Paul Jenness, Ward I
Greg Duncan, Ward II
Kevin Graham and Jeff Watt, Ward III
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Jeff Moore, Ward II

Staff Present: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator
George Kapke, Legal Counsel
Steve Hansen, Public Works Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Katherine Sharp, Planning Manager
David Jones, Planner
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

Public Present: Amy Neal, Liberty Tribune
30 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Mr. Ronald Heinold, 436 Maple, stated he has concerns about motorists speeding down Corbin and turning south onto Maple. He noted that he has tried to have Corbin closed in the winter because cars slide down the hill into his yard. A new blinking light has been added; however, he would also like to see the addition of a reduced speed limit sign.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Regular/Split Session Minutes of April 13, 2015

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

B. Resolution granting a Certificate of Appropriateness for Repairs to the Exterior and Two New Signs at 110 N. Main Street, Liberty Square Historic District [HDRC Case 15-004LS]

The building at 110 N. Main Street is included in the Liberty Square Historic District. An application for a certificate of appropriateness has been submitted for the exterior alterations made as a result of financial incentives provided by the City. The new owners plan to convert it to a retail store, which they plan to open next spring.

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, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 2745.

C. Resolution granting a Certificate of Appropriateness for Improvements to the Exterior at 6 E. Franklin Street, Liberty Square Historic District [HDRC Case 15-005LS]

The building at 6 E. Franklin Street is located within the Liberty Square Historic District. The applicant is seeking Chapter 353 tax abatement and an application must be submitted for a Certificate of Appropriateness for exterior alterations made as a result of financial incentives provided by the City.

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, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Inscribed in Resolution No. 2746.

D. Appointments

i. Citizen Sales Tax Oversight Committee

a) Appoint John Riedel to a term expiring May 15, 2018

Council Member Hagan moved to approve the appointments. Council Member Phillips seconded the motion, which carried unanimously.

VIII. PUBLIC HEARINGS

- A. Resolution approving a Special Use Permit to allow the Temporary Sale of Fireworks by Belfonte Fireworks, from June 20, 2015 to July 4, 2015 on a 2.44 Acre Lot in Oakwood Business Park Southwest of Clay County Health Center, Liberty, Missouri [P&Z Case 15-10SUP]

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Inscribed in Resolution No. 2747.

- B. Resolution approving a Special Use Permit to allow the Temporary Sale of Fireworks by Liberty Discount Fireworks, from June 20, 2015 to July 4, 2015, on Lot 5, Blue Jay Crossing 2nd Plat in the City of Liberty, Clay County Missouri [P&Z Case 15-11SUP]

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 Phillips moved to approve the resolution. Council Member Graham seconded the motion.

Vote: Motion passed 6-0-1

Yes: Council Members Phillips, Jenness, Graham, Watt, Duncan and Gentrup

No: None

Abstain: Council Member Hagan

Inscribed in Resolution No. 2748.

- C. Resolution approving a Special Use Permit to allow the Temporary Sale of Shaved Ice by Iced Out, LLC, from May 15, 2015 to September 15, 2015, on an Industrially-Zoned Lot East of 2108 College Street, in the City of Liberty, Clay County, Missouri [P&Z Case 15-14SUP]

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

Vote: Motion passed 7-0-0

Yes: Council Members Phillips, Jenness, Hagan, Graham, Watt, Duncan and Gentrup
No: None
Abstain: None
Inscribed in Resolution No. 2749.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of April 3 to April 17, 2015.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8085 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, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10375.

2. Ordinance including Westland Landscape payments.

Document No. 8086 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, 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. 10375.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance adopting and approving the Amended Development Plan (including Eighth Amendment) for the Expansion of the Redevelopment Area and the 201 W. Mississippi Project) submitted by the Liberty Municipal Redevelopment Corporation, reaffirming the finding that the property within said Amended Development Plan is a Blighted Area in need of development and redevelopment as determined in Ordinance No. 9794 and ordinance No. 10236, authorizing certain Tax Abatement within the Redevelopment Area described within the amended Development Plan; authorizing execution of a 353 Development Agreement for Implementation of the 201 W.

Mississippi Redevelopment Project; and proving for Expiration of Development Rights
(Public Hearing for Taxing Jurisdictions)

The project will be an age-restricted, 50 years and older, independent living facility. It is comprised of 2 buildings with a total of 45 units and a clubhouse with pool. One of the buildings is a 2 and 3 story building with basement units and garages and the other is a 3-story building with basement garages. There are 24 two- bedroom and 21 one-bedroom units. The facility will include security access gates, with vehicular access on Mississippi, Prairie and the alley. The Development Agreement includes special provisions for removal of the tax abatement if the project does not continue to be age-restricted as well as built in accordance with Planning and Zoning Case 14-50R&PDP.

Mayor Brenton opened the Public Hearing and asked if any taxing jurisdictions were present and wished to speak. Seeing none, he asked if anyone else wished to speak. Seeing no one, the Mayor closed the Public Hearing.

Document No. 8087 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 Watt moved to approve the ordinance. Council Member Jenness seconded the motion.

Vote: Motion passed 5-2-0

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

No: Council Members Gentrup and Phillips

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10376.

- 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] {Second Reading}—
Postponed from April 13, 2015

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 stated that since a valid protest petition was submitted, a super majority vote of Council was required to pass the ordinance.

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

Vote: Motion failed 4-3-0

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

D. Ordinance accepting and approving a Final Plat for Clay Meadows, 10th Plat, in the City of Liberty, Clay County, Missouri [P&Z Case 15-12FP]

The applicant proposes to subdivide 6.27 acres of land for residential development. The subdivision will consist of 17 lots ranging in size from 10,078 square feet to 19,744 square feet, with an average of 13,813 square feet, or approximately 1/3 acre. Each lot proposed will have direct access to public water and sanitary sewer, to be extended from the south and east.

Document No. 8088 was read.

Action: Council Member Jenness moved to waive the rules and consider the ordinance on first reading. Council Member Graham 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 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10377.

E. Ordinance amending Ordinance No. 10220 approving a Contract with Walter P. Moore for Engineering Design Services for the 2014 Storm Sewer Improvements Project by increasing the Contract amount of \$31,980.00 by \$1,605.00 to a not to exceed amount of \$33,585.00

The construction project bid opening was held on July 11, 2014. However, there were no bidders. Inquiries by staff to some contractors that requested plans for the project revealed that some key factors in their choosing not to submit bids included challenging scope of work, aggressive schedule, utility conflicts and contractor workload. It was also discovered that the construction cost would be significantly more than budgeted. To address these issues, staff directed Walter P. Moore to modify the design with the hope of reducing the cost. The additional work for the modifications to the design performed by Walter P. Moore resulted in a net increase of \$1,605.00 from the original contract amount.

Document No. 8089 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10378.

F. Ordinance accepting Easements for Public Sanitary Sewer Mains for the Liberty Fire Station No. 3 Sanitary Sewer Extension Project

To facilitate the construction of a public sanitary sewer main extension to the Liberty Fire Station No. 3 on Lightburne Ave. approximately ¼ mile south of Shepherd Rd., a 20' wide off-site public water easement was required to be dedicated to the City of Liberty. The easement will allow for the construction of a new sanitary main that will provide gravity sewer service to the fire station to replace the existing on-site aged, problematic septic system.

Document No. 8090 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10379.

G. Ordinance authorizing the Issuance of Tax Increment Refunding Revenue Bonds (Liberty Triangle project), Series 2015 in the principal amount of \$4,435,000 and authorizing certain documents and other actions in connection with the execution and delivery of the bonds

While the City has been buying down debt by using accumulated excess revenues, we have not been able to restructure the debt. The remaining bonds, valued at \$4,435,000.00 are now able to be refinanced at current market rates. Based on bid results submitted from a recent City lease financing structure and knowledge of which area banks are active in TIF refinancing, Piper Jaffray contacted Commerce Bank and negotiated a refinancing plan. The refinancing plan offered by Commerce will lock interest rates at 2.700% until anticipated bond payoff.

Document No. 8091 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 Gentrup seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10380.

H. Ordinance amending Ordinance No. 10304, Adoption of the 2015 Budget for the City of Liberty

Document No. 8092 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 Hagan moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10381.

X. OTHER BUSINESS

A. Authorization to purchase a Utility Construction Division Backhoe from Foley Equipment in the amount of \$109,860.00 - Motion

The Utilities Construction Division backhoe is one of the oldest machines in the fleet and near the end of its useful life. The 1997 New Holland backhoe has had extensive repairs and will require additional maintenance funds to keep it in service. The purchase of the Caterpillar 430 IT Backhoe Loader would add to the city owned fleet of Caterpillar equipment allowing staff to utilize various Caterpillar based attachments.

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

Vote: Motion passed 7-0-0
Yes: Council Members Phillips, Jenness, 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 8:35 p.m.

Mayor

Attest:

Deputy City Clerk