

City Council Meeting

Regular Session Minutes

June 22, 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 June 22, 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 Paul Jenness, 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
Steve Hansen, Public Works Director
Janet Bartnik, Parks and Recreation Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Tony Sage, Information Technology Director
Katherine Sharp, Planning Manager
David Jones, Planner
Janet Pittman, Deputy City Clerk

Public Present: Kellie Houx, Liberty Tribune
35 members of the public

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

Mayor Brenton read and presented the Parks and Recreation Month Proclamation to Park Board Members Jackie Kennedy, Karen Ridder, Vern Windsor, Buzz Taylor and Parks and Recreation Director Janet Bartnik.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

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

1. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc.'s 'Local Dirt – A Farm to Table Fine Dining Experience' to be held on Saturday, July 25, 2015 at 111 N. Water Street, Liberty, Missouri

Action: Council Member Hagan moved to approve the resolution. Council Member Moore 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. 2755.

2. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc.'s 'Craft Beer Crawl' to be held on Saturday, August 15, 2015 around the historic square

Action: Council Member Hagan moved to approve the resolution. Council Member Moore 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. 2756.

VIII. PUBLIC HEARINGS

- A. Resolution approving a Special Use Permit to allow Event Center Use for up to 150 guests within the former St. James Church at 342 North Water Street, Liberty, Missouri [P&Z Case 15-03SUP] – Postponed from May 26, 2015

Mayor Brenton opened the Public Hearing that was postponed from May 26, 2015 and asked if anyone wished to speak either in favor or in opposition of the resolution.

Applicants John and Carey Weir, 1705 Brooke Court, Kearney, stated that they will incorporate sound proofing and indirect lighting around the exterior of the center immediately as they don't want to have any issues with the neighboring properties. They noted that they have a shared parking agreement with the owners of the building across the street at 400 N. Main. It doesn't make financial sense to offer valet service for every event; however, for events over 100 guests they would utilize valet service to take the vehicles to 134 N. Water Street, for which they also have a parking agreement. They anticipate the majority of their business to come from wedding receptions which traditionally are held on Saturday evenings.

Bill Ray, 302 N. Water, stated he operated a bed and breakfast in the Dougherty District during the same time the James Inn bed and breakfast was in operation.

Based on his past experience, he has concerns about the shared parking arrangement. He stated that he too had a parking arrangement; however, he lost it after an altercation in the lot and the applicants can't guarantee parking on property they don't own. He also had concerns that 150 people are too many and asked if that is allowable under the Fire Code. Mr. Ray added that Water is a narrow street and he also has traffic concerns.

Mary Ann Pfeifer, 452 N. Missouri Street, stated that when the church was dedicated in 1913 it was designed for 150 people. She noted that when St. James Church moved in 1981 the property took a long time to sell. A bed and breakfast eventually operated from the location; however, it failed. She stated that the building will be lost if something profitable doesn't go in as the building would be expensive to maintain. The best chance for this historic building to continue is with the applicants. Carey Weir is a chef and John is in the construction business, and they have the necessary financial backing. She stated she is appreciative of the neighbor's concerns and noted that there is some on-street parking available in the area that isn't currently utilized.

Joel Mohr, 410 N. Water Street, stated that he has concerns regarding traffic as cars drive way too fast down the street and it is poorly lit. He is also concerned about pedestrians as a result and noted that the intersection at Water and Mississippi is dangerous when cars are parked there.

Wendy Baldwin and Tina Huet, 400 N. Missouri (Woople), stated that Mrs. Weir caters events at Woople and they are excited to see another business come to the area. They noted that they have a written shared parking arrangement between themselves and the applicant, and are confident that should any concerns arise they would be able to work through them.

Lorilyn Mohr, 410 N. Water, stated she is concerned about the noise and disturbance such a use within a residential neighborhood would cause. The church was a place of worship, located within a residential area so pedestrians would have easy access. The neighborhood can't handle traffic and the alley is only wide enough for one-way traffic. In addition, there is no speed limit signage in the area and lighting is poor. Ms. Mohr stated that when Woople moved in they installed bright lights and she lost sleep and her job as a result. She noted that she worked through her Council Members to have the lighting issue resolved. She is worried about the potential disruptions an event center will cause and she can't afford to move from her home.

Mario Usera, President of Clay County Savings Bank, stated that the bank is the owner of the building. He noted that this is an existing building, not new construction, and is over 100 years old. The property was foreclosed upon in 2007 and the bank has held it for over 8 years. The applicant is interested in maintaining the historic character of the building, and he asked if Council really wanted to see this property further decline. He noted that the applicant has worked to find parking alternatives, and parking would be an issue for any use at this location. He also noted concern that Council would put restrictions on the permit that would doom the applicant to failure as Clay County Savings Bank would be the lender on the project.

Margaret Abbott, 405/407 N. Main, stated the roads are narrow and the neighbors suffer during Fall Festival. The building is important, but the neighborhood is

important too. She requested that the special use permit have limits so that future transfer to a new owner is prohibited. She has noted concerns about the hours of operation as the time to set-up and take down events at the center needs to be taken into account.

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

Mayor Brenton stated that a verified Protest Petition was received which would require a super majority vote of Council for passage of the application.

Action: Council Member Phillips moved to amend the resolution by adding the following stipulations:

1. That valet and shuttle service is required for events with greater than 100 guests.
2. That a 10:00 p.m. curfew be enforced for all events held on any night Sunday through Thursday.
3. The Special Use Permit shall remain in place as long as parking at the Event Center and access to parking at 400 N. Missouri is available.
4. Use of the alley located immediately north of 342 North Water Street is prohibited for the purpose of valet parking.

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

Action: Council Member Hagan moved to approve the resolution as amended. 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

Inscribed in Resolution No. 2757.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning Approximately 22 Acres known as New Liberty Hospital District, in the City of Liberty, Clay County, Missouri, from C-O, Non-Retail Business District to PD, Planned Development District [P&Z 15-13R&PDP]

The applicant proposes that the site be used for a mix of residential, medical office, retail and service use to be built in three phases. Phase I would include a four-story skilled nursing residence and short-term stay hotel, and a two-story Healthy Living Center. Phase II would consist of a six-story independent living building containing 200 residential apartment units and two-story medical office building. The third phase

would include additional medical office buildings and six attached residential row house buildings with four or five units each.

The applicant is requesting a variance from the parking regulations for the Short Term Stay (1 space per 2 living units), Assisted Living (1 space per 2 living units), and Independent Living Facilities (1 space per unit). The applicant is also requesting a variance to the park land dedication requirements. The Park Board approved the applicant's request to build a pedestrian bridge as an alternative to the traditional fee-in-lieu payment. If the variance is approved by Council, the fee may then go toward creating a usable on-site amenity which could eventually link to the City's trail system.

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

David Feess, President and CEO of Liberty Hospital, stated this is an important project for our community. With the changes in healthcare, the focus is on how do we do a better job for health and wellness, senior citizens and caring for people in our community? He noted that Phase II would begin approximately 24 to 36 months after completion of Phase I, which should take approximately 24 months.

Christopher Cole, Action Pact Design, stated he is one of the partners in the proposed project. He noted that Phase I includes a healthy living center which would be an integrated care model. A project such as this allows for planned transition and when completed will be a real place for people of all ages to gather. The independent living component would be part of Phase II. He noted that they are looking at this being a reciprocal/cross pollination project between the Liberty Community Center and the Healthy Living Center. The pedestrian bridge is proposed to be built during Phase II to ensure logical placement after initial construction of Phase I.

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

Document No. 8114 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 Moore moved to amend the ordinance by adding the stipulation that the variance to the park land dedication requirements allowing that a pedestrian bridge be built as an alternative to the fee-in-lieu payment, shall sunset within 48 months. 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

Action: Council Member Hagan moved to approve the ordinance as amended.
Council Member Moore 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. 10401.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of May 29 to June 12, 2015.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8115 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. 10402.

2. Ordinance including Westland Landscape payments.

Document No. 8116 was read.

Action: Council Member Watt moved to approve the vendor payments. Council
Member Hagan 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. 10402.

Mayor Brenton resumed as chair of the meeting.

B. Resolution approving a Preliminary Plat for Liberty Hospital Healthy Living Community along Glenn Hendren Drive at Stockwell Drive, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 15-17PP]

Action: Council Member Watt 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. 2758.

- C. Resolution approving a Preliminary Plat for Quik Trip at 655 N. 291 Highway, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 15-21PP]

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. 2759.

- D. Clay County Senior Services Fund

1. Resolution authorizing the filing of an Application with the Clay County Senior Services Fund for Grant Funding for the Senior Adult Memberships to the Liberty Community Center, City of Liberty, Missouri

Action: Council Member Jenness moved to approve the resolution. 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

Inscribed in Resolution No. 2760.

2. Resolution authorizing the filing of a Grant Application with Clay County Senior Services for Financial Assistance for the Liberty Senior Services Program within the City of Liberty, Missouri

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. 2761.

- E. Resolution authorizing the Filing of an Application with the Missouri Department of Conservation for Financial Assistance for the Management, Improvement and Conservation of Trees within the City of Liberty, Missouri

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. 2762.

- F. Fire Station No. 1 – Parking Lot and Entrances

1. Ordinance approving an Agreement between the City of Liberty and McConnell & Associates for the replacement of Fire Station No. 1's Parking Lot and Entrances in an amount not to exceed \$375,624.50

Document No. 8117 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 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. 10403.

2. Ordinance amending Ordinance No. 10403, approving an Agreement between the City of Liberty and McConnell & Associates for the replacement of Fire Station No. 1's Parking Lot and Entrances by reducing the Contract amount by \$27,560.50, from \$375,624.50 to a not to exceed amount of \$348,064.00

Document No. 8118 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 Watt moved to approve the ordinance. Council Member Moore 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. 10404.

X. OTHER BUSINESS

- A. Motion to approve the purchase of software from Tripwire, Inc. in an amount not to exceed \$65,276.14

Action: Council Member Hagan moved to approve the purchase. 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

- B. Food Truck Pilot Program – Discussion

City Council discussed a proposed two-year Food Truck Pilot Program that would allow vending in the commercial and industrial districts within the City. Included would also be a provision for some vending permits to allow for sales within residential neighborhoods (ie. ice cream and shaved ice); however, no vending would be allowed in City parks. Vending on private streets, or in parking lots, would require written permission of the property owner. Council directed staff to bring forward the proposed Pilot Program for formal consideration.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Mayor

Attest:

Deputy City Clerk