

## City Council Meeting

Regular Session Minutes

July 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 July 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 Michael 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: Dan Estes, Assistant City Administrator  
Vicki McClure, Assistant Finance Director  
Steve Hansen, Public Works Director  
Andy Noll, Assistant Public Works Director  
Janet Bartnik, Parks and Recreation 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: Kellie Houx, Liberty Tribune  
60 members of the public

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION

A. Mayor Brenton read a Proclamation commending members of Troop 374 for their service to the community by painting 170 fire hydrants.

William Duncan, 404 E. 8<sup>th</sup> St., Kearney, MO 64060, requested that Council provide equipment to Public Works to clean-up the weeds/vegetation on Lightburne. He stated that MoDOT used to take care of it; however, since the City took over it has not been mowed. Mr.

Duncan noted that he called the Public Works Director; however, he was told the City has no equipment or staff to do it. He asked that the maintenance be contracted out or taken care of.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution approving a Temporary Event Liquor License for St. James Do Dads Club for a BBQ Contest to be held August 28<sup>th</sup> – 29<sup>th</sup>, 2015 at St. James School

**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. 2768.

- B. Resolution appointing Directors to the Rogers Plaza Community Improvement District Board of Directors

**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. 2769.

- C. Resolution granting a Certificate of Appropriateness for construction of a garage at 439 Miller Avenue, Jewell Historic District [HDRC Case 15-011J]

**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. 2770.

- D. Appointments

1. Parks and Recreation Board

- i. Re-appoint Patrick Flora to a term ending 6/1/2016

- ii. Re-appoint Vern Windsor to a term ending 6/1/2017
- iii. Re-appoint Jackie Kennedy to a term ending 6/1/2018

2. Parks and Recreation Charitable Fund Advisory Committee

- i. Appoint Patrick Flora to a term ending 1/1/2019
- ii. Appoint Vern Windsor to a term ending 1/1/2017
- iii. Appoint Jackie Kennedy to a term ending 1/1/2018

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

VIII. PUBLIC HEARINGS

- A. Ordinance amending Chapter 30, "Unified Development Ordinance", of the Code of the City of Liberty, Clay County, Missouri pertaining to the Floodplain Buffer

The recommended changes to the City's floodplain regulations are required to maintain participation in the NFIP which is a vital component to protect property owners and residents from significant financial loss due to flood hazards. The new FIRM maps will be effective August 3, 2015 and if not adopted by the City, participation in the NFIP will be suspended and property owners will not be able to obtain federally subsidized flood insurance.

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. 8124 was read.

**Action:** Council Member Moore 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 Hagan moved to approve the ordinance. Council Member Duncan 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. 10409.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning approximately 52.7 Acres generally West of S. Withers Road, East of Little Shoal Creek, North of Old Withers Road, and South of Blackberry Road, in the City of Liberty, Clay County, Missouri, from R-1A, Suburban Residential District to R-1C, Standard Single-Family Residential District [P&Z Case 15-26R&PDP]

The purpose of this proposal is to allow the applicants to subdivide the 52.7 acre parcel into 126 lots for the construction of detached single-family dwellings. The proposed density is not allowed under the existing R-1A zoning, which requires a minimum of 3 acres per lot. R-1C zoning requires 8,000 square feet per lot, which the applicant will meet under the proposed plan. The applicant has requested consideration of four variances from the Unified Development Ordinance connected with the preliminary development plan proposed with this rezoning: 1) Cul-de-sac length-The applicant proposes cul-de-sac lengths up to 720', in excess of the 400 maximum in UDO Section 30-93.1; 2) Connectivity to other properties-The applicant proposes a variance from UDO Section 30-93.2, which requires connections to neighboring properties. In particular, the applicant wishes to forego access to and from the Blackberry commercial property to the north; 3) Buffering from an arterial road-The applicant proposes a variance from UDO Section 30-93.6, which requires a 100' buffer between an arterial roadway the rear property line of a residential property. As outlined in Exhibit C, the applicant wishes to match the visual setback of residential properties to the north along Withers Road, and so proposes a 50' buffer from the roadway; 4) Riparian edge buffer zone-The applicant proposes a variance from UDO Section 30-98.3, which requires a fifty foot setback from the edge of the boundary of the 100-year floodplain. Engineering staff supports a variance request modifying the outer limits of the riparian buffer to encompass only the limits of the 100-year floodplain itself (rather than require an additional 50 feet beyond the floodplain).

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

Joe Duffey, 1730 S. Withers Road, stated that he and his wife are the applicants. He noted that he held a public meeting for information gathering/questions at the Community Center the prior evening and it was well attended by area residents. He stated that this is a rezoning application and the final outcome will depend on which variances are granted. He noted that he has developed numerous other properties in Liberty, and he envisions this development to be comparable to the Copper Leaf development in Kansas City (\$350K-\$500K price range). He noted that he is aware of the concerns related to tree removal and he would try to take out as few trees as possible within the development.

Wendy Isley, 1273 Blackberry Drive, stated she is supportive of the proposal with the exception of the destruction and removal of an estimated 10-11 acres of densely inhabited mature forest. She asked Council to balance growth with responsible conservation, and referenced past surveys where residents identified topics deemed of very high importance to the City that are relevant to this development. They include watershed management, wildlife habitat and that agriculture or recreation should be protected from development. Natural terrain is important and drainage patterns and vegetation should be preserved where development does occur. Ms. Isley stated that residents feel the current proposal overlooks these aspects, which are important to sustaining and protecting the environment.

Ron Cowger, AGC Engineers, spoke on behalf of the applicants. He stated that this is a request for R1C zoning, and the rezoning is consistent with what is appropriate for the area. He discussed the four variances requested by the applicant. He noted that other cities allow larger cul-de-sacs, and the requested size will allow for a better use of the space and less intersections. The proposal includes three vehicular

connections and the variance requested includes a pedestrian connection to the Blackberry commercial area rather than another vehicle connection. The buffering variance provides for a cohesive streetscape between the neighborhoods. He noted that they are trying to protect the stream corridor with the Riparian Edge Buffer variance. The buffer would stop at the floodplain and not extend out an additional 50'.

Cynthia Campbell, 1265 Blackberry Drive, stated she is supportive of the development; however, worries about the forested areas. She referred to the May 2013 Community Forest Conservation Assessment that acknowledges that it is difficult, if not impossible, for humans to recreate all of the components of a complex natural ecosystem through replanting efforts. If the area is bulldozed, even if trees are replanted at a 2:1 ratio, new trees cannot be equated to the environmental benefits of the existing mature trees. Trees also reduce storm water runoff and she is worried that development will cause future storm water issues to their property.

Mike Gilmore, 1280 Blackberry Drive, stated that the Assessment noted that for every acre of forest in Liberty, the City saves roughly \$129 per year related to storm water management. Forested areas also save on public health costs as they reduce air pollution. This area was ranked number 7 on the list of most advantageous areas to conserve and is home to numerous types of wildlife. Conservation of the floodplain and riparian area is of high importance and he would like to see as many trees maintained on the development as possible.

Bill Stilfield, 1257 Blackberry, stated that the wooded area is important to the City. The City of Liberty has been awarded the designation of Tree City USA for the past 11 years and he would be interested to hear what the Liberty Tree Board thinks of this proposed development. Trees improve the quality of life and increase property values. Saving this forested tract would benefit the developer by creating more premium lots with wooded views.

Mike Kazanowski, 1227 Blackberry Drive, noted that he heard the applicant state he would like to keep trees; however, this plan shows new trees and only keeps the existing trees around the applicant's house. (Mayor Brenton stated that area is not part of this application)

Brenton Foresee, 1261 Blackberry, noted that the tree replacement provision allows that replacement trees that cannot be accommodated on-site can be planted at another location, or they may also pay a fee in lieu of the tree replacement.

A Blackberry resident noted his concern regarding cul-de-sac length and the potential impact on Withers Road.

Seeing no one else wishing to speak, Mayor Brenton closed the public hearing.

Document No. 8125 was read.

Mayor Brenton stated the ordinance would be considered on second reading at the August 10<sup>th</sup>, Regular Session meeting.

## IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of July 2 to July 17, 2015.  
Mayor Pro Tem Phillips took over as Chair of the meeting.

1. Ordinance excluding Westland Landscape payments

Document No. 8126 was read.

**Action:** Council Member Hagan moved to approve the vendor payments. Council Member Jenness 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. 10410.

2. Ordinance including Westland Landscape payments.

Document No. 8127 was read.

**Action:** Council Member Watt moved to approve the vendor payments. Council Member Gentrup 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. 10410.

Mayor Brenton resumed as chair of the meeting.

- B. Resolution approving a Final Development Plan for the Construction of the Liberty Utility Operations Center and Wastewater Treatment Plant in Liberty, Clay County, Missouri [P&Z Case 15-27FDP]

**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. 2771.

- C. Resolution authorizing the Offering for Sale of Special Obligation Bonds by the City of Liberty, Clay County, Missouri; and authorizing Certain Actions in Connection Therewith

Special Obligation bonds in an aggregate principal amount of approx. \$15,675,000 for the purpose of providing funds for construction of South Liberty Parkway from Withers to 291 and related infrastructure; downtown improvements to the historic square; police vehicles and equipment; and various improvements/repairs to City parks facilities.

**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. 2772.

- D. Ordinance approving a Contract with Brian Clark & Associates Inc. D/B/A CONFLUENCE for the Downtown Square Reconstruction Project in an amount not to exceed \$185,810.00

Provides professional design services for the Downtown Square Reconstruction project which consists of improvements to the streets, crosswalks, sidewalks, water lines and sewer lines in the Downtown Liberty area adjacent the historic square.

Document No. 8128 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 Jenness 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. 10411.

- E. Ordinance accepting Easements for Public Sanitary Sewer Mains for the Precious Blood Center Sanitary Sewer Extension Project

Document No. 8129 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 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. 10412.

F. Ordinance accepting Easements for Sanitary Sewer Mains for Wastewater Treatment Plant Project

Document No. 8130 was read.

**Action:** Council Member Hagan 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 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. 10413.

G. Ordinance approving an Agreement with the Mid-America Regional Council pertaining to Senior Services

Each year the Mid-America Regional Council awards operating contracts for Transportation, Senior Center, and Meals on Wheels Services. For 2016, MARC has awarded the City of Liberty \$101,077 (transportation), \$25,000 (Senior Center), and \$12,397 (Meals on Wheels).

Document No. 8131 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 Jenness 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. 10414.

X. OTHER BUSINESS

- A. Authorize an increase of \$10,000. in the amount of Tax Abatement per year for the Residential Tax Abatement Program, from \$15,000. to \$25,000. - Discussion

On July 14, 2014, the City Council approved a Chapter 353 tax abatement program for the residential area surrounding the commercial downtown core. A cap on the amount of total tax abatement per year was approved in the amount of \$15,000.

The most recent application will result in approximately \$800 over the maximum cap per year. Due to the success of the program, Staff is seeking Council's direction on increasing the maximum amount of tax abatement per year. If Council desires to increase the cap then a public hearing and taxing district notification will be required to accommodate this increase prior to entering into a Development Agreement with the current applicant. Council directed staff to begin the process to increase the cap by \$10,000/year.

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