

City Council Meeting

Regular Session Minutes

August 10, 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 August 10, 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 Kevin Graham, 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
Andy Noll, Assistant Public Works Director
Steve Hansen, Public Works Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Katherine Sharp, Planning Manager
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Executive Session Minutes of Monday, July 13, 2015

Council Member Watt moved to approve the minutes as distributed. Council Member Jenness seconded the motion, which carried 6-0-2. Council Members Hagan and Moore abstained due to absence.

B. Regular Session Minutes of July 13, 2015

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

C. Study Session Summary of July 20, 2015

Council Member Gentrup moved to approve the summary as distributed. Council Member Moore seconded the motion, which carried 6-0-2. Council Members Watt and Jenness abstained due to absence.

D. Special Session Minutes of July 20, 2015

Council Member Hagan moved to approve the minutes as distributed. Council Member Duncan seconded the motion, which carried 5-0-3. Council Members Moore, Watt and Jenness abstained due to absence.

V. CITIZENS' PARTICIPATION

Twila Ferguson, 511 Sarah Lane, noted that she recently went for a walk in the park by the Liberty Community Center and was amazed at how beautiful the walkway is now. She thanked Council for the repairs.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA - None

VIII. PUBLIC HEARINGS

- A. Ordinance approving the Petition to Establish the Liberty Commons Community Improvement District; establishing the Liberty Commons Community Improvement District generally located at Southwest Quadrant of Conistor Street and Missouri Highway 152; determining the Liberty Commons Community Improvement District to be a Blighted Area; determining that certain actions are reasonably anticipated to remediate blighting conditions and will serve a public purpose; and directing the Deputy City Clerk to report the creation of the Liberty Commons Community Improvement District to the Missouri Department of Economic Development

In accordance with the Tax Increment Financing Contract approved February 8, 2015 between the City and RED Legacy VI, the formation of the CID is precedent to issuance of obligations (bonds) to finance the Liberty Commons TIF Project. The CID will impose a 1 cent sales tax levy on receipts from sales and a special assessment of \$1.50 per square foot of usable redeveloped space. The levy and special assessment will reimburse the developer, through bond debt payments, its cost associated with the construction of improvements allowed by State Statute, as well as ongoing maintenance costs. The duration of the CID District is 35 years.

Council Member Moore recused himself from the meeting due to a conflict of interest.

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. 8132 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 Phillip 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. 10415.

Council Member Moore returned to the meeting.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. Acknowledgement of vendor payments for the period of July 17 to July 31, 2015.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8133 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. 10416.

2. Ordinance including Westland Landscape payments.

Document No. 8134 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Duncan 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. 10416.

Mayor Brenton resumed as chair of the meeting.

- 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] – Second Reading

The purpose of the proposal is to allow the applicants to subdivide the 52.7 acre parcel into 124 lots (reduced from 126 in response to concerns raised regarding preservation of the forested area) 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 and 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).

Document No. 8125 was read.

Action: Council Member Moore moved to divide the question into five parts. Council Member Hagan seconded the motion.

Vote: Motion passed unanimously.

Part 1

Action: Council Member Graham moved to approve a variance from Section 30-93.3 of the Unified Development Ordinance to allow a 50 foot landscaped buffer between the lot lines of lots lying along the S Withers Road right of way. Council Member Gentrup seconded the motion.

Action: Council Member Moore moved to amend the variance from Section 30-93.3 of the Unified Development Ordinance to allow a 50 foot landscaped buffer between the lot lines of lots lying along the S Withers Road right of way to include the stipulation that Tract B remain forested. 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

Part 2

Action: Council Member Graham moved to approve a variance from Section 30-93.1 of the Unified Development Ordinance to exceed the maximum allowable length on a residential cul-de-sac. Council Member Gentrup seconded the motion.

Vote: Motion passed 7-1-0

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

No: Council Member Phillips

Abstain: None

Part 3

Action: Council Member Hagan moved to approve a variance from Section 30-93.2 of the Unified Development Ordinance to restrict street connectivity between the development and the property immediately to the north. 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

Part 4

Action: Council Member Hagan moved to approve a variance from Section 30-98.3 of the Unified Development Ordinance to allow development up to the limits of the 75 foot riparian buffer or the 100 year floodplain, whichever is furthest. 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

Part 5

Action: Council Member Moore moved to amend 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 with the approved variances. 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. 10417.

- C. Ordinance approving an Agreement with Hawkeye Land Company to Purchase an Easement to allow for the Installation, Maintenance and Operation of a Sanitary Sewer Pipeline Related to the Wastewater Treatment Plant Project

The agreement allows for the construction and maintenance of the main and purchase of the easement covering the installation of a 48-inch carrier pipe and 36-inch gravity main to be installed through the carrier pipe. The location is 3,334 feet south of Milepost 492 on the former right-of-way of the Chicago, Rock Island and Pacific Railroad Company. The \$10,000 cost will be paid by Goodwin Brothers as part of the Design Build Contract for the Wastewater Treatment Facility.

Document No. 8135 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. 10418.

- D. Ordinance amending Ordinance No. 10170, Approving a Contract with Veenstra & Kimm, Inc. for Technical Engineering Services for the Wastewater Treatment Facility Project

This contract amendment provides completion dates for rendering services under the contract terms that are specific to the scope of work in each section of the contract for technical engineering services for the Wastewater Treatment Facility Project.

Document No. 8136 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 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. 10419.

E. Ordinance approving an Agreement with Swallow Tail, LLC for the Purchase of Stream Mitigation Credits for the Wastewater Treatment Facility Project

As part of the improvements for the City's Wastewater Treatment Facility project, a new roadway from Birmingham Road to the west crosses a stream channel to the new treatment facility. The roadway construction requires the installation of a large box culvert to traverse the stream and requires authorization through an Army Corps of Engineers Section 404 permit, which requires the purchase of mitigation credits that are meant to offset the impacts of enclosing the stream in the area of the City's project. The \$89,400 cost will be paid by Goodwin Brothers as part of the Design Build contract for the Wastewater Treatment Facility.

Document No. 8137 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 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. 10420.

F. Ordinance Authorizing Re-Establishment of a Procedure to Disclose Potential Conflicts of Interest and Substantial Interests for Certain Municipal Officials and Employees

The State of Missouri allows political subdivisions with annual operating budgets greater than one million dollars to adopt their own financial disclosure regulations. This ordinance must be re-adopted every other year by September 15 in order to remain in

effect. The City's ordinance requires the mayor, council members and city administrator to disclose personal and business entity transactions with the City over \$500.

Document No. 8138 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 Jenness 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. 10421.

G. Ordinance Calling an Election in the City of Liberty, Missouri on the Question of the Continuation of a Roadway Development Tax on New Development

The Roadway Development Tax is a license tax charged to building contractors for developments that require a building permit and which generates additional traffic on the City's street system. The tax is imposed based on each pm peak hour vehicle trip generated and would be initially set at \$1,310 and will not exceed \$1,900 for each vehicle trip (will be reviewed periodically for making adjustments) and expires December 31, 2025. Revenue from the tax is intended to pay for the arterial roadway systems throughout the City, including the design construction and reconstruction of roadways, bridges, interchanges and similar improvements.

Document No. 8139 was read.

Mayor Brenton stated this ordinance would be considered on second reading at the August 17, 2015 Special Session meeting.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Mayor

Attest:

Deputy City Clerk