



City Council Meeting

Regular Session Minutes

August 24, 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 24, 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 Jeff Moore, 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
Brian Hess, Utilities Director
Vicki McClure, Assistant Finance Director
James Simpson, Police Chief
Andy Noll, Assistant Public Works Director
David Jones, Planner
Katherine Sharp, Planning Manager
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. Mayor Brenton read and presented Love INC. Executive Director David Rathbun with a 25th Anniversary Proclamation

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Resolution of Support for Deerfield Ridge Apartments, a Proposed Development for Senior Citizens

DLS Historic Developer IV, LLC is applying to the Missouri Housing Development Commission for funding and tax credits to build a 42-unit senior citizen apartment and two six-unit buildings at the northeast corner of South Withers Road and Progress Drive. The application to the Housing Development Commission must include a Resolution of Support from the local governing body.

Action: Council Member Jenness 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. 2773.

B. Resolution of Support for the Cottages at Bluebird Creek Apartments, a Proposed Development for Senior Citizens

Herman and Kittle Properties, Inc. is applying to the Missouri Development Commission for funding and tax credits to build a 48-unit senior citizen apartment along the east side of Lightburne Street, directly across from the Cardinal Hill Golf Course. The application to the Housing Development Commission must include a Resolution of Support from the local governing body. This firm develops, builds, manages and owns multi-family rental housing throughout the Midwest and Gulf Region.

Action: Council Member Jenness 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. 2774.

C. Appointments

i. Tree Board

Appoint Debbie Jones to a term expiring December 15, 2017

ii. Appointment of Greg Duncan as Mayor Pro Tem for the period of August 28, 2015 through September 10, 2015

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

- D. Motion to authorize an Executive Session to be held in the Administration Conference Room immediately following the Regular Session to discuss Property Acquisition as authorized by 610.021.(2) RSMo.

Action: Council Member Jenness moved to approve the motion authorizing the Executive Session. 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

VIII. PUBLIC HEARINGS

- A. Resolution approving a Special Use Permit to allow Event Center Use for up to 30 Guests within the Residence at 155 S. Leonard Street and adjacent Carriage House at 322 E. Arthur Street [P&Z Case No. 15-32SUP]

The applicants are requesting a Special Use Permit (SUP) for a commercial events center within adjoining residences at 155 S. Leonard Street and 22 Arthur Street. The property would be utilized for baby and bridal showers, business meetings, private classes, group meetings, and other events of no more than 30 guests with hours of operation from Monday thru Thursday no later than 10:00 p.m. (with some events ending at 11:00 p.m. Friday thru Sunday). No alcoholic beverages or amplified music allowed.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Patricia Petty, applicant, noted that questions regarding parking on S. Leonard have been corrected with appropriate signage. Seeing no one else wishing to speak, the Mayor closed the Public Hearing.

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. 2775.

- B. QuikTrip Gas Station

1. Ordinance accepting and approving a Final Plat for QuikTrip Store No. 0151R, in the City of Liberty, Clay County, Missouri [P&Z Case No. 15-31FP]

The final plat will reconfigure three existing lots: the existing QuikTrip property; a commercial property to the east consisting of the service station at 406 Cherokee Drive and two other commercial buildings at 930 and 934 W. Liberty Drive (to be

demolished); and a portion of the existing in-line commercial center to the north which is currently used for storm water detention.

Document No. 8146 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 Moore 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. 10429.

2. Resolution approving a Final Development Plan for the Construction of a 5,858 square foot QuikTrip Gas Station and Convenience Store at 655 S. 291 Highway in Liberty, Clay County, Missouri [P&Z Case 15-30FDP]

A QuikTrip gas station and convenience store will be constructed on the site of the existing QuikTrip, along with an expanded parking area. Two existing buildings will be demolished to make space for the new construction, as well as relocation of the existing gas pipeline.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the resolution. Darla Holman, speaking on behalf of the applicant, stated they are seeking a variance regarding the parking requirements. The applicant is proposing to build a Generation 3 Building that includes expanded food and beverage product offerings. She noted that this type of store creates a demand for extra employees, and approximately 7-10 parking stalls would be for employees. Additionally, additional parking is needed for the increase in customers that will be utilizing the outside tables and eating in their vehicles. Seeing no one else wishing to speak, the Mayor closed the Public Hearing

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. 2776.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of July 31 to August 14, 2015.

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

Document No. 8147 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. 10430.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance Establishing the 2015 Ad Valorem Tax Levies for City Operations for the 2016 Budget Year (2nd reading)

State law requires taxing jurisdictions take certain actions to establish their applicable property tax levies by September 1st. Failure to do so can expose the taxing jurisdictions to not having a levy. The levy rate must be filed with Clay County by September 1st. Council has options in establishing the 2015 levy at the maximum allowed or lower rates.

Document No. 8140 was read.

Action: Council Member Jenness moved to amend the ordinance by adjusting the rate to .09747. Council Member Moore seconded the motion.

Roll Call

Vote: Motion passed 5-3-0

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

No: Council Members Phillips, Hagan and Watt

Abstain: None

Action: Council Member Jenness 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. 10431.

C. Ordinance Calling an Election in the City of Liberty, Missouri on the Question of the Continuation of a Roadway Development Tax on New Development [tabled August 17, 2015]

The Roadway Development Tax is a license tax charged to building contractors for developments that require a building permit and which generate 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 (reviewed periodically for making adjustments) and would expire 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.

Action: Council Member Hagan moved to remove the ordinance from the table. Council Member Phillips seconded the motion.

Vote: Motion passed 6-2-0
Yes: Council Members Phillips, Jenness, Hagan, Watt, Duncan and Gentrup
No: Council Members Moore and Graham
Abstain: None

Action: Council Member Hagan moved to approve the ordinance. Council Member Gentrup seconded the motion.

Roll Call

Vote: Motion failed 3-5-0
Yes: Council Members Hagan, Watt and Gentrup
No: Council Members Phillips, Jenness, Moore, Graham and Duncan
Abstain: None

D. Ordinance accepting and approving a Final Plat for Filger Oil, in the City of Liberty, Clay County, Missouri [P&Z Case No. 15-25FP]

The applicant proposes to plat 5.71 acres of land for commercial development consisting of one lot with easements shown for public water and sewer extensions. Any development will require approval of a Final Development Plan.

Document No. 8148 was read.

Action: Council Member Phillips 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 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. 10432.

- E. Resolution approving a Final Development Plan for the construction of a Three Story Apartment Building on the site of the former Building 3, Jefferson Park Apartments, in Liberty, Clay County, Missouri [P&Z Case 15-33FDP]

A single apartment building will be constructed within the footprint of the former building 3. The former building 3 was destroyed in a fire May 2015. The proposed building will match the floor and unit count of the former building, with minor bathroom additions and improved ingress/egress to conform to current building code. Exterior colors and material will match existing Jefferson Park building.

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. 2777.

- F. Ordinance approving a Grant Funding Agreement with Kansas City Transportation Authority pertaining to the purchase of an ADA Compliant Vehicle

KCATA will make a grant from available federal funds in an amount not to exceed \$34,850 of the actual purchase price of the vehicle. The City of Liberty will provide funds in an amount of no less the 20% of the actual equipment costs. This vehicle will replace a 2001 Chevy bus with over 150,000 miles.

Document No. 8149 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 Moore 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. 10433.

- G. Ordinance approving a Contract with Vance Brothers, Inc. for the 2015 Street Restoration Program – Granite Chip Seal Project, in an amount not to exceed \$170,905.00

The 2015 Street Restoration Program-Granite Chip Seal Project provides for maintenance of the City streets through pavement repairs and pavement sealing.

Document No. 8150 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 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. 10434.

Council Member Moore recused himself due to a conflict of interest, and left the meeting.

- H. Ordinance Authorizing the Mayor to execute a First Amendment to the Liberty Commons Tax Increment Financing Contract with RED Legacy VI

In order to address a reduced amount of available proceeds as a result of bond issuance, an amendment to the TIF Contract calls for a reduction in reimbursable project costs by an amount of \$878,112.

Document No. 8151 was read.

Action: Council Member Phillips 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 Duncan 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, potential conflict of interest

Approved by the Chair and inscribed in Ordinance No. 10435.

Council Member Moore returned to the meeting.

Council Member Graham recused himself due to a conflict of interest, and left the meeting.

I. Ordinance Authorizing the Mayor to execute the Petition to Establish the Historic Downtown Liberty Commercial Improvement District

As a result of the City Council dedicating a portion of the Economic Development Sales Tax revenue towards the improvements to downtown Liberty, HDLI is spearheading the formation of a Community Improvement District (CID) to raise funds for ongoing maintenance and beautification of the revitalized downtown area. The CID proposed would include a sales tax of 1% and a property tax of \$.50/ hundred dollars of assessed value.

Document No. 8152 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 Gentrup moved to approve the ordinance. Council Member Hagan seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10436.

Council Member Graham returned to the meeting.

X. OTHER BUSINESS

A. Motion to purchase a Water Production Plant Variable Speed Drive from O.J. DuPree Company in an amount not to exceed \$26,067.00

Upon removal and examination by the drive vendor that originally supplied the drive, it was determined to be too damaged for repair. The unit's extended warranty had expired prior to failure. This unit is essential to allow plant staff to regulate system pressure and prevent excessive water line damage.

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. Motion to authorize a blanket purchase order with Independent Salt in the amount of \$45,000.00 for the purchase of road salt

Due to the anticipated demand for road salt over the winter months, it is necessary to arrange for the purchase of the required material at this time. Should the City wait until later this year to authorize this purchase, it is possible that the available supply will be committed to other customers.

Action: Council Member Watt moved to approve the blanket purchase. 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

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Mayor

Attest:

Deputy City Clerk