



City Council Meeting

Regular Session Minutes

December 14, 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 December 21, 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, 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
Steve Hansen, Public Works Director
Janet Bartnik, Parks and Recreation Director
Andy Noll, Assistant Publics Works Director
Amy Brusven, Human Resources Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Tony Sage, Information Technology Director
Jonna Wensel, Community Dev. Manager
Shawna Funderburk, Asst. to the City Administrator
Karan Johnson, Economic & Business Dev. Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION

A. Historic Downtown Liberty, Inc. – Annual Report presentation

Vicki Vance, HDLI Executive Director, stated that HDLI is part of the Missouri Main Street Program. She noted that HDLI is one of only six nationally and state accredited Missouri Main Street communities and thanked City Council and staff for their support.

At this year's Missouri Main Street Conference, Jonna Wensel, Community Development Manager, received the Outstanding Public Official Award and Gordon Hadden received the Volunteer of the Year Award. HDLI is comprised of the following teams: Design, Economic Vitality, Organization, Promotion, Farmers' Market and Liberty Tourism Council.

Ms. Vance stated that last year there was \$2 million in building improvements in the downtown area, and the equivalent of 16 full time jobs added.

B. Liberty Economic Development Corp. - Annual Report presentation

Mark Stombaugh, LEDC Executive Director, stated that the public/private partnership has 50/40/10 funding provided by public/private/institutional sectors. The group has identified the following objectives for 2015-2016: 1) Prepare for future growth and development opportunities; 2) Highlight the degree of development planned and recently accomplished; 3) Increase the awareness and understanding of the EDC, internally and externally, to engage additional stakeholders; and 4) Improve their online presence. During the year they have met with existing business owners, focusing on retention and expansion, as well as attracting new businesses and developments. They also were able to coordinate and complete the Missouri Certified Site application to aide in attracting potential new light industrial development.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Study Session Summary of October 5, 2015

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

B. Regular Session Minutes of November 23, 2015

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

C. Executive Session Minutes of November 23, 2015

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

D. Resolution approving a Liberty Community Center Alcoholic Beverage Service Application for Parks Department/Liberty Arts Council January 15, 2016 event

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. 2793.

- E. Resolution approving a Temporary Event Liquor License for a St. James School event on January 9, 2016

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. 2794.

VIII. PUBLIC HEARINGS

- A. Historic Downtown Liberty Community Improvement District

Ordinance approving a Petition to Establish the Historic Downtown Liberty Commercial Community Improvement District; establishing the Historic Downtown Liberty Commercial Community Improvement District; Reaffirming the previous finding of Blight for said Area and determining the Historic Downtown Liberty Commercial 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 City Clerk to report the creation of the Historic Downtown Liberty Commercial Community Improvement District to the Missouri Department of Economic Development

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

Historic Downtown Liberty 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.

On November 13, 2015, a Petition to establish the Historic Downtown Liberty Commercial CID District that would operate for 30 years was submitted. The District includes approximately 97 properties and is approximately 43 acres. The Petition contains the signatures of 65% of assessed value of the properties within the district and 72.8% of all property owners. The Petition is valid as it has met the requirements of 50% of assessed value and signatures of 50% per capital of all owners within the District. The revenue generated would be used for snow removal, landscaping maintenance, parking control assistance, additional Christmas lights by expanding area, benches, recycling receptacles, banners and legal fees. No revenue will be used for private improvements.

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

Gordon Hadden, 1613 Hampshire Court, HDLI and Economic Vitality Committee representative noted that it was the Economic Vitality Committee that headed up the CID initiative. A vision started to evolve 2-3 years ago when the City approved the downtown redevelopment, the implementation of a hotel/motel tax for tourism, and the downtown owners wanting to take care of the improvements through the creation of a community improvement district.

Mr. Hadden noted that seeking Council approval of the petition is a legislative step that will then allow the property owners within the district to vote. There are seven new property owners downtown, including young/next generation owners who are supportive. An informal poll showed approximately 20 individuals in support of the initiative.

Steve Meirowsky, property owner (E. Franklin and Water St) stated that Whiteside Jewelers has been a downtown business for forty-seven years. He is pleased with the downtown improvements, and is committed to the downtown and is in support of this action.

Ralph Brant, 653 Butternut, stated that his family has owned a business on the square since 1918. He doesn't like taxes, but Liberty and the downtown are on the cusp and he is in support of the CID because he wants to make Liberty and the downtown a place to come.

Tom Wymore, 729 Laurel Avenue, stated that he is the owner of Cody's Quick Stop, which he stated would be a heavy tax generator. He noted that snow removal included in the CID petition was only for sidewalks and he thinks retail parking lots should be included as well.

Holly Mills, 427 E. Mississippi, stated that downtown makes Liberty special. She is supportive of the CID as it makes it more sustainable.

Robert Capps, 130 N. Morse, stated that he was born and raised in Liberty and considers the square to be a distinguishing mark. He has seen the square when it was bustling and also when it was a ghost town. He is supportive of this action.

Bob Huebner, 439 E. Franklin, stated he moved from the east coast in 2001 and was looking for a charming community. He and his wife were charmed by Liberty's downtown and local shop owners. They want to keep Liberty an attractive place, and they are willing to pay a bit more to do this.

Tom Underwood, 1305 S. LaFrenz, HDLI Board President, stated that when the downtown improvement project was approved, property owners felt if they improve the downtown area consumers would patronize the downtown. As such, the Downtown property owners promised to keep the improved area clean and inviting. A large percentage of property owners/entrepreneurs are supportive of our downtown.

No one expressed opposition towards the ordinance.

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

Document No. 8208 was read.

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

Vote: Motion passed unanimously.

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

Vote: Motion passed 6-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10487.

Council Member Graham returned to the meeting.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of November 13 to December 4, 2015.

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

1. Ordinance excluding Westland Landscape payments

Document No. 8209 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10488.

2. Ordinance including Westland Landscape payments.

Document No. 8210 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Phillips 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. 10488.
Mayor Brenton resumed as chair of the meeting.

- B. Ordinance amending Ordinance No. 10422, Approving a Contract with Havens Construction Co., Inc. for the 2014 Wilshire Estates Storm Sewer Improvement Project, increasing the agreement in the amount of \$200,000.00 from \$405,000.00 to \$605,000.00 (to provide for emergency repair at 1170 West Kansas Street)

An 84-inch diameter storm sewer pipe has partially collapsed in the Westowne parking lot at 1170 West Kansas Street. Initially it was thought approximately 300 feet of pipe would need to be replaced; however, upon detailed inspection it was determined that 670 feet of pipe would need replacement due to significant deterioration of the existing pipe. Additionally, it was determined that a new storm sewer pipe location was necessary to facilitate safe construction of the replacement storm sewer. The construction will be completed by amending an existing time and material contract that is in place for the Wilshire Boulevard Storm Sewer Improvements.

Document No. 8211 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 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. 10489.

- C. Ordinance approving an Agreement with the Missouri Department of Conservation Tree Resource Improvement and Maintenance (T.R.I.M.) Grant Program for Year 2 of an Emerald Ash Borer Management Plan for Street Trees in the amount of \$10,000.

Document No. 8212 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 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. 10490.

- D. Ordinance approving a certain Memorandum of Understanding with Clay County Senior Services, for Grant Funding Support for physical activity classes and facility memberships at the Liberty Community Center, Liberty Missouri in an amount not to exceed \$48,000.

Document No. 8213 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 Graham 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. 10491.

- E. Ordinance approving a Guaranteed Pricing Agreement with Liberty Sports Officials in an amount not to exceed \$135,000.00 for FY 2016 Youth and Adult Sports Officiating Services.

Document No. 8214 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. 10492.

- F. Ordinance approving a Fee for Services Agreement with Historic Downtown Liberty, Inc. in an amount not to exceed \$30,000.00

Document No. 8215 was read.

Action: Council Member Phillips 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 Graham moved to approve the ordinance. 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

Approved by the Chair and inscribed in Ordinance No. 10493.

- G. Ordinance approving a Fee for Services Agreement with the Liberty Economic Development Corporation in an amount not to exceed \$55,000. and Executive Director health care benefits of approximately \$14,000.

Document No. 8216 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 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. 10494.

- H. Ordinance approving the 2016 Kansas City Area Transportation Authority (KCATA) Agreement for the Route #434x-Shoal Creek/Liberty Express Bus Service in the amount of \$44,477 effective January 1, 2016 through December 31, 2016.

The City of Liberty subsidizes a commuter bus service provided by the KCATA. The service consists of two large 40 foot buses with two morning trips and two evening trips.

Document No. 8217 was read.

Action: Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Gentrup 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, Hagan, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10495.

- I. Ordinance adopting the Annual Budget for the City of Liberty, Clay County, Missouri for the Fiscal Year 2016

Document No. 8218 was read.

Mayor Brenton stated the ordinance will be on second reading at the December 21st Special Session meeting.

- J. Resolution approving the 2016-2020 Capital Improvement Plan for the City of Liberty, Missouri

Action: Council Jenness moved to postpone consideration of the resolution until the December 21st Special Session meeting. Council Member Phillips seconded the motion, which passed unanimously.

- K. 2016 Utility Rates

1. Ordinance amending Section 29-25 (a) "Water Rates" of the City Code of the City of Liberty, Missouri

Document No. 8219 was read.

Mayor Brenton stated the ordinance will be on second reading at the December 21st Special Session meeting.

2. Ordinance amending Section 29-49.1 "Sanitary Sewer Rates" of the City Code of the City of Liberty, Missouri

Document No. 8220 was read.

Mayor Brenton stated the ordinance will be on second reading at the December 21st Special Session meeting.

3. Resolution adopting Solid Waste (Sanitation) Service

Action: Council Hagan moved to postpone consideration of the resolution until the December 21st Special Session meeting. Council Member Graham seconded the motion, which passed unanimously.

4. Resolution Modifying the Monthly Utility Infrastructure Repair and Maintenance Fee

Action: Council Member Watt moved to postpone consideration of the resolution until the December 21st Special Session meeting. Council Member Phillips seconded the motion, which passed unanimously.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Mayor

Attest:

Deputy City Clerk