



City Council Meeting

Regular Session Minutes
November 28, 2016

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 November 28, 2016 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 Rae 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, Finance Director
Vicki McClure, Assistant Finance Director
Shawwna Funderburk, Asst. to the City Administrator
Andy Noll, Public Works Director
Brian Hess, Utilities Director
Amy Brusven, Human Resources Director
Janet Bartnik, Parks and Recreation Director
BJ Staab, Assistant Parks & Recreation Director
James Simpson, Police Chief
Mike Snider, Fire Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Assistant Planning Director
Tony Sage, Information Technology Director
Sara Cooke, Communications Manager
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

A. Regular Session Minutes of November 14, 2016

Council Member Hagan moved to approve the minutes as distributed. Council Member Phillips seconded the motion, which carried 7-0-1. Council Member Jenness abstained due to absence.

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

A. Study Session Summary of November 7, 2016

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

B. Special Session Minutes of November 7, 2016

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

VIII. PUBLIC HEARINGS

A. Withers Farm Senior Community

This is a Planned Development District to allow the development of Withers Farms Senior Community, with 191 units in three buildings that are 4 & 5 stories.

1. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 16.8 Acres on S. Withers Road North of South Liberty Parkway from R-1A, Suburban Residential District to PD, Planned Development District to allow the Development of Withers Farm Senior Community, A 191 Unit Senior Housing Development [P&Z Case No. 16-31R&PDP] {Public Hearing}

Document No. 8386 was read.

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

Dan Foster, Schlagel & Associates, 14920 W. 107th Street, Lenexa, KS, stated this project is an age restricted (62+ head of household), independent living center that will include a clubhouse and pool. The property is a triangle shaped lot with a varying topography. He described the 40 foot grade change on the property from Withers to the floodplain. They are seeking a variance to the riparian buffer so that they are able to create a grading transition from the parking/buildings to the floodplain. The project includes 191 units, located within three buildings that are 4 and 5 stories in height. There will be 231 uncovered and 69 garage parking spaces on site (1.6 spaces/unit). The City's UDO does not have a zoning classification or standards for age restricted independent living. The UDO parking ratio of 2 spaces per unit is based on a market rate non restricted residential unit. He stated that several cities in the metro area do have specific standards for senior housing and set the ratio at 1 space per unit; and, the Urban Land Institute (ULI) has conducted several parking studies and has found that a ratio of .75 spaces per unit is acceptable for age restricted senior housing. A variance is being requested to allow a reduction in the parking ratio to be 1.6 spaces per unit.

Melissa Petrie, J. Price Architecture, Liberty, described the architecture and materials to be used in the project, noting they will provide depth and interest to the buildings. The target consumer is active baby boomers, and the apartments will have upscale interior finishes and state of the art facilities.

Todd Zauner, Weigand-Omega Management, 333 S. Broadway, Wichita, KS, stated that his family-operated company manages multiple similar properties.

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

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 Hagan moved to approve the ordinance with the requested variances (reduction of the parking ratio to allow 1.61 parking stalls per unit and allowance to encroach into the 50 foot Riparian Buffer to allow a small portion of a building and grading as shown on the approved Site Plan). 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. 10647.

2. Resolution approving a Preliminary Plat for Withers Farm Senior Community, on S. Withers Road North of South Liberty Parkway, a Subdivision of Land in Liberty, Clay County, Missouri [P&Z Case 16-35PP]

Action: Council Member Watt 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. 2869.

B. Ordinance adopting and approving the Amended Development Plan for the Downtown Area Redevelopment Project (including Thirteenth Amendment for the 7 E. Kansas Project) submitted by the Liberty Municipal Redevelopment Corporation, reaffirming the finding that the Property within said Amended Development Plan is a Blighted Area in need of Development and Redevelopment as determined in Ordinance No. 9794 and Ordinance No. 10236, authorizing Certain Tax Abatement within the Redevelopment Area described within the Amended Development Plan; authorizing Execution of a 353 Development Agreement for Implementation of the 7 E. Kansas

Redevelopment Project; and providing for Expiration of Development Rights {Public Hearing}

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak either in favor or in opposition of the ordinance. Seeing no wishing to speak, the Mayor closed the Public Hearing.

Document No. 8387 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 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. 10648.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of November 4 to November 18, 2016

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

1. Ordinance excluding Westland Landscape payments

Document No. 8388 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Hagan 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. 10649.

2. Ordinance including Westland Landscape payments.

Document No. 8389 was read.

Action: Council Member Hagan moved to approve the vendor payments. Council Member Watt 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. 10649.

Mayor Brenton resumed as chair of the meeting.

B. 2016 Street Maintenance Pavement Restoration Project

The contract amount for the base bid was determined from estimates of the materials required to restore, repair, and pavement mark each of the roadway sections. Following project completion, the actual material quantities used resulted in adjustments to the estimated bid quantities. Also, additional base repair beyond what is normally expected was encountered on Timber Ridge, Little Blue Court, Fairview Street, and Kent Street; additional overlay was completed on Missouri Street for the Utilities Department; additional pavement marking was added on Kansas Street; and additional curb and gutter was replaced on Mississippi.

1. Ordinance amending Ordinance No. 10582 approving a contract with Superior Bowen Asphalt Company for the 2016 Street Maintenance Pavement Restoration Project increasing the contract by \$20,965.25 from \$879,260.00 to a not to exceed amount of \$900,225.25

Document No. 8390 was read.

Action: Council Member Hagan 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 Watt moved to approve the ordinance. Council Member Jenness 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. 10650.

2. Resolution accepting the 2016 Street Maintenance Pavement Restoration Project

Action: Council Member Watt moved to approve the resolution. 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
Inscribed in Resolution No. 2870.

C. South Liberty Parkway Phase II

The City entered into a Development Agreement in October of 2011 with Tapp Farm Associates and Huntington Ridge, L.L.C. that set out general terms for the dedication of ROW for the future South Liberty Parkway project. The attached agreement is specifically for the ROW necessary to construct improvements to Birmingham Road that will connect to the new South Liberty Parkway. ROW for Birmingham Road was not specifically mentioned in the Development Agreement of October 2011 and the property owner wanted a separate agreement for the portion of ROW along Birmingham Road.

1. Ordinance approving a Dedication Agreement with Tapp Far Associates pertaining to the construction of Birmingham Road and South Liberty Parkway Phase II

Document No. 8391 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 Gentrup 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. 10651.

2. Ordinance accepting Quit Claim Deeds from Tapp Farm Associates, Huntington Ridge, L.L.C., South Liberty Investors, Property Reserve Inc., and Parry Group LLC pertaining to the Construction of South Liberty Parkway Phase II

Document No. 8392 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. 10652.

X. OTHER BUSINESS

A. 2017 General Fund and Parks Funds Budget Recommendations – Presentation

Finance Director/Assistant City Administrator Dan Estes presented the 2017 General Fund Budget proposal. With portions of the Liberty Commons retail center opening in the Fall of 2016, additional revenues to the City were provided. The 2017 Budget includes a recommended 3% salary adjustment (overall salaries are behind market especially for Police and Fire personnel) and allows for increased costs in health insurance (current cost split between employer and employee contributions to be maintained – increased benefit burden on staff) and LAGERS salary costs. The proposed balanced budget reflects current economic constraints, which required departmental budget reductions to balance and maintain fund balance levels within policy. The ending Fund Balance would be 18% (policy range is 18% to 22%). Budget reductions included maintaining frozen positions and a refocus on minor expenditures (ie. fuel budgets). Discussion is needed on future additional revenue sources.

The General Fund provides for the majority of City services. This includes the highly visible services of Fire/EMS, Police and Public Works; and, the vital, but not as visible services: Administration, Finance, Economic Development, Human Resources, Information Services, Municipal Court, Code Enforcement and Planning and Development.

Expenses have and continue to rise for 2017. In absence of revenue growth and/or intergovernmental consolidation, today's Budget will not be sustainable. The proposed Budget should be higher in order to adequately support the level of services experienced and expected by Liberty citizens and Council. Prioritization of service levels, including defining core services, is needed. Additional revenue growth may come from an improving economy, economic development, additional operating efficiencies and deliberate taxation actions.

If approved by the residents, implementation of a Public Safety Sales Tax in 2017 would offer a step in mitigating concerns in regards to salaries and the need for increased staffing for both Police and Fire. This sales tax must also be coupled with future growth to provide some level of improvement. Additional financial support is needed to help address black out times; starting salaries and 10% average annual police personnel turnover rate; and, apparatus staffing below NFPA safety standards; starting salaries and 11% average annual fire personnel turnover rate. Staff also noted that they are researching ambulance billing costs, unfortunately there is no commonality among entities. Currently, Liberty residents receive a 50% reduction that

is applied on the back-end; however, the billing service company would prefer to see this applied on the front-end. Also, a rate needs to be established for advanced life support vs. basic life support ambulances, which would then allow for reimbursement of those costs.

Prior to 2010, the General Fund did not fund capital equipment. Capital funding within the General Fund has been primarily for Police and Information Services. Requirements have changed and demand on the General Fund. Discussion on a secure source of capital funding is required in 2017.

Assistant Finance Director Vicki McClure and Parks Director Janet Bartnik presented the 2017 Parks Fund Budget proposal. The Parks Department mission remains 'Creating Community Connections', and implementing the Park Board's vision of 'Liberty, a Destination'. The balanced 2017 Budget would achieve a Fund Balance goal of 12%. It includes \$57,750 from the General/Cemetery Fund to defray cemetery support costs provided by Parks staff; a 3% salary adjustment; and, funding transfer to the General Fund for IT services.

Projected revenues and expenses were outlined. The Parks Department faces aging facilities and new competitors, as well as over-programming pressures and issues. Deferred maintenance items have risen to the level of capital projects, increases seen in unbudgeted repairs and replacements. Programming demands result in pressure to expand or construct new facilities as well as challenges in planning time for maintenance projects. City parks are in need of rejuvenation to remain relevant to the citizens, and funding is needed to support creating a healthy community.

- XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR
- XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL
- XIII. ADJOURNMENT

The meeting adjourned at 8:43 p.m.

Mayor

Attest:

Deputy City Clerk