



## City Council Meeting

Regular Session Minutes  
March 27, 2017

### 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 March 27, 2017 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, Ward II  
Kevin Graham and Jeff Watt, Ward III  
Gene Gentrup, Ward IV

Council Members Absent: Rae Moore, Ward II  
Michael Hagan, Ward IV

Staff Present: Curt Wenson, City Administrator  
Dan Estes, Assistant City Administrator, Finance Director  
Andy Noll, Public Works Director  
Janet Bartnik, Parks and Recreation Director  
James Simpson, Police Chief  
Mike Snider, Fire Chief  
Karan Johnson, Economic & Business Dev. Manager  
Katherine Sharp, Assistant Planning Director  
Mike Peterman, Planner  
Tony Sage, Information Technology Director  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

### V. CITIZENS' PARTICIPATION

Allison Otte, Discovery Middle School Teacher, introduced students from her 6<sup>th</sup> Grade Advanced Communication Arts class. The students had researched the proposed Public Safety Sales Tax and detailed why Liberty Citizens should vote yes. They highlighted that the tax would assist with appropriate public safety staffing levels, salaries and improve equipment/facilities.

### VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution approving a Liberty Community Center Alcoholic Beverages Application for small/private Liberty Chamber Speed Networking event to be held on May 3, 2017

**Action:** Council Member Phillips moved to approve the resolution. Council Member Graham seconded the motion.

**Vote:** Motion passed 6-0-0  
**Yes:** Council Members Phillips, Jenness, Graham, Watt, Duncan and Gentrup  
**No:** None  
**Abstain:** None  
 Inscribed in Resolution No. 2890.

- B. Appointments/Reappointments

- 1. Board of Zoning Adjustments

- a. Appoint Jared Emmons to a term expiring April 1, 2022
    - b. Reappoint Daniel Wehmuller to a term expiring April 2, 2021
    - c. Reappoint Lowell Mayone to a term expiring April 1, 2019
    - d. Reappoint David Dice to a term expiring April 1, 2019

Council Member Phillips moved to approve the appointment/reappointments. Council Member Graham seconded the motion, which carried unanimously.

- C. Motion to approve citywide computer equipment purchase with Technology Group Solutions (TGS) in an amount not to exceed \$111,833.73

Technology is a vital asset of citywide services that become functionally obsolete over time and must be replaced. The Information Technology Services (ITS) Department is responsible for city-wide IT equipment purchases, support and maintenance. ITS utilizes a formal bid process, that includes various regional, state and multistate purchasing contracts in addition to repos from individual vendors, to ensure the lowest purchase price on IT equipment.

**Action:** Council Member Phillips moved to approve the motion. Council Member Graham seconded the motion.

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

VIII. PUBLIC HEARINGS

- A. Rogers Plaza Tax Increment Financing Plan – 10 Year required Public Hearing

In accordance with Section 99.865 of the Missouri State Statute, five years after the establishment of a redevelopment plan and every five years thereafter, the governing body shall hold a public hearing regarding those redevelopment plans and projects. The purpose of the hearing shall be to determine if the redevelopment project is

making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such projects. Staff stated that no additional buildings have been added to the project. Two additional buildings have yet to be constructed, one located in front of Rogers Sporting Goods and one at the end of the entrance drive. Actual revenues from the project, even without the two additional buildings being constructed have been steady with the projected revenues. Actual revenues have exceeded debt service expenses on private placement bonds.

Mayor Brenton opened the Public Hearing and asked if anyone wished to speak. Seeing no one wishing to speak, the Mayor closed the Public Hearing.

B. Resolution approving a Preliminary Plat for Timber Ridge, North of Nashua Between Lake Road and North Withers Road, a Subdivision of Land in Liberty, Clay County, Missouri (P&Z Case 17-04PP)

This is a Preliminary Plat application for Timber Ridge, 12 single family lots on 12.3 +/- acres north of Nashua at Linden Rd. & N. Forest Ave. The proposed Plat conforms to standards and requirements, except for the following variance:

- The Cul-de-sac length exceeds 400 feet as prescribed in the Unified Development Ordinance.

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

Ron Cowger, AGC Engineers, 405 S. Leonard, spoke on behalf of the applicant, Capstone Homes. He stated that this is a challenging property to develop and that they had looked at connecting with Forest, rather than the long cul-da-sac; however, the steep topography and rock on the property are prohibitive. He noted that the extension of Linden Road would dip down, with storm detention on both sides, and will then go back up. He noted that the surrounding roads have been dead-end streets for approximately 50-60 years and a cul-de-sac will better allow for trash and fire trucks to be able to turn around. He added that approximately 1/3 of the land will be preserved.

John Rosenbaum, 1229 Linden Road, stated that the street is narrow and is already difficult for residents exiting driveways. He would like to see the road continue through to Forest vs. a cul-de-sac.

Charles Wirt, 1220 Linden Road, noted that he has lived there for 40 years and the hill is an issue in the winter. If parking is reduced to one side of the street then residents won't have a place to park. He too would like to see the road go through to Forest vs. a cul-de-sac. He stated that current residents shouldn't have to have pain so that a developer can make a buck.

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 6-0-0

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

**No:** None

Abstain: None  
Inscribed in Resolution No. 2891.

C. Resolution approving a Preliminary Development Plan for Phase II of Blue Jay Crossing for Phase II of Blue Jay Crossing, in Liberty, Clay County, Missouri {P&Z Case 17-PDP}

This Preliminary Development Plan contains one 68,000 square foot building, comprised of a 1,141 seat multiplex theater, an 85 seat bar and lounge, and a 14,500 square foot corporate office. The plan proposes several variances from Code which must be authorized by City Council as part of the application. Final building elevations, landscaping, parking lot lighting, and final engineering will be reviewed with the subsequent final development plan and lot consolidation application. The following variances are requested:

- A variance from Section 30-44, to allow the trash dumpster enclosure and 31 of the parking stalls to encroach onto the neighboring property.
- A variance from Section 30-83.1, which requires a 10 foot landscape buffer between the property line and the parking lot.
- A variance from Section 29.5, which does not allow any structures to be built upon an easement.
- A variance from Section 30-83.2, to allow a 4:1 parking ratio.
- A variance from Section 30-97.6 to allow the adjacent Tract C to be used in open space calculations.

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

Dennis McIntire, 912 Forrest Lane, representative of B&B Theatre, noted that the theatre will indemnify the City for placing the trash receptacle within the easement over the sewer. He reviewed a sample movie schedule to illustrate how show times are staggered for parking/staffing purposes. He noted that B&B is a family-owned theatre chain based out of Liberty, and he is confident that sufficient parking won't be a concern.

John Dorsch, 113 Blue Jay, stated he has been an area orthodontist for 27 years. His building is located near the proposed site and he is concerned about the number of parking spots available. He noted that the associated traffic study was completed in 2008 and didn't take the new Liberty Commons development into consideration. He is also concerned about traffic congestion, watershed issues, and that theatre patrons will use the driveway/parking lot of his building, causing extra wear and tear.

Mr. McIntire stated that B&B Theatre did a supplemental study after the 2008 traffic study and it was noted that a school/theatre is less strain on the area than other mixed uses would be. Also, the traffic study conducted for the Liberty Commons project incorporated theatre traffic into it. He stated they are open to traffic mitigation suggestions.

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

**Action:** Council Member Phillips moved to approve the resolution. Council Member Graham seconded the motion.

Vote: Motion passed 5-0-1  
Yes: Council Members Phillips, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: Council Member Jenness, due to potential conflict of interest  
Inscribed in Resolution No. 2892.

- D. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 2.23 acres at 8301 NE 69 Highway, South of South Liberty Parkway from R-1A, Suburban Residential District to PD, Planned Development District to allow the Development of a Logistics Business {P&Z Case 16-41R&PDP} **[to be further postponed to April 24, 2017]**

**Action:** Council Member Watt requested to postpone for consideration at the April 24<sup>th</sup> Regular Session. Council Member Phillips seconded the motion.

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

- E. Resolution approving a Special Use to construct attached single-family housing located west of the Clayview and Guinevere intersection {P&Z Case 17-08SUP} **[to be postponed to April 24, 2017]**

**Action:** Council Member Phillips requested to postpone for consideration at the April 24<sup>th</sup> Regular Session. Council Member Graham seconded the motion.

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

## IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgment of vendor payments for the period of March 3, 2017 to March 17, 2017.

Mayor Pro Tem Kevin Graham took over as Chair of the meeting.

1. Ordinance excluding Westland Landscape payments

Document No. 8450 was read.

**Action:** Council Member Phillips moved to approve the vendor payments. Council Member Jenness seconded the motion.

Roll Call  
Vote: Motion passed 6-0-0

Yes: Council Members Phillips, Jenness, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10705.

2. Ordinance including Westland Landscape payments.

Document No. 8451 was read.

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

Roll Call

Vote: Motion passed 5-0-1  
Yes: Council Members Phillips, 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. 10705.

Mayor Brenton resumed as chair of the meeting.

B. Ordinance terminating the Whitehall Station Tax Increment Financing Plan

No projects have been approved, or otherwise activated, within the Whitehall TIF. Activation of a project within a TIF area starts the collection of project revenues. Since no activation has occurred within the last 10 years, no revenues can be collected from this Plan. It is therefore appropriate to terminate the existing Redevelopment Plan.

Document No. 8452 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 Watt moved to approve the ordinance. Council Member Gentrup seconded the motion.

Vote: Motion passed 6-0-0  
Yes: Council Members Phillips, Jenness, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10706.

C. Encumbrances

Encumbrances result from an approved 2016 purchase which due to the timing of the receipt of the good or service cannot be paid by the end of the 2016 fiscal year, but will be paid in 2017 when the goods are received or the service completed.

1. Ordinance amending Ordinance No. 10664, Adoption of the 2017 Budget for the City of Liberty, Missouri

Document No. 8453 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 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10707.

2. Ordinance amending Ordinance No. 10665, Adoption of the 2017 Budget for the City of Liberty, Missouri

Document No. 8454 was read.

**Action:** Council Member Jenness moved to waive the rules and consider the ordinance on first reading. Council Member Watt seconded the motion.

**Vote:** Motion passed unanimously.

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

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10708.

- D. Ordinance accepting and approving a Final Plat for Havens Place, Replat, in the City of Liberty, Clay County, Missouri (P&Z Case No. 17-09FP)

This is a final plat combining the existing platted lot and 1.5 +/- acres to the north. This application will combine both lots into one platted lot and ready the site for development at 1015 Route H.

Document No. 8455 was read.

**Action:** Council Member Watt 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 Graham seconded the motion.

Vote: Motion passed 6-0-0  
Yes: Council Members Phillips, Jenness, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10709.

- E. Ordinance accepting a Temporary Construction Easement associated with the Property located South of South Liberty Parkway, Phase 2, for the Construction of a Vehicular Crossing

To facilitate the construction of a vehicular crossing the City requires a temporary construction easement to access the property. This project, located south of the South Liberty Parkway, Phase 2, is to construct a vehicle crossing over a drainage ditch and was a consideration of the agreement with Property Reserve, Inc. as part of the Sewer Plant and Loop Road agreement approved by Council.

Document No. 8456 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 6-0-0  
Yes: Council Members Phillips, Jenness, Graham, Watt, Duncan and Gentrup  
No: None  
Abstain: None  
Approved by the Chair and inscribed in Ordinance No. 10710.

- F. Ordinance approving a Guaranteed Pricing Agreement with Kitch's Lawncare and Landscaping Services, Inc. for Cemetery Mowing Services in an amount not to exceed \$35,000.

The City of Liberty annually enters into an agreement with a lawn care company for mowing services for Fairview / New Hope and Mount Memorial Cemeteries. The services provided include mowing, trimming, weed control, and cutting of perennials.

Document No. 8457 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 Phillips seconded the motion.

Vote: Motion passed 6-0-0  
Yes: Council Members Phillips, Jenness, Graham, Watt, Duncan and Gentrup

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10711.

- G. Ordinance amending Ordinance No. 10697, approving a Contract with Metro Asphalt Inc. for the Street maintenance Pavement Restoration Project, increasing the amount from \$779,410.70 to a not to exceed amount of \$918,582.89.

Several budgetary adjustments have resulted in an increase to the funding and scope of the proposed streets to be rehabilitated. With these adjustments the funding sources for the project now include the Capital Sales Tax Fund, Transportation Sales Tax Fund, and the Economic Development Fund.

Document No. 8458 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 Jenness moved to approve the ordinance. Council Member Watt seconded the motion.

**Vote:** Motion passed 6-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10712.

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