

## City Council Meeting

Regular Session Minutes  
June 26, 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 June 26, 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 Greg Duncan, 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, Ward III  
Michael Hagan and Gene Gentrup, Ward IV

Council Members Absent: Jeff Watt, Ward III

Staff Present: Curt Wenson, City Administrator  
Andy Noll, Public Works Director  
Brian Hess, Utilities Director  
Janet Bartnik, Parks and Recreation Director  
Matt Kellogg, Police Lieutenant  
John Mills, Fire Captain  
Karan Johnson, Economic & Business Dev. Manager  
Katherine Sharp, Assistant Planning Director  
Mike Peterman, Planner  
Janet Pittman, Deputy City Clerk

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

### IV. APPROVE MINUTES AND SUMMARIES

#### A. Study Session Summary of May 15, 2017

Council Member Phillips moved to approve the summary as distributed. Council Member Hagan seconded the motion, which carried 5-0-2. Council Members Gentrup and Jenness abstained due to absence.

### V. CITIZENS' PARTICIPATION

Mark Giddens, 1867 Claywoods Parkway, stated that although City Council had a study session last summer, there has been no resolution on the dangerous dog ordinance or reversal of the pit bull ban. He stated that the information staff brought to Council was

discriminatory against the bull breed (ie. proposal of higher home owner insurance coverage), and the research cited biased sources. In addition, the statement that allowing bull breeds would increase shelter service was an assumption and not based on fact. He stated that society discriminates against the bull breed and he is requesting a repeal of the breed specific ban.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Purchase of one 2017 Ford F350 XLT Super Cab 4WD Truck from Chuck Anderson Ford in an amount not to exceed \$36,683.27 for the Fire Department

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

- B. Special Session Minutes of June 12, 2017

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

- C. Executive Session Minutes of June 12, 2017

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

- D. Regular Session Minutes of May 22, 2017

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

- E. Regular Session Minutes of June 12, 2017

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

VIII. PUBLIC HEARINGS

- A. Resolution approving a Final Development Plan for St. James Church Sanctuary at 309 S. Stewart Rd., in Liberty, Clay County, Missouri [P&Z Case 17-29FDP]

St. James Catholic Church is proposing to continue with Phase 2 of the Preliminary Development Plan that was approved in 2013. The current proposal is for a 40,100 sq. ft. sanctuary building. The proposed building will house a sanctuary, small chapel, and support spaces with additional parking at the rear of the building. The applicant is requesting a variance from the Unified Development Ordinance (UDO) regarding the

building of sidewalks along Stewart Road. The Planning and Zoning Commission denied the variance and recommended City Council consider the use of a Development Agreement for construction of the sidewalk.

Staff stated that after the Planning and Zoning Commission meeting a Development Agreement was drafted and approved by the City's legal counsel. The Development Agreement would contain three triggers for the construction of the sidewalk (development to the property to the south, finishing of the sanctuary basement into useable space, or five years). The Agreement has been forwarded to the Church for their approval and would come forward July 17, 2017 for Council consideration.

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

**Action:** Council Member Hagan moved to postpone consideration of the resolution to July 17, 2017. Council Member Phillips seconded the motion, which carried unanimously.

- B. Ordinance adopting and approving the Amended Development Plan for the Downtown Area Redevelopment Project (including Fourteenth Amendment for the 117 N Water 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 117 N Water Redevelopment Project; and providing for Expiration of Development Rights

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. 8498 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 Hagan moved to approve the ordinance. Council Member Graham seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10747.

C. B & B Movie Theatres Project

1. Conduct a public hearing to consider the Plan for an Industrial Development Project for the B & B Movie Theatres Project

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

2. Ordinance approving a Plan for an Industrial Development Project and Authorizing the City to Issue Two Series of Taxable Industrial Revenue Bonds in the aggregate maximum principal amount of \$19,575,000 for the purpose of providing funds to pay the costs of acquiring, constructing and equipping a Movie Theater Facility in the City; and authorizing the City to enter into certain agreements and take certain other actions in connection therewith

The project will be over 53,000 sq. ft. of new construction comprised of 12 movie screens and is located on approx. 6 acres of land within the Blue Jay Crossing TIF District. B & B Theatres, as a result of receiving funds through Taxable Revenue Bonds will receive a sales tax exemption for construction materials; and, a tax abatement for personal property. Because the project is within an existing TIF District, real property taxes will be paid. For the first three years, B & B will make a PILOT payment based upon a percentage of completion and during the first full year of operation. After that, B & B will make real property tax payments calculated based upon the then value of the real property (land and improvements). The personal property taxes will be the only taxes abated. The real property taxes are then used to reimburse qualified public improvement costs that the development of Blue Jay Crossing constructed.

Document No. 8499 was read.

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

Roll Call

**Vote:** Motion passed 6-0-1

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

**No:** None

**Abstain:** Council Member Hagan, due to potential conflict of interest.

Approved by the Chair and inscribed in Ordinance No. 10748.

- 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 postponed to a date uncertain}**

**Action:** Council Member Phillips requested to postpone consideration to a date uncertain. Council Member Graham seconded the motion, which carried unanimously.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Ordinance acknowledging vendor payments for the period of June 2, 2017 to June 16, 2017

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

Document No. 8500 was read.

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

Roll Call

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10749.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance accepting and approving a Final Plat for Timber Ridge, in the City of Liberty, Clay County, Missouri [P&Z Case 17-27FP]

This is the final plat for the Timber Ridge single family subdivision.

Document No. 8501 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 Phillips seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10750.

- C. Ordinance accepting and approving a Final Plat for Homestead of Liberty, Second Plat, in the City of Liberty, Clay County, Missouri [P&Z Case 17-03FP]

This is the final plat for Phase II, 43 lots, of the Homestead residential subdivision proposed on S. Withers Road.

Document No. 8502 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 Gentrup seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10751.

- D. Ordinance approving a Contract with The Waldinger Corporation in an amount not to exceed \$26,909.15 for the purchase and installation of two HVAC units at the Liberty Community Center

Document No. 8503 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 Jenness moved to approve the ordinance. Council Member Graham seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10752.

- E. Ordinance approving an Agreement with Jahnke & Sons Construction, Inc. DBA WHP Trainingtowers for the Design, Fabrication, and Construction of a new Multi-story Fire Training Tower in an amount not to exceed \$844,858.

Document No. 8504 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 Hagan moved to approve the ordinance. Council Member Graham seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10753.

- F. Ordinance amending Chapter 20, "Motor Vehicles & Traffic," of the Code of the City of Liberty, Clay County, Missouri (pertaining to stop signs)

Document No. 8505 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 Gentrup moved to approve the ordinance. Council Member Jenness seconded the motion.

**Vote:** Motion passed 6-1-0.

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

**No:** Council Member Phillips

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10754.

- G. Ordinance accepting Four Permanent Sanitary Sewer Easements for a Public Sanitary Sewer Main as part of the Taylor U-Pick Orchard Development Project

Document No. 8506 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 Jenness moved to approve the ordinance. Council Member Phillips seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10755.

- H. Ordinance approving a Contract with Unique Painting & Home Repairs, LLC for painting services for the Water Production Plant Buildings (Project #UT-002-17) in an amount not to exceed \$29,725.

Document No. 8507 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 Phillips moved to approve the ordinance. Council Member Hagan seconded the motion.

**Vote:** Motion passed 7-0-0

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

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10756.

- I. Ordinance approving a Contract with BlueWater Solutions Group, Inc. for Engineering Services for the Raw Water Transmission Main Evaluation (Project #UT-003-17) in an amount not to exceed \$71,432.

The engineering services contract with BlueWater Solutions Group, Inc. is for the evaluation and to provide improvement recommendations for the raw water transmission main along Liberty Landing Road.

Document No. 8508 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 Gentrup moved to approve the ordinance. Council Member Phillips seconded the motion.

**Vote:** Motion passed 7-0-0

**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. 10757.

- J. Ordinance authorizing a Development Agreement with Raising Cane's Restaurant, L.L.C. for the Construction of Sidewalks at 100 N. 291 Highway, Liberty, Missouri

The developer proposes to construct a new restaurant at the corner of N. 291 Highway and Kansas Street where the current Perkins restaurant operates. The redevelopment requires that all public infrastructure be constructed to current City standards, therefore the developer would have to install sidewalk along N 291 Highway and Kansas Street. The City, in coordination with the Missouri Transportation Department of Transportation, are currently designing improvements to the intersection of 291 Highway and Kansas Street and expect improvements to be constructed as early as 2019 and no later than 2021. Considering there is a high

probability that if the sidewalks were constructed now they would have to be reconstructed with the future roadway, staff suggested that the sidewalk construction be postponed until the roadway work is constructed. The developer will fulfill their obligations for public infrastructure construction by utilizing the development agreement and the fee-in-lieu mechanism. Revenue from the fee-in-lieu will be reserved in the Economic Development Fund for the planned future roadway infrastructure improvement project.

Document No. 8509 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, Graham, Duncan and Gentrup

**No:** None

**Abstain:** None

Approved by the Chair and inscribed in Ordinance No. 10758.

X. OTHER BUSINESS

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

XIII. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Deputy City Clerk