



City Council Meeting

Regular Session Minutes
November 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 November 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 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: Curt Wenson, City Administrator
Dan Estes, Assistant City Administrator & Finance Director
Vicki McClure, Assistant Finance Director
Andy Noll, Public Works Director
Brian Hess, Utilities Director
James Simpson, Police Chief
Karan Johnson, Economic & Business Dev. Manager
Katherine Sharp, Planning Director
BJ Staab, Interim Parks and Recreation Director
Janet Pittman, Deputy City Clerk

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

IV. APPROVE MINUTES AND SUMMARIES

V. CITIZENS' PARTICIPATION - NONE

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

- A. Resolution granting a Certificate of Appropriateness for alterations to the exterior of 246 W. Mill Street, Prospect Heights Historic District

The new owner intends to make improvements to the building's exterior. As they are seeking Chapter 353 tax abatement for the project, the City Council must approve the Certificate of Appropriateness.

Action: Council Member Watt 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. 2934.

VIII. PUBLIC HEARINGS

- A. Ordinance adopting and approving the Amended Development Plan for The Downtown Area Redevelopment Project (by expanding the area to include the properties addressed as 225 And 231 W. Mississippi known as the Sixteenth Amendment) submitted by the Liberty Municipal Redevelopment Corporation; reaffirming the finding that the property within said Amended Development Plan (including the additional properties) is a blighted area in need of development and redevelopment as determined herein, in Ordinance No. 9794 and Ordinance No. 10236

The Downtown Chapter 353 program is a tax abatement program adopted by the City Council to encourage redevelopment of areas by creating a Redevelopment Corporation. Owner of 225 and 231 W. Mississippi has requested to be included into the Chapter 353 Downtown Commercial Area. The properties are already included in the Downtown Liberty Residential Chapter 353 Area and therefore are found to be blighted.

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. 8581 was read.

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

Vote: Motion passed 7-1-0

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

No: Council Member Phillips

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10820.

- B. Ordinance authorizing Certain Tax Abatement for the 201 Mississippi Redevelopment Project within the Downtown Area Redevelopment Project Redevelopment Area Described within the Amended Development Plan; Authorizing Execution of a 353 Development Agreement for Implementation of the 201 Mississippi Redevelopment Project; and providing for Expiration of Development Rights

The Downtown Chapter 353 program is a tax abatement program adopted by the City Council to encourage redevelopment of areas by creating a Redevelopment Corporation. Senior Living Developments Holdings, LLC owner of 201, 225 and 231 W. Mississippi and 124 N. Prairie, desires to utilize the 353 program to improve and remove blighting factors from the property, hereinafter referred to as (201 W. Mississippi and 124 N. Prairie.) The project will be combined into one parcel prior to development.

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. 8582 was read.

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

Vote: Motion passed 5-3-0

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

No: Council Members Phillips, Gentrup and Hagan

Abstain: None

Approved by the Chair and inscribed in Ordinance No. 10821.

- C. Ordinance approving the Eighteenth Amended Development Plan submitted by the Liberty Municipal Redevelopment Corporation for use of Chapter 353 Tax Abatement for 246 Mill and authorizing execution of 353 Development Agreement for implementation of the 246 Mill Redevelopment Project

The Downtown Chapter 353 program is a tax abatement program adopted by the City Council to encourage redevelopment of areas by creating a Redevelopment Corporation. Mill Street Properties, LLC owner of 246 Mill, desires to utilize the 353 program to improve and remove blighting factors from the property (246 Mill). Sarah Rohaus and Michelle Russo of Salon Di Bella are owners of Mill Street Properties, LLC

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. 8583 was read.

Action: Council Member Hagan 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 Jenness 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. 10822.

- D. Ordinance approving the Nineteenth Amended Development Plan submitted by the Liberty Municipal Redevelopment Corporation for use of Chapter 353 Tax Abatement for 105 E Mill and authorizing execution of 353 Development Agreement for implementation of the 105 E Mill Redevelopment Project

The Downtown Chapter 353 program is a tax abatement program adopted by the City Council to encourage redevelopment of areas by creating a Redevelopment Corporation. Meliora, LLC, owner of 105 E. Mill, desires to utilize the 353 program to improve and remove blighting factors from the property, (105 E. Mill). Sarah Curry of Isley & Curry, CPA's are owners of Meliora, LLC.

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. 8584 was read.

Action: Council Member Gentrup 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 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. 10823.

- E. Resolution approving an Amended Final Development Plan (FDP) for Oakwood Business Park, Tracts 13, 14, & 15 in Liberty, Clay County, Missouri to amend the FDP to allow Tree Fee for Public Art [17-54FDP-A]

Earlier this year the Planning Commission and City Council voted to approve a final development plan for Tracts 13, 14 and 15 of Oakwood Business Park. That plan identified that a fee-in-lieu of planting trees would be paid into the City tree replacement fund for trees which would not be planted on site due to topographical constraints of the land. Jim Robertson, the applicant, is requesting to give the money toward The Great Americans Project instead of paying into the tree fund.

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 Phillips moved that the fee be remitted directly to the City of Liberty, not HDLI, to be held until disbursement to the Great American's project once all statue funding is in place. 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

Action: Council Member Hagan moved to approve the resolution with the provision the fee is remitted to the City. 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

Inscribed in Resolution No. 2935.

F. Amendment to the City Code pertaining to Right of Way and Wireless Facilities

The 2014 state legislative bills (SBs 649, 650, 651, & 653) impacted City Code pertaining to wireless facilities. Overall, the amendments seek to conform our Code to applicable law while still preserving the City authority, to the extent possible, to protect the public in placement of wireless uses and Rights-of-way Use.

1. Ordinance Amending The City Code Of The City Of Liberty, Missouri To Amend The City's Rights-Of-Way Management Regulations, To Enact Non-Preempted Building Code Regulations To Address Recent Changes In Federal And State Laws, And To Enact New Provisions Concerning Enforcement

Document No. 8585 was read.

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

Mike Chambers, Regional Director of External Affairs for AT&T, stated that their small cell technology, mounted on KCP&L poles, would extend service to small areas with dropped calls and service speed issues. He noted that over the last eight years there has been a 200,000% increase in data draw demands. He stated he has not had an opportunity to review the draft ordinance language and he hoped that City Council would take the ordinances to second reading to provide AT&T with an opportunity to review them.

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

Mayor Brenton stated the ordinance would be heard on second reading at the December 11, 2017 Regular Session meeting.

2. Ordinance Amending The City Code Of The City Of Liberty, Missouri To Enact Provisions Relating To Preemption By Federal Or State Law, And To Amend The City's Wireless Communication Facilities Regulations

Document No. 8586 was read.

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

Mike Chambers, Regional Director of External Affairs for AT&T, again requested that City Council take the ordinance to second reading to provide AT&T with an opportunity to review.

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

Mayor Brenton stated the ordinance would be heard on second reading at the December 11, 2017 Regular Session meeting.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

- A. Acknowledgement of vendor payments for the period of November 3, 2017 to November 17, 2017

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

1. Ordinance excluding Westland Landscape payments

Document No. 8587 was read.

Action: Council Member Watt moved to approve the vendor payments. Council Member Graham 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. 10824.

2. Ordinance including Westland Landscape payments.

Document No. 8588 was read.

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

Roll Call

Vote: Motion passed 7-0-1

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. 10824.

Mayor Brenton resumed as chair of the meeting.

- B. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning 1.71 Acres at the Southwest Corner of N. Prairie St. and W. Mississippi St. from CBS, Central Business Service District and RNC, Neighborhood Conservation Residential District to PD, Planned Development District to allow the development of at 38 Unit Apartment Complex [P&Z Case No. 17-21 R&PDP] {second reading – postponed from June 12, 2017/valid Protest Petition on file}

This is an application to rezone approximately 1.71 acres at the SW corner of N Prairie St and W Mississippi St from Central Business Service District (CBS) and Neighborhood Conservation Residential District (RNC) to Planned Development (PD) to allow the construction of a 38 unit multi-family complex. If approved, this rezoning application will facilitate a final development plan and final plat application that will provide final level engineering, site and building details.

The applicant proposes that the site be used as a rental apartment complex. There are 32 two-bedroom units and 6 one-bedroom units. The ground floor units will be accessible for elderly and disabled renters.

Document No. 8484 was read.

Mayor Brenton stated that the applicant had requested that consideration of the ordinance be further postponed until December 11, 2017.

Action: Council Member Watt moved to postpone consideration of the ordinance to December 11, 2017. Council Member Hagan seconded the motion, which carried unanimously.

- C. Ordinance approving a Final Plat for the Liberty Healthy Living Community to plat streets in Norterre at Glenn Hendren and Freedom Way [P&Z Case 17-53FP]

This is a final plat for a replat of Liberty HLC. The purpose of this plat is to provide the centerlines of the proposed roads within the Norterre development. The platting of the

roads will provide the development the ability to more accurately address the buildings therefore providing easier access for emergency services and customers. The internal road network will remain private.

Document No. 8589 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 Hagan moved to approve the ordinance. Council Member Graham 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. 10825.

- D. Ordinance authorizing and directing the issuance, sale and delivery of \$5,395,000 principal amount of Special Obligation Refunding and Improvement Bonds Series 2017, of the City of Liberty, Missouri; and authorizing certain other documents and actions in connection therewith

The requirements for the new debt service represent items that were to be financed through debt as detailed in the 2017 Budget. The City will be issuing debt financing for various funding requirements. City debt financing is a part of a planned capital acquisition strategy that spreads the cost of the capital over a number of years, which matches the useful life of the asset. The interest rate environment has been quite favorable for debt financing. Staff has reviewed each applicable fund's capacity to make the required debt payments and believes sufficient long-term resources exist.

Document No. 8591 was read.

Action: Council Member Hagan 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 Watt moved to approve the ordinance. Council Member Gentrup 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. 10826.

- E. Ordinance approving a Contract for City-wide HVAC Preventive Maintenance and Repair Services with Heartland Mechanical in an amount not to exceed \$125,000

The City of Liberty utilizes independent contractors to manage preventive maintenance activities and repair services for the HVAC systems serving public facilities. Services covered by this contract include quarterly preventive maintenance activities as well as on-call repair services.

Document No. 8590 was read.

Action: Council Member Gentrup 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 Graham 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. 10827.

- F. Liberty Parks And Recreation Charitable Fund Advisory Committee

In 2017, the Liberty Parks and Recreation Charitable Fund participated in its first annual fundraising campaign. Through this process it became apparent the fundraising efforts would benefit from a larger Committee that would provide additional committed community members to ensure even greater success.

1. Ordinance Amending Ordinance No. 9405, Establishing Terms And Appointing Individuals to the Liberty Parks And Recreation Charitable Fund Advisory Committee, Changing the Name to the Liberty Parks and Recreation Foundation and Increasing the Number of Members from Nine to Twelve

Document No. 8592 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 Hagan 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. 10828.

- 2. Motion to appointment the following individuals:
 - a) Bob Saunders to a term expiring January 1, 2019
 - b) Kit Warner to a term expiring January 1, 2019
 - c) Vicki Haas to a term expiring January 1, 2019
 - d) David Lindsey to a term expiring January 1, 2020
 - e) Scott Page to a term expiring January 1, 2020
 - f) Tanna Campbell to a term expiring January 1, 2021
 - g) Kim Marie Graham to a term expiring January 1, 2021

Action: Council Member Jenness moved to approve the appointments. Council Member Phillips seconded the motion.

Vote: Motion passed 7-0-1
 Yes: Council Members Phillips, Jenness, Moore, Hagan, Watt, Duncan and Gentrup
 No: None
 Abstain: Council Member Graham, due to a potential conflict of interest.

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

The meeting adjourned at 8:25 p.m.

Mayor

Attest:

Deputy City Clerk