

CITY COUNCIL MEETING
MINUTES
MONDAY, MARCH 24, 2008

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 24, 2008 with Mayor Robert T. Steinkamp presiding. Mayor Steinkamp called the meeting to order at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Nick King, who then led the pledge of allegiance.

III. ROLL CALL

Roll call was answered by Paul Jenness and Harold Phillips, Ward I; Greg Duncan and Anna Marie Martin, Ward II; John Parry, Ward III; and Fred Foster and Nick King, Ward IV. Also in attendance were Curt Wenson, City Administrator; Dan Estes, Assistant City Administrator; Steve Hansen, Public Works Director; Craig Knouse, Police Chief; Linda Tyree, Finance Director; Gary Birch, Fire Chief; Steve Anderson, Planning & Development Director; Katherine Burr, Planner; Dan Fernandez, Planner; Tony Sage, Information Services Director, Lori Sutton, Information Services Specialist II; Shawna Funderburk, Assistant to the City Administrator; Jane Sharon, Deputy City Clerk; Angie Borgedalen, Liberty Tribune; David Knopf, The Kansas City Star; and 47 members of the public.

IV. APPROVE MINUTES AND SUMMARIES (SEE CONSENT AGENDA)

V. CITIZENS' PARTICIPATION

Mayor Steinkamp recognized boy scouts in attendance who are working on merit badges, including Cody Kesler, with Troop #134; and Johann Muñoz and Gabriel Muñoz, with Troop #418.

Council Member Lyndell Brenton entered the meeting at this time.

VI. MEETING SCHEDULE

VII. CONSENT AGENDA

Council Member Duncan requested that the February 25, 2008 Council minutes be removed from the Consent Agenda and voted on separately.

A. SPECIAL SESSION MINUTES OF MARCH 3, 2008

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

B. EXECUTIVE SESSION MINUTES OF MARCH 3, 2008

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

C. STUDY SESSION MEETING SUMMARY OF MARCH 17, 2008

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

D. APPOINTMENTS

Board of Adjustments

Reappoint Paul Fessler to a term expiring April 1, 2013

Reappoint Bill Moorefield to a term expiring April 1, 2013

Liberty Arts Commission

Appoint Phillip Young to a term expiring May 15, 2010

Appoint David Johnson to a term expiring May 14, 2011

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

E. REGULAR SESSION MINUTES OF FEBRUARY 25, 2008

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

VIII. PUBLIC HEARINGS

- A. REZONE 30 ACRES IN BLACKBERRY SUBDIVISION FROM MU, MIXED USE DISTRICT, TO RN, NEIGHBORHOOD RESIDENTIAL DISTRICT – ORDINANCE (*to be continued to April 28, 2008 Regular Session*)

Mayor Steinkamp opened the public hearing. Council Member King moved to continue the hearing to the April 28, 2008 City Council Regular Session. Council Member Jenness seconded the motion, which carried unanimously.

- B. ANNEXED AREA A - REZONE 1.9 SQUARE MILES OF ANNEXED PROPERTY WITH CLAY COUNTY ZONING DESIGNATIONS OF AG, AGRICULTURAL DISTRICT; I-1, INDUSTRIAL DISTRICT; AND C-2, COMMUNITY COMMERCIAL DISTRICT, TO THE CITY OF LIBERTY ZONING DESIGNATIONS A, AGRICULTURAL DISTRICT; M-1, LIGHT INDUSTRIAL DISTRICT; AND C-2, GENERAL BUSINESS DISTRICT [PZ CASE NO. 08-006R] – ORDINANCE (*To be continued to the April 14, 2008 regular session*)

Mayor Steinkamp opened the public hearing. Council Member King moved to continue the hearing to the April 14, 2008 City Council Regular Session. Council Member Phillips seconded the motion, which carried unanimously.

- C. *SPECIAL USE PERMIT TO ALLOW OFFICE USE IN THE RNC, NEIGHBORHOOD CONSERVATION RESIDENTIAL DISTRICT WITH HISTORIC PRESERVATION OVERLAY AT 118. N. WATER [PZ CASE NO. 08-017SUP] – RESOLUTION

Staff reviewed the application, noting that the application meets all City standards. The Planning & Zoning Commission recommended approval of the special use permit.

In response to Council questions, staff noted that parking is sufficient for the building to be used for office space and all exterior signage would go through the Historic District Review Commission.

Mayor Steinkamp opened the public hearing and asked if anyone wished to speak to the application. Applicant Chris Kehagan stated that there would be six offices, four of which would be used for his law office.

Seeing no one else wishing to speak, Mayor Steinkamp closed the public hearing.

Council Member Phillips moved to approve the resolution. Council Member Duncan seconded the motion, which carried unanimously and is inscribed in Resolution No. 2338.

D. *SPECIAL USE PERMT TO ALLOW THE TEMPORARY SALE OF FIREWORKS BETWEEN JUNE 20TH AND JULY 5TH, 2008 IN HART'S AUTO REPAIR PARKING LOT, 2108 W. COLLEGE [PZ CASE NO. 08-009SUP] – RESOLUTION

Staff reviewed the application, noting the application meets fire specifications, security and requirements for traffic control. In response to Council questions, staff said a stipulation could be added requiring information about fireworks restrictions in Liberty be distributed with each sale. Off-site signage is limited, but the tent area should be visible from I-35. Staff did not foresee any problems with the sales occurring in Liberty on the west side of I-35.

Mayor Steinkamp opened the public hearing and asked if anyone wanted to speak to the application. David Belfonte stated he would provide information about fireworks restrictions when sales were made. In response to Council questions about traffic back-ups onto Church Road, the applicant stated the auto repair business had offered additional parking during peak sales times. See no one else wishing to speak to the application, Mayor Steinkamp closed the public hearing.

Council Member King moved to approve the resolution with the stipulation that information about fireworks restrictions be provided with each sale. Council Member Phillips seconded the motion, which carried unanimously and is inscribed in Resolution No. 2339.

E. *REZONE .66 ACRES AT 800 S. BIRMINGHAM FROM M-1, LIGHT INDUSTRIAL DISTRICT TO C-2, GENERAL BUSINESS DISTRICT [PZ CASE NO. 08-011R] – ORDINANCE

Staff reviewed the application which would downzone the property in intensity to General Business District, noting this is a better fit for the property. The Planning & Zoning Commission recommended approval. In response to Council questions, it was noted that the corner of one building encroaches on the railroad right-of-way, which is a private matter to be worked out between the applicant and the railroad. The applicant purchased the property in Fall 2007 and had removed the privacy fence and later storage sheds. It was noted that even if the rezoning is approved, the industrial use is grandfathered in, and could continue as a legal non-conforming use until it ceases. Landscaping and paving of the parking areas would be required to operate a business at the location. The details of the operation would be provided in a final development plan.

Mayor Steinkamp opened the public hearing and asked if anyone wished to speak to the application. Mike Foster stated he represented the applicant and that there were no plans to renew the lease next October. Council members commended the applicant and staff for working to find a zoning solution for the property. Seeing no one else wishing to speak to the application, Mayor Steinkamp closed the public hearing.

Document No. 6820 was read. Council Member King moved to waive the rules and consider the ordinance on first reading. Council Member Jenness seconded the motion, which carried unanimously.

Council Member Martin moved to approve the ordinance. Council Member Phillips seconded the motion, which carried unanimously. It was approved by the Chair and is inscribed in Ordinance No. 9277.

F. DEVELOPMENT AT WESTWOODS DRIVE AND CAMELOT DRIVE

1. *SPECIAL USE PERMIT TO ALLOW 16 ATTACHED SINGLE-FAMILY UNITS [PZ CASE NO. 08-014SUP] – RESOLUTION

Staff reviewed the application for the development on the 2.53 acre tract, noting a density of 6.3 units per acre. Adequate public facilities exist for the site; a new drive would be constructed and sewer and water extended as necessary. The application meets the standards and findings and the Planning & Zoning Commission recommended approval by a vote of 8-0-1.

In response to Council questions, staff reviewed the location of storm water retention and stated that building would be permitted as long as it did not occur within the easements. Additional parking would be allowed on the new street (Perceval Court).

Mayor Steinkamp opened the public hearing and asked if anyone wished to speak to the application. Tommy Hammond, 614 Westwoods Drive, requested favorable consideration by the Council, noting the development would provide homes for people who were downsizing. He added this would offer appropriate infill between homes and apartments.

Seeing no one else wishing to speak to the application, Mayor Steinkamp closed the public hearing.

Council Member King moved to approve the resolution. Council Member Martin seconded the motion, which carried unanimously and is inscribed in Resolution No. 2340.

2. REPLAT OF TRACT B (2.53 ACRES) – ORDINANCE (*Does not require public hearing*)

Staff reviewed the application, noting the new drive (Perceval Court) to be added. The application meets all other final plat approval criteria and the Planning & Zoning Commission recommended approval 8-0-1.

Document No. 6821 was read. Council Member King moved to waive the rules and consider the ordinance on first reading. Council Member Martin seconded the motion, which carried unanimously.

Council Member Martin moved to approve the ordinance. Council Member Phillips seconded the motion, which carried unanimously. It was approved by the Chair and is inscribed in Ordinance No. 9278.

G. *SPECIAL USE PERMIT TO ALLOW ATTACHED SINGLE-FAMILY HOUSING ON INFILL SITE AT CLAYVIEW DRIVE AND GUINEVERE DRIVE [PZ CASE NO. 07-055SUP] – RESOLUTION (*Continued from the February 25, 2008 regular session; Receipt of petition requires 2/3 majority for approval*)

Staff reviewed the application for the development on the five-acre tract, noting a density of 5.2 units/acre. The history of the property was reviewed with a rezoning denied in October 2007. Since that time the applicant had reduced the number of units from 28 to 24. Adequate public facilities

exist for the site, with access along Clayview. The plan calls for eight structures. The findings and standards have been met. The Planning & Zoning Commission recommended approval by a vote of 7-0. As a petition had been presented by a sufficient number of residents, a super majority vote (6 of 8) would be required for approval of the special use permit.

In response to Council questions, staff stated that parking for two vehicles is included in the garage for each unit with an additional 24 parking spaces available. A final plat would require Council approval if this special use permit is approved, but the final development plan would be approved administratively by staff. This density of units is lower for this proposed development than what was just reviewed and approved for Westwoods and Camelot.

Mayor Steinkamp opened the public hearing and asked if anyone wished to speak to the application.

Brian Boyd, J. Price Architecture, stated the applicant has revised its initial proposal and has addressed neighbors concerns in doing so. Following a town hall meeting, additional landscaping and screening was included in the design. Four-sided architecture is also planned for the structures. The developer has made efforts to make the units viable for the market and for those who want to downsize. The covenants will restrict the resident parking to inside the garage and limited nature of parking for guests and include maintenance.

Joe Duffey, Roundtable LLC, 1730 S. Withers Road, stated he had attempted to address neighbors concerns while providing affordable housing for retirees. He requested the Council vote in favor of the application.

Don Lindsey 1146 Guinevere, spoke in opposition to the application, citing a concern that it could initiate low income housing in the neighborhood.

Barb Lozier, 438 Moss, spoke in support of the application, noting its consistency with the Blueprint for Liberty and offered diversity in housing options.

Alicia Stephens, Partnership for Community Growth & Development, 9 South Leonard, spoke in support of the application, stated that the Community Housing Assessment Team had called for diversity in housing and this type of housing is a new upcoming market.

Ron Riggs, 1137 Guinevere, spoke in opposition to the application, asking those in the audience opposed to the application to stand. He suggested smaller homes could also meet the Blueprint for Liberty standards.

Resident, 488 Nottingham, spoke in opposition, stating it was an issue of trust and getting the service that is promised.

Kent McSpadden, 1142 Guinevere, spoke in opposition to the application, noting the patio homes have decreased the value of the homes in the neighborhood. He asked the Council for careful consideration.

Joann Lindsey, 1146 Guinevere, spoke in opposition to the application, citing increased traffic and limited parking as negatives for the neighborhood.

Tony Grimaldi, 607 N. Clayview Drive, spoke in opposition to the application, citing the prospects for a bait and switch and a density that is too high for the neighborhood.

Bob Pennington, 409 Locust, spoke in opposition to the application, citing high congestion, storm water concerns and follow-up by the developer on services promised.

Gerri Weddle, 1137 Nottingham Drive, spoke in opposition to the application, noting that association rules can be changed by the association without input from neighbors or City Council.

Vernon Weddle, 1137 Nottingham Drive, spoke in opposition to the application, noting useful commercial locations are not within walking distance of the proposed development

Manuel Pereira, 1145 Nottingham Drive, spoke in opposition to the application, noting that the units could be sold to younger people, instead of to retirees. He agreed to the need for diversity in housing, but expressed concern that this development would diminish the value of existing homes in the neighborhood.

Dan Doremus, 615 Clayview, spoke in opposition to the application, stating he would not have purchased his house if this development were already in place.

Lisa Rebel, 405 Locust, spoke in opposition to the application, citing a lower quality of living and good feeling about the neighborhood with this development near the home.

Jack Embrey, 1149 Nottingham Drive, asked for clarification of the drainage location, then spoke in opposition to the application. He asked what recourse the neighbors have when the covenants are not enforced.

Hy Tiffany, 1150 Guinevere, spoke in opposition to the application.

Glen Gordon, 355 Lancelot, spoke in opposition to the application, suggesting those in existing neighborhoods should have a say in changes that are made to their neighborhoods.

Kathy Doremus, 615 Clayview, spoke in opposition to the application, citing traffic safety issues along Clayview.

Mayor Steinkamp read an email from Karen Orrill, 502 Nottingham Place, who expressed support for the application.

Council Member Phillips requested clarification of some of the comments and questions. Mr. Boyd responded to the questions posed by those speaking, noting that both the interior and exterior finishes were expected to enhance the value of the homes; parking would be limited by the covenants, changes to the covenants would require approval of all members of the homeowners' association; maintenance standards are also included in the covenants. The detention ponds were designed by engineering to address the needs of the site. These homes are a way to bring diversity in housing into Liberty. Staff clarified that the developer is bound by the plan provided with this special use permit application and would have to be reviewed and again approved by Council if any but minor changes were made.

Council Member Phillips moved to approve the resolution. Council Member King seconded the motion.

Council Member Martin read a statement including the reasons she would be voting in favor of the special use permit. The reasons included: since the last application, Mr. Duffey met with neighbors and changed the design of his project, reducing the number of units; adding significant landscape barriers; implemented four-sided architecture and designed detention basins to address storm water runoff. The special use permit provides assurances that what is proposed is what will be built.

Mr. Duffey is following the Blueprint for Liberty guideline and is addressing the City's need for affordable housing and offers an option for those wishing to downsize while staying in Liberty.

Council Member King expressed appreciation for the comments made this evening and suggested that, in time, neighbors would be pleased with the this new single family home concept. He thanked the staff, applicant and architect for their work on the project and said he would be voting in favor of the application.

Council Member Phillips expressed support for the application, noting that changes to the project design had addressed neighbors concerns. Local developers are beginning to embrace the Blueprint for Liberty and infill projects can benefit the City.

Council Member Duncan stated the previous application to rezone the land was too broad. The applicant held a town hall meeting and offered additional buffering to address the neighbors concerns. This is a better project now and is what is best for Ward 2. He stated he would vote in favor of the application.

Council Member Brenton commended the opponents for the manner in which they presented their case. Mr. Brenton agreed the question of who defines a neighborhood is a difficult one, but this is a bone fide application and he would vote in favor of the special use permit.

The motion carried unanimously and with the requirement for a super majority vote satisfied the resolution is inscribed in Resolution No. 2341.

Mayor Steinkamp announced a short break, after which he reconvened the meeting.

IX. ORDINANCES, CONTRACTS AND RESOLUTIONS

A. ACKNOWLEDGEMENT OF VENDOR PAYMENTS FROM FEBRUARY 15, 2008 THROUGH MARCH 14, 2008 – ORDINANCE

In response to Council questions, staff clarified that the new name of the planning and development department is the development department (DD).

Document No. 6822 was read. Council Member King moved to approve all vendor payments with the exceptions of check numbers 106819 and 106860. Council Member Phillips seconded the motion.

Vote on the motion was as follows: Council Member Phillips – yes; Council Member Martin – yes; Council Member Brenton – yes; Council Member Foster – yes; Council Member Jenness – yes; Council Member Duncan – yes; Council Member Parry – yes; Council Member King – yes. The motion carried unanimously; it was approved by the Chair and inscribed in Ordinance No. 9279.

Document No. 6823 was read. Council Member King moved to approve check numbers 106819 and 106860. Council Member Martin seconded the motion.

Vote on the motion was as follows: Council Member Phillips – yes; Council Member Martin – yes; Council Member Brenton – abstain, due to a potential conflict of interest; Council Member Foster – yes; Council Member Jenness – yes; Council Member Duncan – yes; Council Member Parry – yes; Council Member King – yes. The motion carried unanimously; it was approved by the Chair and inscribed in Ordinance No. 9279.

B. HY-VEE RELOCATION TO NORTHEAST CORNER OF BLUE JAY DRIVE AND KANSAS STREET

1. RELOCATION TO THE LIBERTY TRIANGLE – RESOLUTION

Council Member Phillips moved to approve the resolution. Council Member Martin seconded the motion, which carried unanimously and is inscribed in Resolution No. 2342.

2. *FINAL DEVELOPMENT PLAN FOR 84,520 SQ. FT. BUILDING [PZ CASE NO. 08-013FDP] – RESOLUTION

Council Member Phillips moved to approve the resolution. Council Member Martin seconded the motion. John Brown, Hy-Vee, West Des Moines, Iowa, stated the current Hy-Vee location in Liberty doesn't provide enough room. In response to Council questions, Mr. Brown noted the club room would be available to rent for community events and would also be used for employee training and wine tastings. The room is about 1,400 sq. ft. The bio-swales are similar to rain gardens, but not as detailed. The slight depression allows smaller rain storms to evaporate and the larger amounts of storm water are diverted to a larger pipe. The store anticipates construction to begin in the fall. Hy-Vee will market the current store once construction at the new location has begun but has interested parties.

Council Member Brenton expressed concern that such a large space as the area between the proposed Hy-Vee location and Kansas Street would be without development in the Triangle Tax Increment Financing District. Staff stated that the property would be held by Hy-Vee for possible expansion, though it could be sold to others if Hy-Vee determines the additional space is not needed but could be discussed with Hy-Vee as plans develop.

The motion carried unanimously and is inscribed in Resolution No. 2343.

C. CONTRACT WITH UHL ENGINEERING, INC. FOR ENGINEERING SERVICES FOR STORM DRAINAGE IMPROVEMENTS AT ARTHUR & JEWELL STREETS - ORDINANCE

Document No. 6824 was read. Council Member Phillips moved to waive the rules and consider the ordinance on first reading. Council Member Martin seconded the motion, which carried unanimously.

Council Member King moved to approve the ordinance. Council Member Martin seconded the motion, which carried unanimously. It was approved by the Chair and is inscribed in Ordinance No. 9280.

D. *AGREEMENT WITH PEPSI-COLA FOR BEVERAGE SALES AT THE SPORTS COMPLEX AND COMMUNITY CENTER – ORDINANCE

Staff reviewed the previous sponsorship by Pepsi, which funded the scoreboards (which are now City property) at the sports complex. This agreement provides funds for sports complex and community center concessions, while enhancing revenues. In response to Council questions, staff noted that the agreement increases the cost for beverages each year for the term of the agreement. The one-time payment of \$35,000 is not included in the 2008 budget, since the budget was prepared based on last year's revenues. Rebates are not part of the agreement that just ended. With this agreement, after 2008, an additional \$9,000 would be received annually for the term of the agreement.

Document No. 6825 was read. Council Member Brenton moved to waive the rules and consider the ordinance on first reading. Council Member Phillips seconded the motion, which carried unanimously.

Council Member Phillips moved to approve the ordinance. Council Member Brenton seconded the motion, which carried unanimously. It was approved by the Chair and is inscribed in Ordinance No. 9281.

X. OTHER BUSINESS

A. PURCHASE OF BEVERAGES FOR SPORTS COMPLEX AND COMMUNITY CENTER FROM PEPSIAMERICAS IN AN AMOUNT NOT TO EXCEED \$58,000 – MOTION

Council Member King moved to approve the purchase. Council Member Martin seconded the motion, which carried unanimously.

B. *APPROVAL OF SOFTWARE MAINTENANCE AGREEMENT WITH LOGISYS FOR THE COMPUTER DISPATCH SYSTEM IN AN AMOUNT NOT TO EXCEED \$45,010 – MOTION

Staff reviewed the computer dispatch system for which the City pays an annual maintenance fee. In response to Council questions, staff stated that the annual fee covers updates to the software provided by the vendor, which are installed by the City staff. The vendor also provides changes to the software at the City's request. Between 18 and 35 percent is a typical maintenance cost for these packages.

Council Member Phillips moved to approve the purchase. Council Member Martin seconded the motion, which carried unanimously.

C. PURCHASE OF DIGITAL POLICE IN-CAR VIDEO CAMERAS FROM WATCHGUARDVIDEO IN AN AMOUNT NOT TO EXCEED \$25,000 – MOTION

Staff responded to Council questions, noting this system does not require the information to be downloaded and there is no labor included in the price. The existing system is six years old and the audio is weak. A small percentage of court cases could be affected by the lack of audio recording if used as evidence. By purchasing a new system, instead of upgrading, the range would be increased to about 2,500 feet and the vehicle doesn't have to go without video for weeks when repairs are being made.

Council Member Martin moved to approve the purchase. Council Member Phillips seconded the motion, which carried unanimously.

XI. MISCELLANEOUS MATTERS FROM CITY ADMINISTRATOR

City Administrator Curt Wenson stated there would be no meeting on Monday, March 31; staff would provide a legislative update at the April 7 study session and review the smoking survey with Council at the April 21 study session.

XII. MISCELLANEOUS MATTERS FROM MAYOR AND CITY COUNCIL

Council Member Martin requested the Council reconsider the motion approving the February 25 meeting minutes as she had not attended the meeting on that date. Council Member King moved to approve the

minutes from the February 25, 2008 Council meeting as distributed. Council Member Jenness seconded the motion, which carried 6-0-2. Council Member Duncan and Council Member Martin abstained, due to absence.

Mayor Steinkamp noted a series of meetings on light rail begin Tuesday, March 26. He noted that he and the Assistant to the City Administrator had met with elected officials when in Washington, D.C., to attend the National League of Cities conference. The City's concerns about funding for transportation needs was communicated in the meetings.

Mayor Steinkamp noted that a semi-professional football team, the Missouri Mustangs, is now playing at the Fountain Bluff Sports Complex in Liberty.

XIII. ADJOURNMENT

The meeting adjourned at 10:14 p.m.

Mayor

Attest:

Deputy City Clerk