



# Minutes

## City Council Regular Session

Monday, May 9, 2022 - 7:00 PM  
Council Chambers

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### I. Call to Order

A regular meeting of the City Council Regular Session of the City of Liberty, Missouri was held in the Council Chambers at City Hall on May 9, 2022 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 Gene Gentrup, who then led the pledge of allegiance.

### III. Roll Call

Council Members

Present:

Paul Jenness, Ward I  
Greg Duncan and Kelley Pozel, Ward II  
Kevin Graham and Jeff Watt, Ward III  
Michael Hagan and Gene Gentrup, Ward IV

Council Members

Absent:

Harold Phillips, Ward I

Staff Present:

Sara Cooke, Assistant City Administrator  
Vicki McClure, Finance Director  
Shawna Funderburk, Chief Strategic Operations Officer  
Andy Noll, Utilities Director  
James Simpson, Police Chief  
John Mills, Fire Chief  
Katherine Sharp, Planning Director  
BJ Staab, Parks and Recreation Director  
Jeanine Thill, Community Development Manager  
Janet Pittman, Deputy City Clerk

Public Present: 30 members of the public

### IV. Approve Minutes and Summaries

### V. Citizens' Participation

A. Historic Preservation Month Proclamation

Mayor Brenton read and presented the Proclamation to Bryan Boyd, on behalf of the Historic District Review Committee.

B. Presentation on preservation efforts by Historic District Review Commission and Historic Liberty Inc. honoring:

- Ken Personnett (Madison Miller House Renovation)
- Sam Fiore (Dougherty House Renovation)
- Christopher Harris (Local Historian)
- State Award recognition – Ken Personnett

C. National Police Week Proclamation

Mayor Brenton read and presented the Proclamation to Police Officers Stott and Conner.

**VI. Meeting Schedule**

**VII. Consent Agenda**

**VIII. Public Hearings**

**IX. Ordinances, Contracts and Resolutions**

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

A. Ordinance acknowledging vendor payments for the period of April 15 – April 29, 2022.

Document No. 9411 was read.

**ACTION:** Motion to approve the Ordinance by Kevin Graham, seconded by Kelley Pozel;  
Motion passed with a 7-0-0

Roll Call Vote:

**YES:** Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

**NO:** None

**ABSTAIN:** None

Approved by the Chair and Inscribed in Ordinance No.11589.

Mayor Brenton resumed as Chair of the meeting.

B. Ordinance approving a Contract with Curt Heisinger for the Stabilization of

Headstones in Fairview and New Hope Cemeteries in an amount not to exceed \$25,000.00 (second reading)

Document No. 9412 was read.

**ACTION:** Motion to approve the Ordinance by Jeff Watt, seconded by Michael Hagan;

Motion passed 7-0-0

**YES:** Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

**NO:** None

**ABSTAIN:** None

Approved by the Chair and Inscribed in Ordinance No. 11590.

- C. Ordinance approving an Artwork Purchase and Exhibition Agreement for the Acquisition of a Sculpture from Dale Lewis in the amount of \$15,000.00 to be used for Public Exhibition

Document No. 9413 was read.

The City of Liberty's Arts Commission invited artists to submit artwork for the annual Rotating Sculpture Program. Per the Public Art Selection & Acquisition Policy, the Arts Commission appointed an Art Selection Panel to select the artwork. With funds from the Transient Guest Tax, the City of Liberty has the option to purchase at least one piece of art from the sculptures on display each cycle, which would become a part of the City's permanent art collection. The recommendation to purchase "Out of Africa" comes as a result of feedback from the community and members of the Art Selection Panel and the Arts Commission.

**ACTION:** Council Member Jenness moved to waive rules and consider on first reading. Council Member Watt seconded the motion, which carried unanimously.

**ACTION:** Motion to approve the ordinance by Gene Gentrup, seconded by Kelley Pozel; Motion with a vote of 7-0-0

**YES:** Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

**NO:** None

**ABSTAIN:** None

Approved by the Chair and Inscribed in Ordinance No.11591.

- D. Ordinance approving a Contract with Metro Asphalt, Inc. for the 2022 Street Maintenance Pavement Restoration Project in an amount not to exceed \$1,174,895.00

Document No. 9414 was read.

The Capital Improvement Plan includes a Street Restoration Program in order to estimate expenditures necessary for streets in need of restoration. Staff identified sections of streets that needed restoration and obtained bids on asphalt resurfacing. The concrete contract and future asphalt resurfacing contract have an estimated project scope that would coincide with the amount of funding available for the 2022 fiscal year.

The asphalt street resurfacing project consists of milling, conventional asphalt overlay, full depth asphalt pavement repair, thermoplastic pavement marking, and shouldering. Approximately 46 streets will be paved consisting of over 11 miles of roadways.

**ACTION:** Council Member Gentrup moved to waive the rules and consider on first reading. Council Member Hagan seconded the motion, which carried unanimously.

**ACTION:** Motion to approve the Ordinance by Gene Gentrup, seconded by Michael Hagan.

Motion passed with a vote of 7-0-0

**YES:** Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

**NO:** None

**ABSTAIN:** None

Approved by the Chair and Inscribed in Ordinance No.11592.

- E. Ordinance amending Ordinance No. 11399, Approving a Memorandum of Understanding with Bird Rides, Inc. for the Deployment of Stand-up Electric Scooter Sharing Systems within the City of Liberty

Document No. 9415 was read.

The renewal extends the existing contract with Bird for another year and then monthly, unless terminated prior as outlined in the MOU. As Bird Rides, Inc, is a business operating and utilizing the public right-of-way it is subject to an annual fee of six percent (6%) of gross receipt from sale of scooter usage in the City. This provision has been added to this MOU extension.

Mayor Brenton stated the Ordinance would be considered on second reading at the May 23, 2022 Regular Session meeting.

- F. Ordinance accepting Public Sanitary Sewer Main Easement for Tapp Farms

Document No. 9416 was read.

To facilitate a public sanitary sewer main extension to the Tapp Farms residential development, a public sanitary sewer main easement is needed to allow for its construction and future maintenance. The public main extension is from an off-site, existing City of Liberty public sanitary sewer trunk main development, east to the proposed Tapp Farms residential development east of the railroad tracks. The connection will provide gravity sanitary sewer service to the proposed Tapp Farms residential development located north of South Liberty Parkway between Birmingham Road and the railroad tracks.

To facilitate the public sanitary sewer main extension, a public easement for sanitary sewer mains is being dedicated by the property owner Parry Group, LLC to provide for construction and maintenance. The easement was obtained at no cost to the City.

**ACTION:** Council Member Hagan moved to waive the rules and consider on first reading. Council Member seconded the motion, which carried unanimously.

**ACTION:** Motion to approve the ordinance by Gene Gentrup, seconded by Jeff Watt;  
Motion passed with a vote of 7-0-0

**YES:** Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

**NO:** None

**ABSTAIN:** None

Approved by the Chair and Inscribed in Ordinance No.11593.

G. Ordinance accepting Public Easement for Traffic Control Devices for Withers and Holt Traffic Signal Project

Document No. 9417 was read.

To facilitate the construction of a traffic signal at the intersection of S. Withers Road and Holt Drive, a public easement for traffic control devices needs to be dedicated to the City of Liberty to provide for the installation of traffic signal components on Liberty School District property as part of the Withers and Holt Traffic Signal project. The project will construct a traffic signal at the intersection to provide protection for pedestrians crossing.

**ACTION:** Council Member Watt moved to waive the rules and consider on first reading. Council Member Hagan seconded the motion, which carried unanimously.

**ACTION:** Motion to approve the Ordinance by Kevin Graham, seconded by Paul Jenness;  
Motion passed with a vote of 7-0-0

**YES:** Kelley Pozel, Kevin Graham, Michael Hagan, Paul  
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

**NO:** None

**ABSTAIN:** None

Approved by the Chair and Inscribed in Ordinance No.11594.

- H. Ordinance accepting a Covenant to maintain Storm Water Management System, Public Stormwater Detention Facilities Easement, and Conservation Easement for Heartland Meadows Lot 3C

Document No. 9418 was read.

Per the City of Liberty's storm water discharge permit from the Missouri Department of Natural Resources, an agreement between the City and post-development landowner(s) is required to designate the responsible party(ies) and the type/frequency of maintenance activities for continued performance of storm water detention and storm water quality facilities. In response to the requirement, the Covenant to Maintain Storm Water Management System associated with the Heartland Meadows Lot 3C development has been executed by the property owner. This covenant is the City's standard requirement where storm water detention and storm water quality facilities are required.

**ACTION:** Council Member, Ward II Jenness moved to waive the rules and consider on first reading. Council Member, Ward IV Hagan seconded the motion, which carried unanimously.

**ACTION:** Motion to approve the ordinance by Gene Gentrup,  
seconded by Michael Hagan;  
Motion passed with a vote of 7-0-0

**YES:** Kelley Pozel, Kevin Graham, Michael Hagan, Paul  
Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

**NO:** None

**ABSTAIN:** None

Approved by the Chair and Inscribed in Ordinance No. 11595.

- I. Resolution authorizing the Filing of a Grant Application to the Clay County ARPA Tourism Marketing Matching Grant for Reimbursement and Aid in Promoting Tourism in Liberty, Missouri

ARPA funds in the amount of \$200,000 are being used to administer a county-wide ARPA Tourism Marketing Matching Grant Program. This grant will help nonprofit organizations, tourism marketing organizations and local city and county governments market themselves to increase traveler spending in the communities of Clay County, Missouri.

Program goals are to:

- Increase traveler spending and economic benefit for Clay County, Missouri through effective marketing and promotion.
- Leverage funds to maximize marketing impact.
- Support industry collaboration and align industry marketing efforts to enhance Clay County's competitiveness in the tourism market.

**ACTION:** Motion to approve the Resolution by Jeff Watt, seconded by Michael Hagan;

Motion passed with a vote of 6:0: 1

**YES:** Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Greg Duncan, Jeff Watt, Gene Gentrup

**NO:** None

**ABSTAIN:** Kevin Graham  
Inscribed in Resolution No. 3240.

## **X. Other Business**

### **A. Block 174 - Fairview / New Hope Cemetery**

Mayor Brenton stated that the case has been re-assigned to a new Judge, and is awaiting calendaring.

Bob Painter, 128 N. Olivette, Kansas City, felt it was inappropriate that Kevin Graham participated in the Court hearing.

David Langston, 1120 Carter Court, felt it was inappropriate that Kevin Graham participated in the Court hearing.

Dwayne Holtzclaw, 113 Kevin Street, Excelsior Springs, requested the lawsuit be stopped.

Gieselle Fest, 1407 Lynette, felt it was inappropriate that Kevin Graham participated in the Court hearing.

Marlena Porter, 204 E. Franklin, talked about definition of hypocrisy.

Robin Painter, 128 N. Olivette, Kansas City, felt it was inappropriate that Kevin Graham participated in the Court hearing.

## **XI. Miscellaneous Matters from City Administrator**

## **XII. Miscellaneous Matters from Mayor and City Council**

**XIII. Adjournment**

The meeting adjourned at 8:00 p.m.

Mayor

Attest:

Deputy City Clerk