



Minutes

City Council Regular Session

Monday, June 13, 2022 - 7:00 PM
Council Chambers

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 , 2022 with Mayor Lyndell Brenton presiding. Mayor Brenton called the meeting to order at 7:00 p.m.

II. Invocation and Pledge of Allegiance

A. Council Member Greg Duncan

III. Roll Call

Council Members

Present: Harold Phillips (via conference call) and 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: None

Staff Present:

Curt Wenson, City Administrator
Vicki McClure, Finance Director
Shawwna Funderburk, Chief Strategic Operations Officer
Andy Noll, Utilities Director
Andy Hedrick, Police Captain
John Mills, Fire Chief
Katherine Sharp, Planning Director
Ashley Comer, Accounting Manager
Sarah Ranes, Finance Technician
Janet Pittman, Deputy City Clerk

Public Present: 40 members of the public

IV. Citizens' Participation

A. Resolution of Appreciation - Elizabeth "Rae" McClelland (Moore)

Mayor Brenton read and presented the Resolution, approved by Council on April 12, 2021, thanking Rae for her dedication and service to the citizens as a Council Member representing Liberty's Second Ward.

Not approved until
August 8, 2022

Michelle Cook, 706 W. Mississippi, stated that the Legacy Monument installation has destroyed gravesites.

V. Meeting Schedule

VI. Consent Agenda

- A. Annual Purchase Order for Water Tower Maintenance with Utility Service Co., Inc. in the amount of \$80,454.48

The long-term maintenance contract allows for the consistent budgeting of maintenance expenses of the water towers so that each annual budget is reflective of the ongoing costs of operating the water system and prevents large fluctuations in expenses due to tank maintenance that includes inspections, cleaning, and painting. The maintenance contract provides for annual documented interior and exterior inspections, internal cleaning, and periodic exterior painting and repairs.

ACTION: Motion to approve the purchase by Michael Hagan, seconded by Kelley Pozel

Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

- B. Historic Downtown Liberty, Inc. Temporary Event Liquor Licenses

Historic Downtown Liberty, Inc. (HDLI) has applied for three temporary liquor licenses to serve alcohol. Because the public will have access to the events, State statute and City ordinance require a license. The organization contacted the owners/occupants of all properties within one hundred eighty-five (185) feet of the event locations, notifying them of the proposed events and the time and place of the Council meeting at which the applications will be considered.

1. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty Annual 'Dog Days of Summer Craft Beer Crawl' event on Saturday, August 20, 2022, in the shops around the Downtown Square and two blocks off in all directions

ACTION: Motion to approve the Resolution by Michael Hagan, seconded by Kelley Pozel

Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Gene Gentrup

NO: None

ABSTAIN: None

Inscribed in Resolution No. 3244.

2. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty, Inc. for the 'Old Liberty High School Celebration' on Saturday, September 10, 2022, to be held around the Downtown Square

ACTION: Motion to approve the Resolution by Michael Hagan,
seconded by Kelley Pozel

Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan,
Paul Jenness, Gene Gentrup

NO: None

ABSTAIN: None

Inscribed in Resolution No. 3245.

3. Resolution approving a Temporary Event Liquor License for Historic Downtown Liberty 'Witches Brew' event on October 6, 2022, to be held in the shops around the Downtown square and two blocks off in all directions

ACTION: Motion to approve the Resolution by Michael Hagan,
seconded by Kelley Pozel

Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan,
Paul Jenness, Gene Gentrup

NO: None

ABSTAIN: None

Inscribed in Resolution No. 3246

C. Boards and Commissions Appointments

1. Historic District Review Commission
 - Appoint Kathy Chelton to a term expiring 7/1/2027
2. Parks and Recreation Board
 - Appoint James Gifford to a term expiring 6/1/2025

ACTION: Motion to approve the appointments by Michael Hagan,
seconded by Kelley Pozel

Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael
Hagan, Paul Jenness; Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

VII. Public Hearings

- A. Ordinance amending the Official Zoning Map of the City of Liberty, Missouri by Rezoning Corner of Liberty Dr. & Fulkerson Circle From R-1C, "Standard Single Family" District to PD "Planned Development" District for Fulkerson Cottages (P&Z Case No. 22-19R&PDP) (Continued from May 23, 2022)

ACTION: Motion to continue the Public Hearing and Ordinance to June 27, 2022 by Jeff Watt, seconded by Paul Jenness.
Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

- B. Ordinance to Change the Tax Rate Ceiling for the City of Liberty, Missouri
- Document No. 9429 was read.

Mayor Brenton opened the Public Hearing and asked if any one wished to speak to the Ordinance. Seeing no one, he closed the Public Hearing.

Mayor Brenton stated the Ordinance would be considered on second reading at the June 27, 2022 Regular Session.

VIII. Ordinances, Contracts and Resolutions

Mayor Pro Tem Michael Hagen took over as Chair of the meeting.

- A. Ordinance acknowledging vendor payments for the period of May 13, 2022 to June 3, 2022

Document No. 9430 was read.

ACTION: Motion to approve the Ordinance by Kevin Graham, seconded by Paul Jenness
Motion passed with a vote of 7-0-1

Roll Call Vote

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

NO: None

ABSTAIN: Harold Phillips (participating via conference call)

Approved by the Chair and Inscribed in Ordinance No. 11604.

Mayor Brenton resumed as Chair of the meeting.

- B. Ordinance accepting a Covenant to Maintain Storm Water Management System for Home Document No. 9431 was read.

To facilitate the Homestead Hills 1st Plat residential development, located at the northwest corner of S. Withers Road and Homestead Hills Drive, storm water quality facilities were constructed on the property. 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 Homestead Hills 1st Plat 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. City Council acceptance is required prior to recording the covenant document.

ACTION: Council Member Graham moved to waive the rules and consider on first reading. Council 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 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No. 11605.

- C. Ordinance amending Ordinance No. 10919, approving a Contract with Star Signs, LLC for the Signage & Kiosk Project to increase the contract amount by \$1,200.00 for a not to exceed amount of \$400,000.00

This action is to increase the contract in order to allow for hydro-excavation of utilities for the wayfinding signage work in 2022. It was recently discovered that five of the proposed new sign locations have potential underground utility conflicts. In order to ensure that excavation for the installation of the new sign post bases will not damage any existing utility facilities in the vicinity, a safer method of hydro-excavating has been proposed to be used to determine their location and depth. The method utilizes high-pressure water jetting for excavating the soil in lieu of equipment or shovel digging.

Document No. 9432 was read.

ACTION: Council Member Jenness 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 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No. 11606.

- D. Ordinance amending Ordinance No. 11554, approving a Contract with Terry Snelling Construction Inc. for the 2022 Concrete Flatwork Replacement Project, increasing it by \$132,079.05 to a not to exceed total of \$400,000.00.

The contract amount for the base bid was determined from estimates of repair areas to concrete curbs, sidewalks, and ADA ramps at various locations throughout the City in preparation for resurfacing of streets in 2022. Additional areas in need of repair were identified during the course of the project.

Additional funding has been identified, allowing for the cost of this additional work to be added to the contract.

Document No. 9433 was read.

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

ACTION: Motion to approve the Ordinance by Paul Jenness, seconded by Kevin Graham

Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

Approved by the Chair and Inscribed in Ordinance No.11607.

- E. Resolution approving a Preliminary Plat for Fulkerson Cottages, One Lot on 6.68+/- Acres at SW. corner of Liberty Dr. & Fulkerson Circle, a Subdivision of Land in Liberty, Clay County, Missouri (P& 20PP) (Continued from May 23/22)

ACTION: Motion to further continue the Resolution to June 25, 2022.
by Jeff Watt, seconded by Michael Hagan
Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

- F. 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 (to be further continued to July 25, 2022)

ACTION: Motion to continue consideration of the Ordinance to July 25, 2022 by Michael Hagan, seconded by Kevin Graham
Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

IX. Other Business

- A. Appointment of Jim Martin as Police Chief, effective July 27, 2022.

ACTION: Motion to approve the appointment by Paul Jenness,
seconded by Kelley Pozel
Motion passed with a vote of 8-0-0

YES: Harold Phillips, Kelley Pozel, Kevin Graham, Michael Hagan, Paul Jenness, Jeff Watt, Gene Gentrup

NO: None

ABSTAIN: None

- B. Fairview Cemetery Block 174 Discussion

Dwayne Holtzclaw, 113 Kevin St., Excelsior Springs, asked that the revestment process be stopped.

Gieselle Fest, 1407 Lynette, asked that Council stop the lawsuit.

X. Miscellaneous Matters from City Administrator

XI. Miscellaneous Matters from Mayor and City Council

XII. Adjournment

The meeting adjourned at 8:00 p.m.

Mayor

Attest:

Deputy City Clerk